

CONSTITUTION COMMITTEE AGENDA



Friday 8 October 2010

At 2.00 pm

in Committee Room 'C', Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors: Aiken, C Akers-Belcher, Cook, Gibbon, Griffin, James, Morris, Preece, Richardson, Simmons.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the Constitution Committee held on 27 August 2010
- 3.2 To receive the minutes of the Constitution Working Group held on 24 September 2010 (*to follow*)

4. ITEMS FOR CONSIDERATION

- 4.1 Local Democracy, Economic Development and Construction Act 2009 – Petition Scheme – *Chief Solicitor*
- 4.2 General Purposes (Appeals and Staffing) Committee – *Joint Report of Chief Solicitor and Democratic Services Team Manager*
- 4.3 Scheme of Delegation – *Chief Solicitor (To follow)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

27 August 2010

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Christopher Akers-Belcher, Rob Cook, Sheila Griffin, Marjorie James, Arthur Preece and Chris Simmons.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Ray Wells was in attendance as substitute for Councillor George Morris.

Officers: Alyson Camen, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Angela Hunter, Principal Democratic Services Officer

12. Apologies for Absence

Apologies for absence were received from The Mayor, Stuart Drummond and Councillors Martyn Aiken, Steve Gibbon and George Morris.

13. Declarations of interest by Members

None.

14. Confirmation of the following minutes

- (i) Constitution Committee – 16 July 2010 – confirmed.
- (ii) Constitution Working Group – 13 August 2010 – confirmed.

15. Matters arising

With reference to Minute 16 of the Constitution Working Group on 13 August 2010, the Chairman indicated that he had a discussion with the Chief Executive about his attendance at a meeting of the Constitution Working Group to discuss the current review of the Scheme of Delegation as contained within Part 3 of the Council's Constitution. The Chairman advised that during this discussion, the Chief Executive had commented on the legitimacy of the Constitution Working Group and Constitution Committee. The Chief Executive was to discuss his concerns with the

Chief Solicitor upon his return from leave.

A lengthy debate took place during which Members discussed the fact that both the Constitution Working Group and Constitution Committee had fulfilled its role and remit as adopted by Council and as part of the Constitution in 2002, with the continued support and attendance of the Chief Solicitor and Democratic Services Team Manager. As a result of this, Constitution Committee had considered and referred to full Council a number of Working Group recommendations which had been in the main adopted, with the Council's Constitution amended accordingly.

Members were concerned that to challenge the operation of Constitution Working Group and Constitution Committee meant that decisions of full Council were being challenged as this was where the creation of and annual appointment to the Working Group and Committee took place. The Chairman added that he was currently making enquiries with other local authorities to ascertain how amendments to the operation of their Constitution were undertaken and would report back to the next meeting.

The importance of the Council's Constitution was discussed as Members considered that it was a live operational document which guided all decision making of the Council, both by Members and through delegated responsibility to officers. It was therefore thought imperative that this document was constantly monitored and revised where necessary to reflect changes required to continue to operate within the law.

Members were of the view that an explanation should be received from the Chief Executive and that a debate on this issue should be undertaken by full Council if necessary, the body responsible for the Constitution, as ultimately that was where the challenge to the legitimacy of Constitution Working Group and Constitution Committee was directed. However, in the first instance, it was suggested that the Chief Solicitor and Chief Executive have the opportunity to submit their views to the Constitution Working Group for consideration prior to Council should that be deemed necessary. It was suggested that the Chief Executive submit a report to the next meeting of the Constitution Working Group detailing his views and supporting background on the legitimacy of the Working Group and Committee and their current role and remit. In addition, the Chief Solicitor and Democratic Services Team Manager be invited to attend the next meeting to facilitate and support further discussion. It was hoped that these discussions would enable a report detailing Members' views on the legitimacy, role and remit of the Constitution Working Group and Constitution Committee to be compiled and submitted to full Council.

Councillor Wells requested that the Chief Executive's report be forwarded to him as he was in attendance as a substitute for Councillor Morris.

Decision

- (i) That the Chief Executive submit a report to the next meeting of the Constitution Working Group on 24 September 2010 detailing his views and supporting background on the legitimacy of the Constitution Working Group and Constitution Committee and their role and remit.
- (ii) That the Chief Solicitor and Democratic Services Team Manager be invited to attend the above meeting to participate in the resulting discussions and provide clarification where necessary.

The meeting concluded at 2.37 pm

CHAIR

CONSTITUTION WORKING GROUP

24 September 2010

The meeting commenced at 2.30 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob Cook, Sheila Griffin, Marjorie James, Arthur Preece and Chris Simmons.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Mary Fleet was in attendance as substitute for Councillor Christopher Akers-Belcher and Councillor Ray Wells was in attendance as substitute for Councillor George Morris.

Officers: Paul Walker, Chief Executive
Alyson Caman, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Angela Hunter, Principal Democratic Services Officer

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from The Mayor, Stuart Drummond and Councillors Martyn Aiken, Christopher Akers-Belcher, Steve Gibbon and George Morris.

20. DECLARATIONS OF INTEREST

None.

21. MINUTES OF THE MEETING HELD ON 13 AUGUST 2010

Confirmed.

22. GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE (Joint report of Chief Solicitor and Democratic Services Team Manager)

As requested by Members at the meeting of the Constitution Working Group on 13 August 2010, the Democratic Services Team Manager outlined the current rota arrangements for the General Purposes (Appeals and Staffing) Committee. Members were concerned that the current

arrangements did not allow for fair and equal participation from all Members of the General Purposes Committee from which the Appeals and Staffing Committee membership was drawn. The Legal Services Manager confirmed that the requirements under the Local Government and Housing Act 1989 state that all committees, sub-committees and advisory groups should broadly reflect the political balance of the Council. The Democratic Services Team Manager acknowledged the concerns of Members and suggested that with Members agreement, the membership of the Appeals and Staffing could be managed through an arrangement that would ensure that the political groups with similar proportionality figures maintained a fair and equal participation in the meetings, possibly through alternating membership on the Appeals and Staffing Committee between the political groups affected. This would ensure that whilst the broad political balance required through the Local Government and Housing Act 1989 was maintained, all Members of the General Purposes Committee had a fair and equal participation in the Appeals and Staffing Committee's decision making.

Discussion ensued on the scheduling of meetings which was currently done on an ad hoc basis and the difficulties this caused for Members and their ability to attend due to already diaried commitments. It was suggested that the Chair and Vice Chair of the General Purposes Committee in conjunction with the Chief Customer and Workforce Services Officer and Democratic Services Team Manager draw up a schedule of monthly meetings in advance for any Appeals and Staffing Committees that may be required. Once this list was agreed, all Members of the General Purposes Committee should be given the opportunity to check the scheduled dates and confirm whether they were available on those dates. This list of meeting dates would then be used as a basis to enable forthcoming appeals to be scheduled on dates with an Appeals and Staffing already appointed.

The Legal Services Manager referred to the concerns previously raised by Members in relation to Executive Members and their voting rights on the Appeals and Staffing Committee. Members considered that invariably there may be conflicts of interest in an appeal situation, should the Executive Member on the Appeals and Staffing Committee have had any involvement in the original decision that the employee is appealing against. It was therefore considered appropriate that all Executive Members should be ex-officio non-voting Members when invited to attend the General Purposes (Appeals and Staffing) Committee.

Members discussed the fact that the Chair of the General Purposes Committee was currently a self-selecting appointment from the position of the Vice Chair of Council. It was suggested that Council may wish to give consideration to whether it wished this arrangement to continue or whether the Chair of the General Purposes Committee should form part of the annual proportionality and committee membership discussions.

RECOMMENDATIONS

- (1) That the Chair and Vice Chair of General Purposes Committee, in conjunction with the Chief Customer and Workforce Services Officer and Democratic Services Team Manager agree a schedule of dates on a monthly basis for General Purposes (Appeals and Staffing) Committee meetings;
- (2) That once this schedule is agreed, all Members of the General Purposes Committee are given the opportunity to provide their availability for the scheduled dates and that these dates be used for any forthcoming appeal hearings;
- (3) That the General Purposes (Appeals and Staffing) Committee continue to be organised in line with broad political and gender balance whilst being mindful that all Members of the Committee should have fair and equal participation in the Committee;
- (4) That the following recommendations be submitted to Constitution Committee:
 - (i) That any Executive Members invited to participate in the General Purposes (Appeals and Staffing) Committee be ex-officio non-voting Members;
 - (ii) That consideration is given to whether the current arrangement of the Chair of General Purposes Committee being a self-selecting appointment from the position of Vice Chair of the Council should continue or whether this appointment should form part of the annual proportionality and committee membership discussions.

23. CONSTITUTION WORKING GROUP/CONSTITUTION COMMITTEE

The Chief Executive presented a report which provided the background to *“his views and supporting background on the legitimacy of the Constitution Working Group and Constitution Committee and their role and remit”*. It was noted that legislation placed a duty to monitor and review the Council's Constitution although there was no method or frequency of review stipulated. These elements were for Councils themselves to specify.

Consequently the Council established a cross party Working Group to make recommendations on the development of the Council's Constitution. Subsequent to the adoption of the new modular Constitution on 22 April 2002, the Chief Solicitor and Democratic Support Manager had agreed that the status of the Working Group should be revised. As a result of this, Council established a Constitution Committee with a Constitution Working Group of the same membership reporting to the Committee to facilitate more informal discussions.

Further detail on the issues of working groups from within the legislation and case law was provided for Members which questioned the need for both a Constitution Working Group and a Constitution Committee, especially with the identical membership. After a lengthy discussion, Members suggested that a way forward may be to suspend the operation of the Constitution Working Group, continue with the Constitution Committee and have Task and Finish Groups arranged on an ad hoc basis to enable particular issues to be considered on a time-specific basis. These Task and Finish Groups would then report to the Committee for any further action required. Members stressed the importance of holding meetings in an informal setting as this provided sounding board mechanism for Members to discuss issues in detail. It was suggested that if Members agreed this course of action as a trial period, this arrangement should commence with immediate effect and remain in place for at least two Council meeting cycles and be reconsidered at a future meeting of the Constitution Committee.

RECOMMENDATION

- (1) That the Constitution Working Group be suspended with immediate effect for at least two Council meeting cycles.
- (2) That the Constitution Committee continue to operate as scheduled with Task and Finish Groups made up from the same membership as the Committee arranged on an ad hoc basis to consider particular issues on a time-specific basis.
- (3) That a review of the new arrangements be reconsidered at a future meeting of the Constitution Committee.

24. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – PETITION SCHEME

The Legal Services Manager presented a report which provided the background to the adoption of the Council's Petition Scheme by Council on 15 June 2010 and Members subsequent request for a review of the operation of the scheme.

The Working Group were pleased to note that Members would become involved in the process at an early stage of any petitions being received. However, it was highlighted that there was still reference to the 'Council's Monitoring Officer, *if necessary*, in consultation with the Chair of the Council and relevant Scrutiny Forum Chair will consider whether or not a petition was vexatious'. Members considered that the reference to 'if necessary' should be removed.

Further discussion ensued on who would be responsible for considering whether any petitions received were vexatious should the Chair of the Council be unavailable. It was agreed that should the Chair of the Council not be available, the Vice Chair should take on this role in conjunction with the Monitoring Officer (or his/her representative). However, should both the Chair and Vice Chair be unavailable, it was suggested that the petition be submitted

to a meeting of the Scrutiny Co-ordinating Committee to ascertain whether the petition was vexatious. As the role of the Scrutiny Co-ordinating Committee would usually be the appeals mechanism for any petitions not accepted by the Chair or Vice Chair of Council, it was suggested that in the case whereby the Committee had to consider whether a petition was vexatious, the subsequent course of appeal would be to a full Council meeting.

A discussion ensued on the number of signatures required for a petition and it was considered that what was already stated in the adopted Petition Scheme, which was more than 1500 signatures for a Council debate with 750 requiring the attendance of a senior officer was sufficient. In addition Members discussed the issue of declaring interests when they became involved with or organised petitions and the age limit of people submitting petitions.

RECOMMENDATIONS

That the Petition Scheme be amended to incorporate the following:

The Monitoring Officer (or deputy in his/her absence) in conjunction with the Chair of the Council (or Vice Chair in the Chair's absence) to consider whether or not a petition was vexatious, abusive or otherwise inappropriate. However, should the Chair and Vice Chair not be available, the petition would be submitted to the Overview and Scrutiny Committee for consideration of whether the petition was vexatious, abusive or otherwise inappropriate. The appeals mechanism for any petitions rejected by the Overview and Scrutiny Committee would be full Council.

24. REVIEW OF THE SCHEME OF DELEGATED AUTHORITY

Consideration of this item was deferred to the next meeting of the Constitution Committee to enable the attendance of the Chief Solicitor.

25. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

None.

The meeting concluded at 4.41 pm.

CHAIR

Report of: Chief Solicitor

Subject: LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT
AND CONSTRUCTION ACT, 2009 – PETITION
SCHEME

1. PURPOSE OF REPORT

- 1.1 At an Extraordinary Meeting of Council on the 10th June, 2010, the Authority adopted a Petition Scheme, based upon the model provided through the Department of Communities and Local Government with some modifications. It was also resolved by Council, that there should be a review of the scheme after a period of three months and a further report should be tabled to Council. The Working Group considered a report on this topic at their meeting on 13th August, and 24th September 2010. This report to the Constitution Committee seeks to address the issues raised from those meetings and appends a 'Guidance Note' (**Appendix 1**) to assist with the interpretation and development of the petition scheme.

2. BACKGROUND

- 2.1 It was a requirement for local authorities to adopt a Petition Scheme from the 15th June, 2010, with the operation of an "e petition" scheme from the 15th December, 2010. Under the Petition Scheme anybody who lives, works or studies in the Borough (including under 18's) can sign or organise a petition which is intended to trigger a response from the Council. This provision is now recorded in the Council's Constitution at paragraph 13 of Part 1, 'Summary and Explanation', and more explicitly under Article 3, 'Local People and the Council'. Among the steps which the Council may choose to take in relation to a petition are the following measures;

- Taking the action requested
- Considering the petition through debate to full Council
- Holding an Inquiry
- Holding a Public Meeting
- Commissioning research
- A written response setting out the Council's view on the issue
- Reference of the matter for the purposes of Overview and Scrutiny

- 2.2 The Council determined that no prescribed number should be provided in respect of an "ordinary" petition and that such a petition would be considered on its own particular merits. However, were there was in excess of 1,500 signatories, this would trigger a debate in Council and where more than 750

signatures were secured, this would provide for senior officers being called to give evidence through the Overview and Scrutiny process.

- 2.3 As indicated in the report to Council, a petition must relate to a relevant matter, namely, a Council function or an improvement in the economic, social or environmental wellbeing of the area which a partner authority can contribute. Planning and licensing decisions, by way of their regulatory nature, are specifically excluded from a Petition Scheme, as other avenues of appeal exist. However, such matters will not be excluded if the petition relates to a systematic failure in service provision. In determining whether to allow a petition, the Council can take into account Data Protection issues and such matters as equality law, libel and whether a petition is vexatious, abusive or otherwise inappropriate. If the Council refuses to allow the petition facility to be used, it must provide reasons. In any determination as to whether a petition is vexatious or abusive, the test should be *“is the request likely to cause distress, disruption or irritation without any proper or justified cause”*. It is envisaged that the Council’s Monitoring Officer would initially consider whether or not a petition was ie., vexatious., but in consultation with the Chair of Council (see generally, references within the ‘Guidance Note’). It is also considered that a material issue within a petition could be ‘Ward related’ and therefore the local Ward Members should be informed at an early stage of the process. However, whilst ‘vetting’ is mentioned within the accompanying ‘Guidance Note’, once a petition triggers the requisite number of signatures, then this should lead to an ‘automatic’ right for the petition to be discussed at Full Council. That said, there should be a restriction upon the number of petitions to be considered at a meeting of Council, as suggested by the Working Group (and mentioned in the appended ‘Guidance Note’). Statutory guidance, also indicates that it may be inappropriate to consider a petition where legal proceedings are possible or the petition relates to an individual member of the community.
- 2.4 A petition organiser who is dissatisfied with the Council’s response has the right to request a review. This review would be conducted through an authorities scrutiny process who would review the adequacy of the steps taken and the action proposed. Again, in order to ensure transparency, the outcome of such a review must be published on the Council’s website. Such a review, does not fetter the power of an authority to conduct a scrutiny review of an issue under the provisions of the Local Government Act, 2000. Attached for Members further information is a copy of the Petition Scheme as adopted by the authority (**Appendix 2**). Members did suggest that a period of ‘7 days’ might be more appropriate than the suggested ‘three working days’ (as indicated in the Model Scheme) for suggested questions, and this would be permissible, but should relate to an ‘officer being called’ before Scrutiny. Where a matter is referred to Council for debate, subject to the discretion of the Chair, the petition organiser should be allowed a period to ‘introduce’ the petition and thereafter allowing for that debate. The use of a supplementary question procedure may therefore not lend itself to the above process, although, clarification through questions of the petition organiser may assist (see appended Guidance Note).

3. OPERATION OF THE PETITION SCHEME

- 3.1 Members will note that the Model Scheme comprises the “four key areas” comprising; under performing schools, alcohol related crime and disorder, under performing health services and anti-social behaviour. It is of course open for authorities to broaden this approach, where they consider the same to be necessary. It was recognised that petition schemes should be kept under review not least to ensure that the scheme represents local circumstances and remains accessible to all. As indicated, reference to the Petition Scheme is contained within the Council’s Constitution and the Petition Scheme is also accessible upon the Council’s own website.
- 3.2 Local authorities from the Tees Valley have adopted Petition Schemes and it is noted that Stockton Borough Council have adopted a requirement that 50 or more signatories are required to ignite a “valid” petition. Further, 2,000 signatories or more are required to initiate a debate in Council and 1,000 or more signatures to hold an officer to account. Redcar and Cleveland Council require more than 1,500 signatures of people who live, work or study in the Borough for a matter to be debated in full Council, although this number is reduced to 500 signatories where the petition relates to a “local issue, affecting no more than two electoral wards within the authorities area”. A petition of more than 750 signatures is required for an officer being called to give evidence, but the same is reduced to 100 where again the petition relates to a local issue, as indicated above. Middlesbrough Borough Council and Darlington Borough Council have similar thresholds to this Council.
- 3.3 At the time of this report the authority is yet to receive any submissions in relation to its petition scheme. This also appears to be the case in neighbouring authorities. Council officers as part of the statutory requirements are seeking to implement an ‘e-petition’ facility by the appointed date, namely the 15th December, 2010. Further, endeavours are being made to publicise the petition scheme, in line with measures being undertaken by our neighbouring authorities. It is therefore requested that Members do further consider the present adopted scheme, the attached ‘Guidance Note’ and whether any further revisions are required. In any event, the petition scheme should be kept under regular review.

4. RECOMMENDATIONS

For Members to note and discuss.

GUIDANCE NOTE – DUTY TO RESPOND TO PETITIONS

Introduction

There is a statutory requirement upon principal local authorities to adopt a petition scheme and a duty to respond to those petitions. This duty follows the commitment to ‘empower’ local communities in the White Paper “Communities in Control: Real People, Real Power”. The Borough Council have adopted a petition scheme effective from 15th June, 2010 with the operation of an “e-petition” scheme scheduled to commence from 15th December, 2010. In accordance with the provisions of the Local Democracy, Economic Development and Construction Act, 2009, Hartlepool Borough Council has published its petition scheme on its website (www.hartlepool.gov.uk) and copies are available from the Civic Centre and other Council locations in order to bring this petition scheme to the attention of persons who live, work or study in its area.

In the statutory guidance on the duty to respond to petitions it is stated;

“Government believe that local authorities should approach their petition scheme from a starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate”.

It is also indicated within the statutory guidance certain “key principles”, as follows;

- In ensuring that local people know how to express their views
- Local authorities will take action to respond to petitions
- Local people know that their views have been listened to
- Keeping prescribed requirements on Councils to a minimum, and
- Building on local authority best practice

The Scheme

Anyone who lives, works or studies in a local authority area including under 18s, can organise a petition and trigger a response. All petitions sent to the Council will receive an acknowledgement **within 14 days of receipt**.

Petitions submitted to the Council must include;

- a clear concise statement covering the subject of the petition.
- what action the petitioners wish the Council to take.
- the name and address and signature of any person supporting the petition.

The petition should be accompanied by contact details, including an address for the petition organiser. This will be the person the Council will contact as to how the Council will respond to the petition.

An “active petition” must relate to a “relevant matter” that is not in the opinion of the authority, vexatious, abusive or otherwise inappropriate to be dealt with.

A “relevant matter” means;

- a matter which relates to the functions of the authority, or
- relates to an improvement in the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities could contribute.

The Local Authorities (Petitions) (England) Order 2010 prescribes that the following are to be ‘excluded’ from the definition of a ‘relevant matter’, namely;

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

However, a matter will not be excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding that the allegation particularly refers to a planning decision, a licensing decision or any other matter to which that individual would have recourse to a review or an appeal.

This Order also specifies the maximum number of signatures that authorities may include in their petition schemes as being required to trigger a debate with full Council, being 5% of the local population as estimated by the Office of National Statistics. The Borough Council has prescribed that a petition must contain **more than 1,500 signatures** before it will be debated by full Council. The Council has also prescribed a figure of **at least 750 signatures** for a Senior Officer of the Council to give evidence at a public meeting of an Overview and Scrutiny Committee about something for which the Officer is responsible as a part of their employment.

Among the many possible steps that a principal local authority may choose to take in response to a petition the following are required to be included within a petition scheme;

- Taking the action requested in the petition
- Considering the petition at a meeting of the authority
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response to the petition organiser setting out the authority's views on the request in the petition
- Referring the petition to an Overview and Scrutiny Committee

Local authorities may choose to verify the signatures given on a petition at their discretion. Authorities are required to take into account signatures of people who provide valid addresses where they live, work or study within the

local authority area, but authorities may also take account of those signatories who do not supply such information.

Vexatious, Abusive or Otherwise Inappropriate Petitions

The Council will approach the petitions they receive in a positive manner. However, petitions which are in the opinion of the Council vexatious, abusive or otherwise inappropriate do not qualify for the authority to take the 'required steps' as indicated above. In making their response to a petition organiser the authority will provide reasons of why they consider that they will not be taking action through a petition being vexatious, abusive or otherwise inappropriate.

The Council's Monitoring Officer (or in his/her absence the Deputy Monitoring Officer), in consultation with the Chair of Council (or in his/her absence, the Vice Chair of the Council.) will consider whether or not a petition is vexatious, abusive or otherwise inappropriate. However, should both the Chair and Vice Chair be unavailable, then the petition will be submitted to a meeting of the Overview and Scrutiny Committee to ascertain whether the petition was vexatious, abusive or otherwise inappropriate.

As a starting point, guidance as to whether a petition is vexatious indicates;

"...it is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause".

Petitions made under any other enactments, for example, those relating to the Local Government Act, 2000 concerning executive arrangements of local authorities should be dealt with according to the procedure set out in those enactments.

Petition Debates

If a petition contains more than **1,500 signatures** it will be debated by the full Council unless it is a petition asking for a Senior Officer to give evidence at a public meeting through the Council's scrutiny process. At the discretion of the Chair of the Council this debate may be added to the agenda of a normal meeting of the full Council. Where a petition triggers a Council debate the Council should also consider what other steps they should take in order to ensure their response is adequate. The petition organiser will be informed in writing when the debate will be held with sufficient notice to enable their attendance. The Council will also publish details of a Council meeting on the Council's website.

The petition organiser will be given 5 minutes to present their petition and at the discretion of the Chair of the Council answer questions put by Councillors. The petition will be discussed by the Councillors for a maximum of 15

minutes, although, the Chair of the Council will have a discretion to extend this period of discussion. The debate will conclude with a decision being taken by Council in line with the best possible steps the Council may take in response to the petition. The petition organiser will receive written notification of this decision which will also be published on the Council's website.

At the discretion of the Chair, a maximum of 2 petitions triggering a Council debate will be dealt with at any one Council meeting.

Officer Giving Evidence

Local people have the right to petition a Senior Council Officer to attend a public meeting of a Council's Overview and Scrutiny Committee. The Council have decided that if a petition contains **at least 750 signatures**, a Senior Officer would have to attend the meeting, answer questions and explain how they are delivering public services. This builds upon the already existing powers of Overview and Scrutiny Committees to call before them both Members and Officers to give evidence and therefore allows members of the local community to influence the way that this particular scrutiny takes place. A list of senior staff that can be called to give evidence can be found - HBC Constitution/Constitution 2009-2010/Sections of Constitution/Man Structure Flow Chart.

Local authorities will determine which of their Officers should be called to account in this way and in order for petitions to have a meaningful impact, the more Senior Council Officers will be required to attend the meetings and give evidence. Overview and Scrutiny Committees can decide that for the purpose of addressing the concerns raised in a petition that it is more appropriate for another Officer to be called, at their absolute discretion.

Officers will not be exposed to inappropriate public scrutiny of their private lives, nor to any form of harassment or bullying. The "grounds" given in the petition must relate to their specific post and their overall responsibility to the Council and its community. An Officer will not be required to attend a meeting of Overview and Scrutiny if the person calling for attendance is deemed to be vexatious, abusive or otherwise is inappropriate.

The Council will inform the petition organiser when the Overview and Scrutiny meeting will take place with sufficient notice to allow for attendance. Should the subject of a petition be likely to lead to exposure of confidential information, a resolution under the provisions of the Local Government Act, 1972, as amended, to hold any part of the meeting in private, must be justifiable, with reasons that are made clear in notification to the petition organiser. Overview and Scrutiny Committee will thereafter make a report containing recommendations to the authority and send a copy to the petition organiser and if appropriate, the report will also be published on the Council's website.

Both in relation to a petition which triggers a full Council debate and also which calls an Officer to give evidence, if the matter specifically relates to a

particular ward within the Borough, initial notification will also be given to the applicable ward Councillors.

Petition Reviews

Petitioners will be able to appeal to the Council's Overview and Scrutiny Committee if they feel the response from the Council is not adequate. The Overview and Scrutiny Committee will decide whether the steps taken in response to the petition were appropriate, having regard to the possible steps which can be taken in response to a petition. If the Committee has reason to be concerned about the adequacy of the Council's response it can decide to carry out a full review of the issues raised using its powers under the Local Government Act, 2000. This can include, Overview and Scrutiny arranging for the authority's response to be discussed at a meeting of full Council. **If the Overview and Scrutiny Committee took part in the original decision/response of the authority, then the appeal would be referred to full Council.**

The Council will again inform the petition organiser of the results of the review, following initial consideration within 30 days of the receipt of the request for a review. The petition organiser will be informed of the outcome of the review within 7 days and the same will also be published on the Council's website.

A flow chart is appended herewith (**Appendix 1**) which details how a petition would be dealt with by the Council under various options relating to the consideration of a petition under the Council's adopted scheme.

Petition Received By Democratic Services

Monitoring Officer in conjunction with Members) to assess if it is a valid petition (if 'yes' is it vexatious or otherwise inappropriate - in accordance with the agreed criteria) or can be dealt with by other procedures, i.e. complaints procedure (14 days for Dem Services to acknowledge – outlining the way in which the petition is to be dealt with or reasons for refecction)

Petition **accepted**

- i) Where the petition is about an issue over which the Council **has no direct control** representations will be made on behalf of the community to the relevant body.*
- ii) Where the petition is about an issue over which the Council **has direct control** there are three options to deal with petitions.*

Petition **not accepted** – More appropriate to be dealt with by other procedure route

Option 2 - Referred to appropriate department for consideration / action
(in accordance with the agreed procedure)

Action requested in petition taken / implemented –
No further action required

Option 1 - Public / Full Council Debate

- i) At least 1500 signatures are required to trigger this.*
- ii) The petition will be considered at the next Full Council meeting or the meeting after that.*
- iii) There are four options for a Council decision in dealing with a petition.*

Council – agrees to takes the action asked for in the petition

Council – commissions further investigation of the issue by a relevant Committee

Council – agrees to take no further action

Council - makes recommendations to inform the decision where the issue requires an Executive Decision

Option 3 - Referral to Overview and Scrutiny - petitioners can request that Senior Members of Council Staff to attend a meeting of the Scrutiny Co-ordinating Committee to explain how they are delivering public services.

(At least 750 signatures required for this to occur)

If petitioners are unhappy with action taken in relation to the petition - indicate to the Monitoring Officer that they wish to appeal.

Appeal to Overview and Scrutiny

Scrutiny Co-ordinating Cttee to:

- have the option to refer the issue to a Forum for consideration.
- have 30 days to consider the appeal.
- be required to inform petitioners of the outcome of the appeal within 7 days.)

There are two possible options for the outcome of an appeal

Scrutiny support or reject the views / actions requested within the petition

Instigate a more detailed Scrutiny investigation

Scrutiny to report to be presented to Cabinet, Portfolio Holder or Council (as appropriate) – Copy of report also to petitioners

HARTLEPOOL BOROUGH COUNCIL

Draft Petition Scheme

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to Democratic Services Team, Civic Centre, Victoria Road, Hartlepool TS24 8AY

Or be created, signed and submitted online by following this link *[link to be inserted following development of system – system to be in place December 2010]*

Petitions can also be presented to a meeting of the full Council. These meetings take place on dates and times that can be found here *[link to be inserted following approval of Council meeting dates]*. If you would like to present your petition to the Council, or would like your local Councillor to present it on your behalf, please contact Democratic Services Team on 01429 523013 at least 10 working days before the meeting and they will assist you through that process.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will **not** be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser **within 14 days** of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a full Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Scrutiny Co-ordinating Committee who have responsibility for scrutinising the work of the Council in conjunction with the five Scrutiny Forums:

- Children's Services Scrutiny Forum
- Regeneration Planning Services Forum
- Adult & Community Services Scrutiny Forum
- Health Scrutiny Forum
- Neighbourhood Services Scrutiny Forum
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as licensing authority. For example, we will work with the partner agencies in the affected area to identify what action might be taken, consider identifying a dedicated contact within the Council to liaise on issues of ASB in the area in question.</p>

Petition subject	Appropriate steps
Under-performing schools	We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner (SIP) will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LiNK) might have in reviewing and feeding back on the issue (the LiNK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account).

If your petition is about something over which the Council has no direct control we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [[Hartlepool Borough Council Homepage](#)].

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains **more than 1,500 signatures** it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains **at least 750 signatures**, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [HBC constitution\Constitution 2009-2010\Sections of Constitution\Man Structure Flow Chart.doc](#). You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services Team on Ext 3013 up to three working days before the meeting.

E-petitions (under development)

The Council welcomes e-petitions which will be created and submitted through our website [*link to be inserted following development of system*]. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services Team. In the same way as a paper petition, you will receive an acknowledgement within 14 days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services Team within ten days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [*link to be inserted following development of system*].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. The e-petition signature process will also include a mechanism to prevent robot signatures.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Scrutiny Co-ordinating Committee review the steps that the Council has taken in response to your petition.

The committee will consider your request within 30 days of receiving it. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

Report of: Joint Report of Chief Solicitor and Democratic Services Team Manager

Subject: GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE

1. PURPOSE OF REPORT

To propose amendments to the current arrangements in relation to the membership and scheduling of meetings of the above Committee from within the General Purposes Committee membership.

2. BACKGROUND

2.1 At the meeting of the Constitution Working Group on 13 August 2010, Members requested further information on the rota arrangements for the General Purposes (Appeals and Staffing) Committee along with a suggested programme of meeting dates and times.

2.2 The General Purposes (Appeals and Staffing) Committee was created in 2002 and is formed from within the full membership of the General Purposes Committee.

3. ISSUES FOR CONSIDERATION

3.1 At the meeting of the Constitution Working Group on 24 September 2010, Members considered a report which detailed the rota arrangements for the General Purposes (Appeals and Staffing) Committee. This rota includes the whole membership of the General Purposes Committee and is used in accordance with the necessary political balance required for each individual meeting, depending on the Executive Members in attendance, as well as endeavouring to maintain a gender balance where possible. Although every effort is made to ensure that all Members of the Committee have an equal participation in Appeals and Staffing Committees, this is not always achievable due to the proportionality required across the Committee which includes the portfolio holder whose has the responsibility for the service area in question.

3.2 In relation to the scheduling of meetings within the Council meeting diary, Members considered that one meeting per calendar month should be sufficient in the first instance. It was suggested that a schedule of monthly meetings be agreed with the Chair and Vice Chair on the General Purposes Committee in conjunction with the Chief Customer and Workforce Services Officer to enable the availability of the remaining Members of the Committee to be ascertained.

- 3.3 At their meeting on 13 August 2010, Members did consider a report regarding, 'Membership and Voting Rights of the General Purposes (Appeals and Staffing) Committee'. In principle Members had suggested that Executive Members '*should be ex-officio and non-voting Members in respect of all appeals and staffing matters*'. At the meeting of the Constitution Working Group on 24 September 2010 Members considered that although it was appropriate for Executive Members to attend and make representations at General Purposes (Appeals and Staffing), any Executive Members in attendance should be ex-officio and non-voting Members in respect of all appeals and staffing matters.

4. RECOMMENDATIONS

- 4.1 That the Chair and Vice Chair of General Purposes Committee, in conjunction with the Chief Customer and Workforce Services Officer and Democratic Services Manager agree a schedule of dates on a monthly basis for General Purposes (Appeals and Staffing) Committee meetings;
- 4.2 That once this schedule is agreed, all Members of the General Purposes Committee are given the opportunity to provide their availability for the scheduled dates;
- 4.3 That the General Purposes (Appeals and Staffing) Committee continue to be organised in line with broad political and gender balance whilst being mindful that all Members of the Committee should have fair and equal participation in the Committee.
- 4.4 That consideration be given to the following recommendations made by Constitution Working Group:-
- (i) That any Executive Members invited to participate in the General Purposes (Appeals and Staffing) Committee be ex-officio and non-voting Members.
 - (ii) That consideration is given to the continuation of the arrangement whereby the Chair of General Purposes Committee is self-selecting from the position of Vice Chair of the Council.

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Report of: Chief Solicitor

Subject: REVIEW OF THE SCHEME OF DELEGATED
AUTHORITY

1. PURPOSE OF REPORT

- 1.1 A report on this subject was initially provided to Members of the Working Group on 12th November, 2009, which made reference to the existing Delegation Scheme and Proper Officer functions, which fall within “Part 3 – Responsibility for Functions” of the Council's Constitution. There was also reference to “Part 8 – Management Structure” and to the “Proper Officer List” in which delegations were contained, prior to the introduction of the modular form of Constitution through the provisions of the Local Government Act, 2000.
- 1.2 Following discussions at the Working Group, attached herewith, is a revised ‘highlighted’ version of the scheme of delegation and ‘Proper Officer’ functions (**Appendix 1**), which follows additional comments received from Council Departments. Those revisions as put forward primarily incorporate the updating of delegations in line with statutory changes but also those structural changes introduced through the Business Transformation Programme. Members are also requested to refer to the minutes of previous Working Group meetings, particularly a list of questions, which are to be addressed through the attendance of the Council's Chief Executive Officer.

2. BACKGROUND

- 2.1 The Council as a public authority may not delegate its decision making functions in the absence of expressed or implied statutory authority. Local authorities have seen a wide range of statutory provisions relating to the delegation of authority, not least that seen under the Local Government Act, 1972, and specifically Section 101, thereof. This allows for a local authority to arrange for the discharge of any of its functions by ‘a Committee, a Sub-Committee or Officer’ of any other local authority. Local authorities therefore as part of the operation of proper and effective corporate governance, rely on formal arrangements through a scheme of delegation. The Local Government Act, 2000, introduced the concept of “Executive arrangements” namely those functions which are to be the responsibility of the Executive with the additional power of the Secretary of State to prescribe those functions which are not to be the responsibility of the Executive. Accordingly, Section 13 of the Local Government Act, 2000, provides the statutory framework for the purposes of determining those functions which are the responsibility of the Executive.

- 2.2 The “Local Government Act, 2000: Guidance to English Local Authorities”, which has statutory force by virtue of Section 38 of the 2000 Act, noted the division of functions and responsibilities between the Executive and the Council, as follows;
- The determination upon policy framework and budget and other constitutional and quasi- legislative functions are to be the responsibility of the Council;
 - Functions which involve the determining of an application of a person for a licence, approval, consent, permission or registration together with any related enforcement action are not to be the responsibility of the Executive; and
 - All other functions are to be the responsibility of the Executive.
- 2.3 This guidance also stipulates that were a local authority delegates its functions to Committees or Sub-Committees, such delegation should be kept to a minimum and should be proportionate to the size of the authority and also should be kept under review. Further, Regulation 3 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000, enable local authorities to decide whether certain “local choice functions” are to be the responsibility of the Executive. These functions, broadly fall within the two categories set out below;
- Locally derived functions ie conferred by local Acts,
 - Functions which depending on the circumstances, may be appropriate for either the Executive, the full Council or a Committee (or Officer).
- 2.4 Examples of such “local choice functions” include the following;
- Power to acquire information as to interests in land under Section 330 of the Town and Country Planning Act, 1990, as amended, and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.
 - The determination of certain appeals ie school admission, exclusions.,
 - Control of pollution, statutory nuisances and other environmental protection functions.
 - Appointment to outside bodies. However, this will be dictated as to whether the appointment relates to functions exercisable by the Executive (eg education, Social Services, regeneration etc) otherwise such appointments can be made by Council, a Committee or Officer.
- 2.5 the Council’s Internal Audit are currently conducting a review upon this item and have previously noted that although the scheme is generally compliant with the Local Government Act, 2000 *“the current restructuring of the authority will entail that the existing scheme will become outdated”*. As part of the “Action Plan” covering the review by Internal Audit is a recommendation that not only should the scheme of delegation be revised to ensure that it is “fit for purpose” but that all relevant Members and Officers are fully aware of their responsibilities and obligations under the updated scheme of delegation.

3. REVISED SCHEME OF DELEGATION

- 3.1 Members are therefore asked to consider the revisions suggested to the scheme of delegation. However, Members will note that a raft of legislation is proposed in relation to local government, particularly in relation to the 'localism' theme, as well as an ongoing further electoral review and therefore the scheme of delegation will need to be further reviewed in the light of such changes.
- 3.2 The overall intention of the appended document is to address delegations in a way that provides a degree of certainty to those who undertake such roles and functions, but also to provide an easier reference source, as part of the overall governance of the Council. Consequently, the responsibilities reflect changes made under the Business Transformation programme but also those statutory changes since the implementation and adoption of this particular part of the Council's Constitution back in 2002. Members will therefore observe that there is mention of consultation by those individuals exercising delegated authority as well as a power "to act generally" which allows for a 'sub-delegation' of authority as described within the appended document.

4. RECOMMENDATIONS

To note and discuss the contents of this report and the attached document.

Part 3

Responsibility for Functions

HIGHLIGHTED
CHANGES VERSION

RESPONSIBILITY FOR FUNCTIONS

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A INTRODUCTION

1. This part of the Constitution sets out which bodies and individuals are responsible for particular Council functions. These fall into two categories:
 - Council functions (sometimes referred to as non-executive functions); and
 - Executive functions.
2. These are described in more detail in the paragraphs below. Also included in this part of the Constitution are details of the membership of committees and forums, information about other bodies (including advisory bodies) and the list of proper officer functions. Advisory bodies have no decision-making power but will advise the Council or the Mayor and Cabinet Members, about a particular function. The list of proper officer functions sets out the officers responsible for certain functions under a particular piece of legislation.

Council functions

3. These are also sometimes referred to as non-executive functions and under law are functions that cannot be the responsibility of the executive. In some instances, for example adopting the annual budget, the decision can only be taken at a meeting of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a committee or an officer – where this is the case it is identified in a separate column in each function table.
4. There are a number of functions for which Councils are able to determine responsibility locally, when developing their proposals for new political arrangements. These are known as local choice functions. Those local choice functions which this Council has determined will be the responsibility of Council are listed in paragraphs 24 to 35 of the functions table for full Council in section B.

Executive functions

5. All other functions are executive functions. Decisions about these functions will be taken by the Mayor, the Cabinet, individual cabinet members, cabinet committees, joint arrangements with other authorities and officers. Further information about the executive delegation scheme and its operation can be found in section C.

B COUNCIL FUNCTIONS AND DELEGATION SCHEME

Statutory guidance recommends that where decisions are currently delegated, those delegations should continue. The officer delegation arrangements in this constitution reflect these principles and all matters previously delegated to officers prior to the introduction of the constitution remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relates to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

Council	
Membership:	48 (47 Councillors and the directly-elected mayor)
Quorum:	12
FUNCTION	DELEGATION
1 Functions relating to town and country planning and development control (as set out in Part A, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853), as amended – “the regulations”	Planning Committee and the Director of Regeneration and Neighbourhoods
2 Licensing and registration functions (as set out in Part B, Schedule 1 of the regulations)	Planning Committee, Licensing Committee and the Director of Regeneration and Neighbourhoods
3 Functions relating to health and safety at work (as set out in Part C, Schedule 1 of the regulations)	General Purposes Committee and the Director of Regeneration and Neighbourhoods

Council (continued)		
FUNCTION	DELEGATION	
<p>4 Functions relating to elections (as set out in Part D of Schedule 1 of the Regulations):</p> <p>a) Duty to appoint an electoral registration officer</p> <p>b) Functions in relation to parishes and parish councils, contained in Part II of the Local Government and Rating Act, 1997 (c29) and subordinate legislation under that part.</p> <p>c) Power to dissolve small parish councils</p>	All other powers to the General Purposes Committee or the Chief Solicitor	
<p>d) Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p> <p>e) Duty to appoint returning officer for local government elections</p> <p>f) Duty to divide constituency into polling districts</p> <p>g) Power to fill vacancies in parish councils in the event of insufficient nominations</p>		
<p>5 Functions relating to name and status of areas and individuals (as set out in Part E of Schedule 1 of the regulations).</p>		
<p>6 Power to make, amend, revoke or re-enact byelaws (as set out in Part F of Schedule 1 of the regulations).</p>		

Council (continued)		
FUNCTION		DELEGATION
7	Power to promote or oppose local or personal Bills (as set out in Part G of Schedule 1 of the regulations).	
8	Functions relating to pensions etc. (as set out in part H of Schedule 1 of the Regulations).	General Purposes Committee, General Purposes (Appeals and Staffing) Committee and the Chief Customer and Workforce Services Officer
9	Functions relating to public rights of way (as set out in Part 1 of Part I, Schedule 1 Amendments, of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (No. 2212) – “the 2001 regulations”	Planning Committee and the following officers: <ul style="list-style-type: none"> - Director of Regeneration and Neighbourhood - Director of Child and Adult Services - Chief Solicitor
10	Functions relating to Sea Fisheries. [1.I.35]	General Purposes Committee
11	Power to make standing orders. [1.I.36]	
12	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). [1.I.37]	Appointments Panel and Chief Executive in accordance with the Officer Employment Procedure Rules.
13	Power to make standing orders as to contracts. [1.I.38]	
14	Duty to make arrangements for proper administration of financial affairs. [1.I.39]	
15	Power to appoint officers for particular purposes (appointment of “proper officers”. [1.I.40]	

Council (continued)		
FUNCTION		DELEGATION
16	Power to make limestone pavement order. [1.I.41]	Planning Committee and the Director of Neighbourhood Services
17	Duty to designate officer as the head of the authority's paid service, and to provide staff etc. [1.I.43]	
18	Duty to designate officer as the monitoring officer, and to provide staff, etc. [1.I.44]	
19	Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be). [1.I.45]	Audit Committee
20	Powers relating to the protection of important hedgerows. [1.I.46]	Planning Committee and the Director of Regeneration and Neighbourhoods
21	Powers relating to the preservation of trees. [1.I.47]	Planning Committee and the Director of Regeneration and Neighbourhoods
22	Powers to make payments or provide other benefits in cases of maladministration etc. [1.I.48]	General Purposes Committee and the Chief Solicitor
23	The determination of an appeal against any decision made by or on behalf of the authority. [2.2]	General Purposes (Appeals and Staffing) Committee

Council (continued)		
FUNCTION		DELEGATION
24	The making of arrangements pursuant to subsection (1) of Section 6.1(1) of, and Schedule 18 to, the Schools Standards and Framework 1998 Act (appeals against exclusion of pupils). [2.4]	Chief Executive
25	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals). [2.5]	Chief Executive
26	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies regarding the admission of permanently excluded pupils). [2.6]	Chief Executive
27	The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority. [2.7]	
28	The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 police authorities established under Section 3) to the Police Act 1996. [2.8]	
29	The discharge of any functions relating to the control of pollution or the management of air quality. [2.11]	General Purposes Committee
30	The service of an abatement notice in respect of a statutory nuisance. [2.12]	General Purposes Committee
31	The inspection of the authority's area to detect any statutory nuisance. [2.14]	General Purposes Committee

Council (continued)		
FUNCTION		DELEGATION
32	The investigation of any complaint as to the existence of a statutory nuisance. [2.15]	General Purposes Committee
33	The appointment of any individual: <ul style="list-style-type: none"> a) to any office other than an office in which he is employed by the authority; b) to any body other than – <ul style="list-style-type: none"> 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 * [2.19]. 	
34	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. [2.20]	General Purposes Committee
35	The determination of any matter in the discharge of a function – <ul style="list-style-type: none"> (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy has been approved or adopted by the authority. Where the individual or body by whom the determination is to be made, is minded to determine the matter in terms contrary to the plan or strategy adopted by the authority. [4.3]	
*	This function may also arise in connection with the responsibility of the Executive and will be exercised accordingly.	

Council (continued)	
FUNCTION	DELEGATION
36 The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989(4), or of amending, revoking or replacing any such scheme.	
37 The function of determining: <ul style="list-style-type: none"> (a) the amount of any allowance payable under – <ul style="list-style-type: none"> i) subsection (5) of section 3 (chairman's expenses) of the 1972 Act; ii) subsection (4) of section 5 (vice-chairman's expenses) of that Act; iii) subsection (4) of section 173 (financial loss allowance) of that Act [5]; iv) section 175 (allowances for attending conferences and meetings) of that Act; (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act; (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such allowance are to be made; 	

Council (continued)		
FUNCTION		DELEGATION
<p>(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and</p> <p>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.</p>		
<p>38 To exercise powers under Part 2 of the Local Government and Public Involvement in Health Act 2007 regarding a change in the Council's scheme for elections and for providing by order for consequential changes to the years in which ordinary elections of parish councillors take place.</p>		
<p>39 Functions relating to the conduct of Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 including the receipt and validation of a community governance petition, the terms of reference for any review and to formulate, publish and make decisions relating from a community governance review.</p>		
<p>40 Functions reserved to Council by law.</p>		

Audit Committee	
Membership:	7 Councillors: C Akers-Belcher (Chair), Hall, Hill, Mc Kenna, J W Marshall, Preece and Turner (Vice Chair).
Quorum :	3
FUNCTION	DELEGATION
<ol style="list-style-type: none"> 1. Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. 2. Focussing and monitoring the Council's audit resources by reviewing the plans of the external auditor and the internal audit team to ensure that audit work is co-ordinated. 3. Monitoring audit performance by including reporting schedules and action on recommendations. 4. Power to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). 5. To scrutinise the Treasury Management Strategy and resulting Treasury Management solutions thereon and to make such recommendations to Council as the Committee shall deem appropriate. 6. Consider the overall effectiveness of the Council's corporate governance arrangements, risk 	

<p>management and anti-fraud and anti-corruption arrangements and to seek assurance that action is taken on risk related issues identified by internal and external audit.</p>	
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Contract Scrutiny Committee	
Membership:	9 Councillors London (Chair), Aiken, Ingham, Lawton, Maness, Richardson, Simmons, Sutheran (Vice Chair) and Wells.
Quorum :	3
FUNCTION	DELEGATION
1. To receive and examine tender lists.	
2. To open tenders.	
3. Functions relating to the scrutiny of contracts; (a) The monitoring of contracts (at the discretion of the Committee) subject to the formal quotation procedures under the Council's Contract Procedure Rules relating to; (i) Best Price Procedures (ii) Price/Performance Contracts (iii) Partnering Contracts (b) To receive and examine reports on the outcome of best price contracts when the contract is not awarded to the tenderer with the 'best' price.	

Contract Scrutiny Committee (continued)	
<p>(c) To receive and examine reports on the outcome of price/performance and partnering contracts letting procedures.</p> <p>(d) To receive and examine reports on any exception from the Contract Procedure Rules.</p>	
4. To act as a consultee on the annual review of the Council's sustainable procurement strategy and 5 year procurement plan.	
5. Power to consider and make recommendations on the risk management of procurement of contracts in accordance with the Council's Contract Procedure Rules.	
6. Power to monitor contract register and the maintenance of select lists.	

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General Purposes Committee (continued)	
Function	Delegation
i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Chief Solicitor
j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	
2. Functions relating to local government pensions, etc., except those reserved to the General Purposes (Appeals and Staffing) Committee	
3. Power to make payments or provide other benefits in cases of maladministration, etc.	Chief Solicitor within agreed thresholds
4. Power to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.	
5. To advise the executive on the appointment of school governors.	

General Purposes Committee (continued)	
Function	Delegation
6. To exercise the non-executive powers, duties and functions of the Borough Council (with the exception of those delegated to the Planning Committee and Licensing Committee) so far as they can lawfully be exercised at times when a decision relating to any matter is needed as a matter of urgency and it would not be practical to convene a meeting of the Council.	
7. Functions relating to health and safety at work (as set out in Part C of Schedule 1 to the Regulations).	<p>Director of Regeneration and Neighbourhood</p> <p>Power to carry out all of the functions of the Committee in paragraphs 8-14 adjacent with the exception of the power to refuse, revoke or suspend any licence or registration.</p> <p>Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency.</p>
8. Functions relating to sea fisheries. [1.I.35]	
9. Power to make closing order with respect to take away food shops [1.I.42]	
10. The discharge of any functions relating to the control of pollution or the management of air quality. [2.11]	
11. The service of an abatement notice in respect of a statutory nuisance. [2.12]	
12. The inspection of the authority's area to detect any statutory nuisance. [2.14]	
13. The investigation of any complaint as to the existence of a statutory nuisance. [2.15]	

General Purposes (Appeals and Staffing) Committee	
Membership:	<p>5</p> <p>Chair: Vice-Chair of Council – Councillor Aiken</p> <p>Cabinet Member with responsibility for the service area relevant to the appeal (or other Cabinet Member nominated by the Mayor).</p> <p>Three members selected from a rota of General Purposes Committee Members maintained by the Democratic Services Team Manager.</p>
Quorum:	3
FUNCTION	DELEGATION
<p>1. Power to consider and determine:</p> <ul style="list-style-type: none"> • Appeals against dismissal • Appeals against grading/regrading decisions • Disputes or appeals arising out of departmental staffing reviews and/or re-structures • Grievances at the final internal stage 	
<p>2. Power to determine complaints to members in accordance with the Council's agreed complaints procedures</p>	

General Purposes (Appeals and Staffing) Committee (continued)	
Function	Delegation
3. Power to determine appeals from individuals relating to the execution of executive functions which are not delegated to another decision-maker and which are not subject to other statutory appeals arrangements	
4. Functions relating to local government pensions, etc. relating to the determination of individual cases.	Individual early retirement decisions within the scheme to the Chief Customer and Workforce Services Officer , with the agreement of the Chief Financial Officer and in consultation with the Chief Executive or appropriate director.

Note

For early retirement decisions under function 4, concerning officers appointed by Members under the Officer Employment rules, the committee membership will be increased to seven and will include two ex-officio non-voting executive members. The Mayor will nominate the executive members of the committee.

Licensing Committee	
Membership:	15 Councillors: Morris (Chair), Aiken, Atkinson, Barclay, Brash, Fleet, Griffin, Hall, Jackson, Laffey (Vice Chair), Lawton, G Lilley, London, Rogan and Sutheran.
Quorum:	3
FUNCTION	DELEGATION
<ol style="list-style-type: none"> 1. All licensing and registration functions set out in Part B of Schedule 1 to the Regulations except those relating to Commons Registration, Roads and Highways (Planning Committee). 2. Licensing functions under the Licensing Act 2003 and the Gambling Act 2005 in considering the grant refusal, variation, issue of any counter notice and cancellation of licences, certificates, permits or registration (other than where such matters have been delayed) in respect of: <ol style="list-style-type: none"> 1. Application for Premises Licence (Gambling Act). 2. Application for a Variation of Premises Licence (Gambling Act). 3. Application for a Transfer of a Premises Licence (Gambling Act). 4. Application for a Provisional Statement (Gambling Act). 5. Review of a Premises Licence (Gambling Act). 6. Application for a Club/Gaming Club Machine Permits (Gambling Act). 7. Cancellation of Club/Gaming 	Director of Regeneration and Neighbourhood Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration. Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency.

APPENDIX 1

Club Machine Permits (Gambling Act).	
8. Applications for other permits under the Gambling Act.	
9. Cancellation of Licensed Premises Gaming Machine Permits (Gambling Act).	
10. Consideration of Temporary Use Notice (Gambling Act).	
11. Decision to give a Counter Notice to a Temporary Use Notice (Gambling Act).	
12. Amusements with Prizes (Gambling Act).	
13. Lotteries (Gambling Act).	
14. Prize Bingo (Gambling Act).	
15. Application for a Premises Licence (Licensing Act).	
16. Application for a Variation of a Premises Licence (Licensing Act).	
17. Application to Transfer a Premises Licence (Licensing Act).	
18. Application to Grant a Provisional Statement (Licensing Act).	
19. Application to Vary a Designated Supervisor (Licensing Act).	
20. Application to Grant a Club Premises Certificate (Licensing Act).	
21. To Grant a Variation of a Club Premises Certificate (Licensing Act).	
22. Making an order under Section 284 disapplying Section 279 (Exempt Gaming) or Section 282(i) (Gaming Machines Automatic Entitlement) to specific licenced premises.	
23. Approving the Statement of Principles to be applied regarding functions relating to Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits.	

Planning Committee	
Membership:	18 Councillors:- Cook (Chair), S Akers-Belcher, Brash, Cranney, Hargreaves, James, Lawton, G Lilley, London, J Marshall, Morris (Vice Chair), Richardson, Sutheran, Thomas, H Thompson, P Thompson, Wells and Wright.
Quorum :	7
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. All functions relating to town and country planning and development control (as set out in Part A of Schedule 1 to the Regulations). 2. Powers relating to the protection of important hedgerows (as set out in Part I of Schedule 1 to the Regulations). 3. Powers relating to the preservation of trees (as set out in Part I, Schedule 1 to the regulations). 4. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land. 5. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. 	<p><i>Director of Regeneration and Neighbourhoods</i></p> <ol style="list-style-type: none"> 1. Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions: <ol style="list-style-type: none"> i) in the case of any relevant application which is submitted to the Council for determination, any matter which any member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application. ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial, iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.

Planning Committee (continued)	
Function	Delegation
<p>6. Powers, related to Commons Registration as set out in part B of Schedule 1 to the Regulations. [1B.37 & 38]</p> <p>7. Functions relating to public rights of way (as set out in Part 1 of Part I of Schedule 1 to the 2001 Regulations).</p> <p>8. The licensing and registration functions set out in Part B of Schedule 1 to the regulations at points 41 and 47-55 relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.</p> <p>9. Functions relating to Town and Village Greens (as set out in Part 1 of Schedule 1 to the 2000 Regulations).</p> <p>10. To comment upon relevant Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's).</p> <p>11. To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.</p> <p>12. To receive reports on the performance of the Development Control and Planning Policy section.</p> <p>13. To consider reports on proposed changes to national planning policy.</p>	<p>iv) the refusal of an application except with the agreement of the Chair of the Committee.</p> <p>v) except in cases of urgency</p> <p>a) power to require the discontinuance of a use of land</p> <p>b) power to serve a stop notice</p> <p>c) power to issue an enforcement notice</p> <p>d) power to apply for an injunction restraining a breach of planning control</p> <p>e) power to require proper maintenance of land</p> <p>f) power to serve a building preservation notice and related powers</p> <p>g) power to issue enforcement notice in relation to demolition of unlisted building in conservation area</p> <p>h) powers to acquire a listed building in need of repair and to serve a repairs notice</p> <p>i) power to apply for an injunction in relation to a listed building,</p> <p>exercise of such powers to be reported for information to the next available meeting of the Committee.</p> <p>2. Power to formulate decision notices following decisions made in principle by the Committee.</p>

Planning Committee (continued)	
Function	Delegation
	<ol style="list-style-type: none"> 3. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. 4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods), following discussion of the issues with the Chair of the Committee. 5. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. 6. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management. 7. Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial.

APPENDIX 1

	<p>8. Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.</p>
	<p><i>Chief Solicitor</i></p> <p>1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</p> <p>2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.</p> <p>3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.</p>

Constitution Committee	
Membership:	<p>11 – As detailed in Article 15.</p> <p>Chair: Chair of the Council, Councillor Richardson, Vice Chair of the Council, Councillor Aiken, The Mayor Stuart Drummond, Scrutiny Co-ordinating Chair, Councillor James.</p> <p>Seven other Members of Council including 1 Member of the Scrutiny Co-ordinating Committee: Councillors: C Akers-Belcher, Cook, Gibbon, Griffin, Morris, Preece and Simmons.</p>
Quorum:	3
FUNCTIONS	DELEGATIONS
To review, monitor, and where necessary, recommend changes to the constitution to full Council, as set out in Article 15	

The Constitution Committee and the Constitution Working Group may co-opt to the committee/working group any person who they consider will be of assistance to the committee/working group in relation to any matter or question under consideration. The person co-opted shall be entitled to participate in the meetings of the committee/group when such matter or question is under consideration but shall not be entitled to vote unless s/he is a councillor.

Constitution Working Group	
Membership:	<p>11 – As detailed in Article 15.</p> <p>Chair: Chair of the Council, Councillor Richardson, Vice Chair of the Council, Councillor Aiken, The Mayor Stuart Drummond, Scrutiny Co-ordinating Chair, Councillor James.</p> <p>Seven other Members of Council including 1 Member of the Scrutiny Co-ordinating Committee:</p> <p>Councillors C Akers Belcher, Cook, Gibbon, Griffin, Morris, Preece and Simmons.</p>
Quorum :	3
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. To informally review, monitor and consider proposed amendments to the Constitution. 2. To discuss and advise on constitutional issues prior to formal consideration by the Constitution Committee. 	

The Constitution Committee and the Constitution Working Group may co-opt to the committee/working group any person who they consider will be of assistance to the committee/working group in relation to any matter or question under consideration. The person co-opted shall be entitled to participate in the meetings of the committee/group when such matter or question is under consideration but shall not be entitled to vote unless s/he is a councillor.

Civic Honours Committee	
Membership:	<p>The Mayor, Stuart Drummond</p> <p>The Chairman of the Council, Councillor Richardson (Chair)</p> <p>7 Members</p> <p>Councillors Dr Morris, Preece and Turner (4 vacancies)</p> <p>Non-voting members:</p> <p>Resident Representative: Ms C Blakey</p> <p>Community Empowerment Network Representative: Mr R Foreman</p>
Quorum :	6 – A voting majority of 6 Members is required.
<i>FUNCTION</i>	<i>DELEGATION</i>
<ol style="list-style-type: none"> 1. Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations. 2. Consider nominations for Honorary Alderman and make recommendations to the Council thereon. 3. Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours. 	

Neighbourhood Consultative Forum (North)	
Membership:	<p>Elected representatives of the following Wards: Brus, Dyke House, Hart, St Hilda and Throston.</p> <p>Councillors:- Fleet (Chair), Atkinson, Barclay, Barker, Cook, Fleming, Griffin, Jackson, McKenna, J Marshall, J W Marshall, Plant, Rogan, Thomas and Wright.</p> <p>Resident Representatives – Christine Blakey, John Cambridge, John Maxwell, Joan Norman, Linda Shields, Joan Steel and Robert Steel.</p>
Quorum :	6 (4 Councillors and 2 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process. 	

Neighbourhood Consultative Forum (North) (continued)	
FUNCTIONS	DELEGATIONS
<p>5 To assist all councillors in listening to and representing their community.</p> <p>6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public.</p> <p>7 To assist in the development of the Community Plan</p> <p>8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils.</p> <p>9 To hold Local Police Consultation meetings in partnership with the Chief Constable.</p> <p>10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.</p>	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder</p>

Neighbourhood Consultative Forum (Central)	
Membership:	<p>Elected representatives of the following Wards: Burn Valley, Elwick, Foggy Furze, Grange, Park, Rift House and Stranton.</p> <p>Councillors: - Cranney (Chair), Aiken, S Akers-Belcher, Brash, Hall, Ingham, Laffey, Lauderdale, London, Maness, Morris, Payne, Richardson, Shaw, Simmons, Sutheran, H Thompson, R Wells and Worthy.</p> <p>Resident Representatives: Liz Carroll, Bob Farrow, Peter Goodier, Ted Jackson, Evelyn Leck, Brenda Loynes, Stephen Mailen, Brian McBean, Julie Rudge and Hilda Wales.</p>
Quorum :	8 (5 Councillors and 3 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 	

Neighbourhood Consultative Forum (Central) (continued)	
FUNCTIONS	DELEGATIONS
<p>4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process.</p> <p>5 To assist all councillors in listening to and representing their community.</p> <p>6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public.</p> <p>7 To assist in the development of the Community Plan.</p> <p>8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils.</p> <p>9 To hold Local Police Consultation meetings in partnership with the Chief Constable.</p> <p>10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.</p>	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder.</p>

Neighbourhood Consultative Forum (South)	
Membership:	<p>Elected representatives of the following Wards: Fens, Greatham, Owton, Rossmere and Seaton.</p> <p>Councillors: - A Marshall (Chair), C Akers-Belcher, Flintoff, Gibbon, Hargreaves, Hill, James, Lawton, A E Lilley, G Lilley, Preece, P Thompson, Turner, and Young.</p> <p>Resident Representatives: Mary Green, Rosemarie Kennedy, Iris Ryder and Angie Wilcox.</p>
Quorum :	6 (4 Councillors and 2 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process. 	

Neighbourhood Consultative Forum (South) (continued)	
FUNCTIONS	DELEGATIONS
<p>5 To assist all councillors in listening to and representing their community.</p> <p>6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public.</p> <p>7 To assist in the development of the Community Plan.</p> <p>8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils.</p> <p>9 To hold Local Police Consultation meetings in partnership with the Chief Constable.</p> <p>10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.</p>	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder.</p>

Pride in Hartlepool Steering Group	
Membership:	<p>7</p> <p>Three Neighbourhood Forum Chairs: Councillors Fleet (North), Cranney (Central) and A Marshall (South), Chair of Council, Councillor Richardson, a representative of the Hartlepool Mail and two representatives from Hartlepool Partnership's Environmental Theme Partnership: R Pailor and L Phillipson. In addition, the Cabinet Member with responsibility for Transport and Neighbourhoods, Councillor Peter Jackson, will be invited to attend Steering Group meetings for discussions.</p>
Quorum :	3
FUNCTIONS	DELEGATIONS
To advise the executive on campaigns, projects and other initiatives relating to Pride in Hartlepool, including appropriate financial support.	Approval of all grant proposals is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Transport and Neighbourhoods Portfolio Holder

Standards Committee	
Membership:	<p>7</p> <p>Councillors: - Fleet, Griffin, Preece, Morris, Shaw, Simmons and Sutheran.</p> <p>4 Independent Members – Barry Gray (Chair), Ted Jackson, Professor Brian Footitt and 1 vacancy.</p> <p>Parish Council Representatives: Alan Bell (Hart) and 2 vacancies.</p>
Quorum:	<p>4 (3 Councillors and 1 independent member)</p> <p>When dealing with Parish Council issues the quorum will be 5 (3 Councillors and 1 independent member and the Parish Council representative)</p>
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 Promoting and maintaining high standards of conduct by the mayor, councillors, co-opted members and church and parent governor representatives; 2 Assisting the mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct; 3 Advising the Council on the adoption or revision of the Members' Code of Conduct; 4 Monitoring the operation of the Members' Code of Conduct; 	

Standards Committee (continued)	
FUNCTIONS	DELEGATIONS
<p>5 Advising, training or arranging to train the mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;</p> <p>6 Granting dispensations to the mayor, councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;</p> <p>7 Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer; and</p> <p>8 To recommend changes to full Council in relation to the promotion and maintenance of high ethical standards within the Authority.</p> <p>9 Promoting and maintaining high standards of conduct by officers.</p> <p>10 Assisting officers to observe a Code of Conduct for Employees and advising the Council on the adoption or revision of such a Code of Conduct for employees.</p>	

Standards Committee (continued)	
FUNCTIONS	DELEGATIONS
<p>11 Monitoring the operation of a Code of Conduct for Employees.</p> <p>12 Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts.</p> <p>13 To receive and make recommendations to the Audit Committee as may be required in relation to the better governance of the Council.</p> <p>14 To consider complaints relating to the conduct of Members of the Council under the Member/Employee Protocol and the Planning Code of Practice.</p> <p>15 To monitor the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council.</p> <p>16 And to report on such matters to Council with recommendations thereon and that the Council may from time to time arrange for other functions to be discharged by the Standards Committee.</p> <p>17 The exercise of 1) to 7) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.</p>	

Scrutiny Co-ordinating Committee	
Membership:	<p>16</p> <p>Councillors:- James (Chair), C Akers-Belcher, S Akers-Belcher, Cook, Cranney, Flintoff, Griffin, London, McKenna, A Marshall, Preece, Richardson, Shaw, Simmons (Vice Chair), Thomas and Wells.</p> <p>3 Resident Representatives:</p> <p>Evelyn Leck, Linda Shields and Angie Wilcox.</p>
Quorum :	6 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
<p>1 To work with the five forums to decide an annual overview and scrutiny work programme, including the programme of any ad-hoc forum that it appoints, to ensure that there is efficient use of the forums and that the potential for duplication of effort is minimised.</p> <p>2 To lead the involvement of overview and scrutiny in the development of the budget and the plans and strategies that make up the policy framework and to delegate issues for consideration to the forums.</p> <p>3 Where matters fall within the remit of more than one overview and scrutiny forum, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between overview and</p>	

scrutiny forums.	
Scrutiny Co-ordinating Committee (continued)	
<p>4 To receive requests from Members, the executive and/or the full council for items (including those referred via the Councillor Call for Action mechanism) to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.</p> <p>5 To put in place and maintain a system to ensure reports from overview and scrutiny to the executive are managed efficiently and do not exceed any limits set out in this constitution (this includes making decisions about the priority of reports, if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of the council business).</p> <p>6 To exercise the power of call-in in relation to Executive decisions made as set out in Section 21 (3) of the Local Government Act 2000, or allocate them to the appropriate overview and scrutiny forum for consideration.</p> <p>7 Assessing, monitoring and advising on the role of the Council's central support services in supporting the Council's progress towards the Community Strategy's priority aims, including:-</p> <ul style="list-style-type: none"> - General policies of the Council relating to the efficient use of 	

<p>resources (people, money, property, information technology); and</p> <ul style="list-style-type: none">- District Auditor performance reports, the District Auditor's Annual Audit Letter, Best Value Performance Indicators and health and safety issues.	
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Children's Services Scrutiny Forum	
Membership:	<p>9</p> <p>Councillors:- Simmons (Chair), C Akers-Belcher, Fleet, Griffin, Ingham, Lauderdale, Maness, P Thompson and Wells (Vice Chair).</p> <p>1 C of E Diocese representative – vacancy</p> <p>1 Roman Catholic representative – D Relton</p> <p>1 Parent Governor representative, Primary – vacancy</p> <p>1 Parent Governor representative, Secondary - vacancy</p> <p>3 Resident Representatives: Joan Steel and 2 vacancies.</p> <p>Children and Young Persons Representatives: 6 vacancies</p>
Quorum :	4 Councillors (drawn from at least two political group) + 1 voting co-opted member.
FUNCTIONS	DELEGATIONS
To consider issues relating to specialist (intervention), targeted (prevention) and universal services for children and young people.	

Regeneration and Planning Services Scrutiny Forum	
Membership:	<p>9</p> <p>Councillors:- Cranney (Chair), Barclay, Cook (Vice Chair), Gibbon, Griffin, A E Lilley, London, Rogan and Wells.</p> <p>3 Resident Representatives: Ted Jackson, Angie Wilcox and 1 vacancy.</p>
Quorum :	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to regeneration, the community strategy, building control, development control, economic development, landscape and conservation, strategic housing and community safety.	

Adult and Community Services Scrutiny Forum	
Membership:	9 Councillors:- Shaw (Chair), Atkinson, Fleet, Griffin, Ingham, Lawton, McKenna, A Marshall and Preece (Vice Chair) . 3 Resident Representatives: Christine Blakey, Evelyn Leck and 1 vacancy.
Quorum :	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to specialist targeted and universal services in relation to Adults, culture and leisure.	

Health Scrutiny Forum	
Membership:	<p>9</p> <p>Councillors:- S Akers-Belcher (Chair), Barker, Cook, Fleet, Griffin (Vice Chair), A E Lilley, G Lilley, McKenna and Simmons.</p> <p>3 Resident Representatives:</p> <p>Liz Carroll, Mary Green and Linda Shields.</p>
Quorum :	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to and to exercise the powers of the Health and Social Care Act 2001 in considering the provision of health services at both local and regional levels.	

Neighbourhood Services Scrutiny Forum	
Membership:	<p>9</p> <p>Councillors: - Thomas (Chair), Barclay, Cook, Fleet, Flintoff (Vice Chair), Gibbon, Griffin, McKenna and Richardson.</p> <p>3 Resident Representatives:</p> <p>John Cambridge, Brenda Loynes and Iris Ryder.</p>
Quorum :	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to property, technical services, environmental services, emergency planning, public protection and housing.	

Corporate Parent Forum	
Membership:	13 Children's Services Portfolio Holder: Councillor Hill Adult and Public Health Services Portfolio Holder: Councillor Hall The Mayor, Stuart Drummond Councillors Griffin, Payne, Richardson and Shaw 2 Children and Young People who are, or have been, looked after 2 Foster Carers Assistant Director (Safeguarding and Targeted Services) Policy Link Officer
Quorum :	3 Councillors and 1 representative from the Children, Young People and Foster Carers.
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. To advise and make recommendations to the Council's decision-making bodies and other partner agencies on any issues that affect children and young people who are Looked After by Hartlepool Borough Council. 2. To oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Trust. 	None.

C EXECUTIVE FUNCTIONS AND DELEGATION SCHEME

1 General Approach to Executive Decision Making

The Council's executive, which is made up of the Mayor and councillors in the Cabinet, has responsibility for all functions other than those specifically categorised as “non executive”, which are set out in part 3a of the constitution. The Council takes many thousands of executive decisions each year and this section specifies who is responsible for making which decisions. The approach that is being adopted is in line with statutory guidance and the principles of decision-making set out in Article 13 of the constitution.

Working within the financial and policy framework agreed by the Council, the Mayor and Cabinet are responsible for taking decisions and issuing guidance on matters that have major corporate, strategic or financial implications. Councillors who are individual portfolio holders have a range of responsibilities connected with the services, plans and functions within their own portfolio. Decisions delegated to individual portfolio holders will be exercised in line with the financial and policy framework and any previous decisions or guidance issued by the Cabinet. Portfolio holders may refer matters within their delegated authority to the Cabinet for determination if they so wish. Officers are responsible for day to day management, professional judgements and the implementation of decisions, plans and policies agreed by Members. As with individual portfolio holders, officers may choose to refer decisions to the portfolio holder or Cabinet. Where existing policies and procedures provide for Member decision making under the Board system which previously applied, this will generally be undertaken by the relevant portfolio holder, unless it is a matter reserved to the Cabinet or delegated to officers in the constitution. Further details about decision making responsibility are given below under the following headings:

- A description of Cabinet portfolios.
- Decision making by the Cabinet.
- General responsibilities of executive councillors.
- Decision making by Cabinet committees.
- Decision making by individual councillors who are executive portfolio holders.
- Decision making by joint bodies.
- Decision making by officers.

APPENDIX 1

Appendix 1 sets out the senior officer structure for the purposes of exercising the delegation agreements.

Section 3 sets out a protocol for Cabinet decision making.

2 Decision Making by the Cabinet

The Cabinet i.e. the Mayor and executive portfolio holders, will be responsible collectively for determining the following matters in respect of all or any functions which fall within the executive terms of reference.

1. Proposals which will be submitted to the Council as part of the annual budget and policy framework together with in year 7 departures from the framework.
2. New policies and procedures and changes to existing policies and procedures likely to have a significant impact on service provision or the organisation of the Council.
3. The principles and funding of significant management restructuring involving more than one department.
4. Any senior management restructuring involving posts appointed to by members.
5. Compulsory redundancies arising directly in connection with proposals falling into categories 3 and 4 above.
6. Broad programme allocations, together with proposals and overall expenditure levels for projects with significant corporate or service implications, including those for which it is proposed to let a contract.
7. Any matters relating to bids for funding which are financially or strategically significant and have not been provided for within the financial and policy framework.
8. Council-wide strategic performance and financial management/monitoring together with associated action.
9. Strategic and significant decisions arising from reviews undertaken by the Authority.
10. Key decisions, not delegated to an executive committee, executive member, officer or joint arrangement.
11. Sensitive matters which are not key decisions.

3 Protocol for Cabinet Decision Making

The following protocol will be followed in arriving at, and disseminating Cabinet decisions. It will be reviewed, and where necessary, revised and expanded in the light of operational experience.

The relevant portfolio holder will:

- (1) Make any necessary report to the Council on matters within the portfolio. (Constitutional requirement)
- (2) Attend scrutiny forums at the request of the forum to answer questions about decision making and policy choices within the scope of the portfolio. (Constitutional requirement)
- (3) Lead the Cabinet discussion on the development of responses to scrutiny forum enquiries.
- (4) Report to the Cabinet on any matter in his/her decision-making powers which he/she has decided to refer to Cabinet for a view or a decision.

Where officers submit reports to Cabinet for decision or discussion, they will be invited by the Chair to outline briefly any key issues which they wish to draw to Members attention prior to Councillors debating the issue or the decision.

The relevant portfolio holder will be invited by the Chair to comment on the item prior to a decision or issue being opened for general debate.

Where portfolio holders prefer reports to be submitted without specific recommendations, officers will generally avoid making them, but will where they judge appropriate give advice on the options available and may express a professional view as to their relative merits.

Officers will make the relevant portfolio holder(s) aware of reports which they are proposing to submit to the Cabinet. Where there is any disagreement about whether such a report is appropriate, the matter will be referred to the Chief Executive to determine, in consultation with the Mayor. (Taking advice from the Monitoring Officer where necessary.) Statutory requirements and guidance on the roles and responsibilities of officers will be followed in all cases.

Where the Cabinet is inquorate, it will be open to the Mayor to make any decision having regard to the views expressed by the Members of the Cabinet present.

4 Description of Cabinet Portfolios

Each Cabinet Member is allocated a portfolio by the Mayor, covering service areas and functions that collectively have been designed to link to the delivery of the Hartlepool Community Strategy. The following table sets out the portfolio holders and the broad scope of each portfolio. It also identifies those plans and strategies that fall within the scope of each portfolio.

Individual portfolio holders will all be responsible for the following types of decision in relation to functions and service areas within the scope of their own portfolio.

Portfolio holders retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.

PORTFOLIO HOLDER	RESPONSIBILITY
All Portfolio Holders	<ol style="list-style-type: none"> 1. Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact. 2. Approval of departmental service plans. 3. Strategic service level financial and performance monitoring. 4. All executive member input to the contracting process which is not reserved to the Cabinet. 5. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply. 6. Consideration of departmental staffing proposals when permanent funding from non-staffing budgets is required.

PORTFOLIO HOLDER	RESPONSIBILITY
All Portfolio Holders (cont'd)	<ol style="list-style-type: none"> <li data-bbox="847 331 1444 443">7. Consideration of any departmental proposals requiring compulsory redundancy of one or more staff. <li data-bbox="847 481 1444 705">8. Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the Cabinet or as part of the financial and policy framework. <li data-bbox="847 743 1444 929">9. Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council. <li data-bbox="847 967 1444 1057">10. Improvement plans and other key reports. <li data-bbox="847 1095 1444 1207">11. District Audit and other inspection reports on service and non-strategic corporate matters. <li data-bbox="847 1245 1444 1312">12. Compensation payments above limit delegated to officers. <li data-bbox="847 1350 1444 1462">13. Allocations, scheme designs and specifications within agreed programmes of works. <li data-bbox="847 1500 1444 1601">14. Policies, plans and strategies which are not part of the financial and policy framework.

PORTFOLIO HOLDER	RESPONSIBILITY
<p>The Mayor</p>	<ol style="list-style-type: none"> 1. Functions of Cabinet, Cabinet Committees and Portfolio Holders where they have been unable to act under Executive Procedure Rule 3(iii) and where no appropriate arrangements are in place for cover, for example through the attendance of the Mayor or through temporary amendments to the delegation scheme. 2. Executive Functions where they have not been delegated within the executive delegation scheme and do not involve a key decision.

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>1. Community Safety and Housing</p> <p>Stuart Drummond</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Community Strategy - Crime & Disorder Reduction Strategy - Development Plan - Housing Strategy • Other Plans & Strategies <ul style="list-style-type: none"> - Annual Drugs Treatment Plan - Cleveland Emergency Planning Unit Annual Plan - Community cohesion policy and strategy - Empty Homes Strategy - Fuel Poverty Strategy - Hartlepool Incident Response Plan - Trading Standards Service Delivery Plan • Service Areas & Functions <ul style="list-style-type: none"> - Asylum Seekers - Building Control - Child Poverty ** - Community Safety, including prevention and enforcement of anti-social behaviour - Conservation and Ecology - Development Control - Design Champion - Drugs - Emergency Planning - Historic Environment Champion - Housing Market Renewal - Housing Services (Public & Private) - Integrated Regional Strategy * - Local Area Agreement - Local Strategic Partnership - Multi Area Agreements * - Planning Policy - Sustainability Champion - Sustainable Development - Tall ships - Tees Valley Partnership Issues - Trading Standards - Voluntary Sector Compact and Strategy

* shared with Regeneration and Economic Development

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>2. Transport and Neighbourhoods</p> <p>Peter Jackson</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Local Transport Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Contaminated Land Plan - Climate Change Strategy - Headland Coast Protection Strategy Study - Highway Asset Management Plan - Highway Maintenance Plan - Highway Network Management Plan - Neighbourhood Management & Empowerment Strategy - Neighbourhood Action Plans - Network Management Plan - Rights of way Improvement Plan - Shoreline Management Plan - Waste Management Strategy - Winter Maintenance Plan • Service Areas & Functions <ul style="list-style-type: none"> - Building Services - Child Poverty ** - Coastal Protection - Contaminated Land - Climate Change - Environmental Enforcement - Environmental Initiatives - Facilities Management e.g. building maintenance and cleaning - Grounds Maintenance - Highways - Horticulture - Land drainage - Neighbourhood Management - Neighbourhood Renewal - Pride in Hartlepool - Property Maintenance - Public Conveniences - Transport Services and Fleet (Vehicle Procurement and Maintenance) - Rights of Way - Strategic Transport - Traffic and Transportation - Waste Management

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>3. Regeneration and Economic Development</p> <p>Pam Hargreaves</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Economic Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Apprenticeships - Business Support and Tourism - Child Poverty ** - Economic Assessments - Enterprise Development - Employability and Training - Integrated Regional Strategy * - Multi Area Agreements * - Regeneration Policy - Regeneration Programmes - Regional Economic Strategy - Regional and Sub Regional Engagement Boards - Training - Town Centre Partnership / Steering Group - Town wide regeneration and Major Projects - Urban Regeneration Company Issues - Worklessness

* shared with Community Safety and Housing

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>4. Culture, Leisure and Tourism</p> <p>Hilary Thompson</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Allotment Strategy - Archaeology Forward Plan - Arts & Museums Forward Plan - Arts Strategy - Library Plan - Local Cultural Strategy - Park Management Plans - Play Facilities Strategy - Playing Pitch Strategy - Sport and Recreation Strategy - Swim Development Strategy - Tourism Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Allotments - Archaeological Service - Child Poverty ** - Community Buildings - Community Grants Pool - Cultural Services (Arts, Museums and Events) - Foreshore Services and Beach Lifeguards - Libraries and Information - Libraries Stock Management Plan - Outdoor Play Facilities - Parks and Countryside - Sports and Recreation - Tourism

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>5. Children's Services</p> <p>Cath Hill</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Children and Young People's Plan - Youth Justice Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Departmental and Divisional Plans - Children's Centres and Extended Schools Strategy - Children's Fund Plan (expires 2008) - Child Poverty Strategy - Education Asset Management - SEN and Disability Action Plan • Service Areas & Functions <ul style="list-style-type: none"> - 14-19 development - Access to Education - Admissions Policy - Carlton Outdoor Education Centre - Child and Adolescent Mental Health Services - Children's Fund - Children's Trust and commissioning development. - Children's Workforce Development - Child Poverty ** - Commissioning of statutory and discretionary social care services for vulnerable children, including children in need, children with disabilities, looked after children and child protection - Connexions - Directly provided social care services (children) - Early Years provision - Education policy and planning - Extended Schools and Children's Centres - Information sharing and assessment - Local Safeguarding Children Board - Looked After Children - Play and out of hours care - Raising educational achievement - School governance - Schools Transformation - School transport - Special Educational Needs - Youth Offending - Youth Service

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>6. Adult and Public Health Services</p> <p>Gerard Hall</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Commissioning Strategies for Vulnerable People - Food Law Enforcement Service Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Adult Learning Plan - Annual Training Plan - Disability Strategy - Health & Safety Services Plan - Mental Health Strategy - Older Persons Strategy - Older Persons Mental Health Strategy - Public Health Strategy - Supporting People Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Bereavement Services - Child Poverty ** - Commissioning of Statutory and Discretionary Social Care Services for Vulnerable Adults, i.e. <ul style="list-style-type: none"> ➢ Older People ➢ People with Learning Disabilities ➢ People with Mental Health Problems ➢ People with Physical Disabilities ➢ People with Sensory Loss - Co-ordination and development of public health response - Directly Provided Social Care Services (Adults) - Environmental Health - Lifelong Learning and Support - Older Persons Champion - Open Market - Protection and Vulnerable Adults - Service Development / integration with Partners - Supporting People

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>7. Deputy Mayor, Finance and Procurement</p> <p>Robbie Payne</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Annual Capital Budget - Annual Revenue Budget • Other Plans & Strategies <ul style="list-style-type: none"> - Accommodation Strategy - Asset Management Plan - Capital Strategy - Commissioning and Procurement Strategy - Debt Recovery Strategy - Efficiency Strategy - Insurance Strategy - Treasury Management Strategy - Whistleblowing Policy • Service Areas & Functions <ul style="list-style-type: none"> - Capital Programme - Centralised Property Management - Child Poverty ** - Council Operational Depots - Consultancy Services - Efficiency Champion - Energy Management - Financial Services - Land and Property Acquisition and Disposal - Legal Services - Printing and Reprographics - Procurement Champion - Regional Procurement Strategy - Registration and Electoral Services - Services for Members - Standards and Ethics - Stores and Purchasing - Strategic Asset Management Planning - Sustainable Construction - Sustainable Procurement Champion - The Leased Estate

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>8. Performance</p> <p>Jonathan Brash</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Corporate Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Anti Fraud and Corruption Strategy - Corporate Equality and Diversity Plan - Customer Care Strategy - Equality and Diversity Scheme - HR Strategy - ICT Strategy - People Framework (incl HR & Workforce Development Strategies) - Risk Management Strategy - Workforce Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Business Transformation - Benefits - Child Poverty ** - Comprehensive Area Assessment - Corporate Strategy - Council Profile - Customer Services (CRM, Contact Centre) - Democratic Services - E-Champion - Equality and Diversity - Equality and Diversity Champion - General Office Services - Health & Safety - Human Resources - ICT - Performance Management including consultation and data quality - Public Relations - Registrars - Revenues - Risk Management Champion - Shared Services - Staff and Member Development (incl council apprenticeships)

** all portfolios – Lead Children's Services

5. General Responsibilities of Executive Councillors

5.1 The Mayor

The role and functions of the Mayor are set out in full in Article 7 of the constitution. In addition to a specific portfolio, the Mayor's responsibilities will include:

Being the local authority's principal public spokesperson.
Giving overall policy direction to the Council.
Appointing the executive and Deputy Mayor.
Deciding on a scheme of delegation for executive functions and any variations necessary during planned absences of the Mayor.
Chairing meetings of the executive.
Representing the local authority on external bodies and attending civic and ceremonial functions in accordance with the terms of the constitution.

If the Mayor is unable to act or the office is vacant, at the same time as the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, then the executive must act in the Mayor's place, or arrange for a member of the executive to do so.

5.2 The Deputy Mayor

The Deputy Mayor will act in place of the Elected Mayor if he or she:

Vacates office.

Is Incapacitated.

Is absent for a sufficiently long period that the Chief Executive judges decision making may not be postponed.

During unplanned absences where decisions may not reasonably be postponed until the Mayor's return, the Deputy Mayor will exercise all of the Mayor's powers necessary to ensure the smooth running of the Council.

The Deputy Mayor is Councillor Robbie Payne.

5.3 All Executive Portfolio Holders

Each executive portfolio holder will undertake the following responsibilities in relation to the service areas and functions falling within their portfolio.

Act as principal spokesperson on portfolio issues.

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To appoint among those Executive Portfolio Holders present a Chair at a meeting of the Executive, when the Mayor and Deputy Mayor are absent or otherwise unable to act.

Liaise with officers in the development of budget and policy framework proposals and other policy matters.

Undertake relevant responsibilities at Council meetings – including during public question time.

Act as the Council's representative on outside bodies (where relevant)

Attend scrutiny and neighbourhood consultative forums as required.

Monitor performance.

Participate in reviews undertaken by the Authority.

Agree responses to government and other consultation.

Take specific decisions as authorised in the executive delegation scheme.

6 Decision Making by Committees of the Cabinet

Grants Committee	
Membership:	<p>3</p> <p>The following executive portfolio holders:</p> <ul style="list-style-type: none"> • Community Safety and Housing - The Mayor, Stuart Drummond (Chair) • Culture, Leisure and Tourism – Councillor H Thompson • Finance and Performance – Councillor R Payne
Quorum :	2
RESPONSIBILITIES	
<p>Allocation of grants of over £500 from the following funds:</p> <ul style="list-style-type: none"> • Community grants pool • Community safety capital grants • Grants for play schemes and play development • Directed lettings • Voluntary sector youth centre support • Youth advisory grants <p>All civic lottery grants and the financial management arrangements of the existing scheme</p> <p>The sponsorship of new grant-aiding schemes, related to community services functions funded by external regimes.</p>	

Hartlepool United Executive Committee	
Membership:	<p>4</p> <p>The following executive portfolio holders:</p> <ul style="list-style-type: none"> • Finance and Procurement - Councillor R Payne (Chair) • Culture, Leisure and Tourism – Councillor H Thompson • Regeneration and Economic Development – Councillor Hargreaves • Transport and Neighbourhoods – Councillor Jackson
Quorum :	3
RESPONSIBILITIES	
<p>To exercise all the functions of the executive in relation to a request by the Hartlepool United Football Club to purchase their ground, Victoria Park and adjacent land from the Council. – Council 15.9.05</p>	

7 Decision Making by Individual Councillors who are Executive Portfolio Holders

Individual portfolio holders will all be responsible for the following types of decision in relation to functions and service areas within the scope of their own portfolio.

Portfolio holders retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.

PORTFOLIO HOLDER	RESPONSIBILITY
Executive Member for Finance and Procurement	<ol style="list-style-type: none"> 1. Writing-off of debts above the limits allocated to officers 2. Sales of Council land (other than housing land) within the framework agreed by Council, which are not key decisions.
Executive Member for Performance	Additional payments (eg. honoraria) to postholders appointed by members which have been proposed by the Chief Customer and Workforce Services Officer.
Executive Member for Community Safety and Housing	Approval of recommendations for minor work schemes proposed by neighbourhood consultative forums.
Executive Member for Transport and Neighbourhoods	Approval of grants awarded by Pride in Hartlepool.
Executive Member for Children's Services	<ol style="list-style-type: none"> 1. Ensuring that the relevant functions of the Local Education Authority are exercised to promote high standards in schools. 2. The appointment of school governors in cases where the power of appointment rests with the Local Education Authority and

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	following advice from the General Purposes Committee.
Executive Member for Adult and Public Health Services	1. Matters related to the exercise of accountability or statutory responsibilities in respect of integrated service delivery.

8 Decision Making by Joint Bodies

The following joint bodies will exercise executive functions in accordance with the terms of the agreements currently in operation:

- Tees Valley Unlimited
- The North East Purchasing Organisation
- Archives Joint Committee
- Cleveland Emergency Planning Committee

9 Decision Making by Officers – Statutory Framework and Basic Principles

- 9.1.** Statutory guidance requires that in councils operating executive arrangements, the executive should continue to delegate operational management decisions to officers, as well as decisions in respect of functions which require professional officer training and skills. It also recommends that where decisions are currently delegated, those delegations should continue. The officer delegation arrangements in this constitution reflect these principles and all matters previously delegated to officers prior to the introduction of the constitution remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relates to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

Functions other than those listed in paragraphs 2 to 7 above are delegated to the officers listed in the appended table or their authorised representatives.

Officers will at all times operate in accordance with policies and procedures approved by Members and within the Council's policy and financial framework. They will also exercise the powers and observe the requirements contained in the Council's financial procedure rules, contract procedure rules and officer employment

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rules, together with any other relevant provisions of the Council's constitution.

9.2 Responsibilities to be exercised by all officers listed in Appendix 1 and their authorised representatives

Working within the basic principles set out in the introductory section, the Council's **Corporate Management Team** and their authorised representatives may take decisions and initiate action falling within their managerial or professional responsibilities in the following categories;

1. Any matters within the terms of existing personnel and staff policies, practices and procedures.
2. Negotiation and agreement with trade unions on departmental matters, jointly with the **Chief Customer and Workforce Services Officer** where appropriate.
3. The engagement of temporary staff or assistance where necessary, in consultation with the Chief Customer and Workforce Services Officer.
4. Development of, and recruitment to, staffing structures within approved staffing budgets and in line with service priorities, with the agreement of the Chief Executive Officer and Chief Finance Officer, where the circumstances are not of the categories reserved to members.
5. Authorisation of paid secondary employment or any additional payments for posts other than those appointed to by members, with the agreement of the Chief Customer and Workforce Services Officer and the Chief Finance Officer.
6. The initiation and conduct of any legal action or proceedings, in consultation with the Chief Solicitor where appropriate.
7. The exercise of the Council's powers or the discharge of its duties under any relevant legislative provisions.
8. The exercise of any powers, duties or responsibilities allocated under legislation or statutory guidance to the postholder.
9. Signing, negotiating, or otherwise acting as the Council's representative, as necessary to implement a decision, or in connection with the day to day management of Council business, subject to the financing and legal implications being approved by the Chief Finance Officer/Chief Solicitor.

10. Approval or otherwise of any function or activities to be held in Council premises, or on Council land or which otherwise requires the Council's agreement, following consultation with relevant colleagues.
11. Discretion to waive charges in appropriate circumstances.
12. Submission of bids for funding where urgent action is required.
13. Allocation of grants or financial support/compensation within thresholds or on Terms, approved by members.
14. The necessary temporary closure of facilities or buildings, including bank holiday closures.
15. Any action required as a consequence of emergency incidents.
16. Any decision provided for within the terms of a policy, procedure or scheme previously approved by the Council or under delegated authority.
17. Any action necessary to implement a strategy, policy, plan or programme agreed or delegated by members.

In exercising their delegated powers, Chief Officers will

- (i) act within the law, the Council's Constitution and follow the Council's policy framework including the approved budget.
- (ii) consult the relevant portfolio holder (in relation to executive matters only) and/or the Chairman of the relevant Committee (in relation to non-executive matters) prior to taking action where:-
 - a) the taking of the action has policy or significant financial implications or
 - b) where the portfolio holder or chairman has given a prior indication that he/she wishes to be consulted on the matter or type of matter.
- (iii) consult any other appropriate Chief Officer
- (iv) keep a formal record of the exercise of the delegated power and of the consultation undertaken.
- (v) make the record available on request to
 - a) The public, provided this does not involve the release of confidential or exempt information.

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- b) Any member of the council provided this does not involve the release of confidential or exempt information to which the member is not entitled.

Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972.

- i) to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100D(5)(a) of the Act);

- ii) to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100D(1)(a) and (B));

Part 3 – Responsibility for Functions

(Such delegation related to the Chief Officer(s) in whose name(s) the report is prepared).

Chief Officers may authorise any other officers of the Council to exercise powers delegated to them. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any action or decisions taken under that authority.

For the avoidance of doubt, any delegation made by Chief Officers and any authorisation to officers shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by such further delegation or authorisation.

In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer those delegated powers may be exercised by the relevant Heads of Service(s) within that Department so far as permitted by law.

Where this Constitution permits the exercise of delegated powers by Heads of Service such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.

10 Individual Director/Chief Officer Delegation

All officers listed in appendix 1 may exercise such delegations from the general list which apply to the functions and services for which they are responsible. A summary of how responsibility for functions and services is allocated within the Council's officer management structure is given in Part 8 of the constitution. Delegations should be exercised following consultation with other directors/chief officers where they have a relevant interest.

The following section identifies additional delegated responsibilities which are exercisable by named officers or their representatives. Some of the matters listed are covered by the general delegations above, but have been included separately where this provides additional clarity.

Chief Executive

1. Determination of attendance by councillors at non-local events either not included in the approved list of conferences, seminars and meetings, or where the member is not specified on the approved list, together with any reasonable associated costs.
2. Determination of attendance of directors at events not on the approved list of conferences, seminars and meetings.
3. Determination of the filling or otherwise of vacant posts that occur within existing staffing establishments.
4. Determination of any requests in connection with the use of office accommodation within any Council establishments, together with matters relating to bank holiday and other closures of the Civic Centre and other administrative buildings.
5. Determination of all matters relevant to the discharge of the Council's civic and ceremonial functions, including the replacement of civic vehicles, and the provision of appropriate hospitality, which may be necessary to facilitate the efficient discharge of the Council's functions in this area, in line with the policies on civic and ceremonial issues approved by councillors.
6. Determination of when the efficient operation of the Council requires the Deputy Mayor to exercise the powers of the Mayor in the Mayor's absence.
7. To exercise any function which is delegated to a designated Chief Officer.
8. Exercise the powers to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to respond to Police consultation in respect of closure notices.

APPENDIX 1**Chief Customer and Workforce Services Officer**

1. Determination, and where necessary adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases.
2. Power to consult, negotiate and reach agreements with the trade unions on corporate staffing/employment matters within the overall policy and financial framework determined by members, and in consultation with directors/chief officers as appropriate.
3. To administer and grant Housing and Council Tax Benefit under the Social Security, Contributions and Benefits Act 1992 and the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
4. To grant Discretionary Housing Payments to Housing and Council Tax Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
5. To receive and record declarations of hospitality received from officers.

Assistant Chief Executive

1. To exercise all of the powers of the Chief Executive under the Constitution, in the absence of the Chief Executive.

Chief Solicitor

1. Power to seek counsel's opinion on any matter affecting the Council's affairs and instruct counsel as necessary in the Council's interests.
2. Power to institute, withdraw from, compromise or participate in any legal proceedings involving the Council.
3. Power to take any legal action necessary to give effect to a decision of the Council.
4. ~~To receive and record declarations of hospitality received from officers.~~

Chief Finance Officer

APPENDIX 1

1. The arrangement of insurance cover and settling of claims within the framework of the approved Insurance Strategy.
2. To administer the billing and collection of Community Charge Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992.
3. To administer and grant Housing and Council Tax Benefit under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
4. To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council.
5. To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council.
6. To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988.
7. To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal.
8. To grant discretionary housing payments to Housing and Council Tax Benefit recipients for housing costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
9. To take Court proceedings for the recovery of Community Charge, Council Tax and Non-Domestic Rate.
10. To write off irrecoverable Community Charge, Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect.
11. To manage the borrowing, financing and investment requirements of the Council in accordance with approved council policy.
12. To make all necessary banking arrangements on behalf of the Council.

Director of Child and Adult Services

APPENDIX 1

1. Exercise responsibilities and duties in order to promote and safeguard the interests and well being of children and adults, for whom the local Authority has a social services function.
2. Exercise the authority to handle financial affairs on behalf of vulnerable adults, including to accept and enact duties through the Court of Protection.
3. Exercise the authority to institute legal proceedings and action in relation to vulnerable adults and to accept on behalf of the local Authority, Court and other legal orders, in relation to those vulnerable adults including the power to authorise the deprivation of liberty of persons under the Mental Capacity Act 2005.
4. Agree care packages, service responses and expenditure for care and accommodation of individuals for whom the Council has a social services function and to do so within the Council's eligibility criteria and exceptionally outside of eligibility criteria where necessary on the grounds of urgency, vulnerability or legal directive.
5. Determine contracts and arrangements for social care services in accordance with the commissioning strategy and approved contract process and in relation to independent sector providers, with other local Authorities and with health bodies.
6. Establish and operate registers of need, condition or service.
7. Exercise duties as Responsible Individual and matters relating to registration and operation of social care services.
8. Determine and implement any response necessary to meet the needs of young people in the youth justice system as required by the courts or the national standards for the Youth Offending Service.
9. Exercise responsibilities and duties in order to protect and safeguard the interest and well being of children for whom the local authority has a social services function.
10. Exercise responsibilities and duties conferred as or exercisable by the local authority in their capacity as local education authority.
11. Determine:
 - Whether to make an assessment of a child's educational needs.

- Whether to make a statement of special educational needs after such an assessment.
 - The manner in which the authority proposes to provide for those needs.
 - Any payment or reimbursement of travelling costs incurred by a pupil with SEN or the parents of such a pupil in relation to the attendance of the child at school, visits of the parent to the school and weekend visits to the home by the pupil.
12. Exercise the powers of the Council as Local Education Authority under the Schools Standards and Framework Act 1998 and any steps required under direction issued by the Secretary of State for Education.
13. To make arrangements to promote co-operation between the Council and its partner authorities and other persons or bodies to reduce and mitigate the effects of child poverty in the Council's area under Section 21 of the Child Poverty Act 2010.
14. Exercise responsibilities and duties in order to protect and safeguard the interest and well being of children for whom the local authority has a social services function.
15. Exercise responsibilities and duties conferred as or exercisable by the local authority in their capacity as local education authority.
16. Approve grants and awards to pupils and students in further or higher education in accordance with nationally or locally agreed schemes or provisions, or as a special case outside such provisions, in either case in accordance with regulations and advice issued by the Secretary of State for Education.
17. Determine:
- Whether to make an assessment of a child's educational needs.
 - Whether to make a statement of special educational needs after such an assessment.
 - The manner in which the authority proposes to provide for those needs.
 - Any payment or reimbursement of travelling costs incurred by a pupil with SEN or the parents of such a pupil in

relation to the attendance of the child at school, visits of the parent to the school and weekend visits to the home by the pupil.

18. Exercise the powers of the Council as Local Education Authority under the Schools Standards and Framework Act 1998 and any steps required under direction issued by the Secretary of State for Education and Skills.

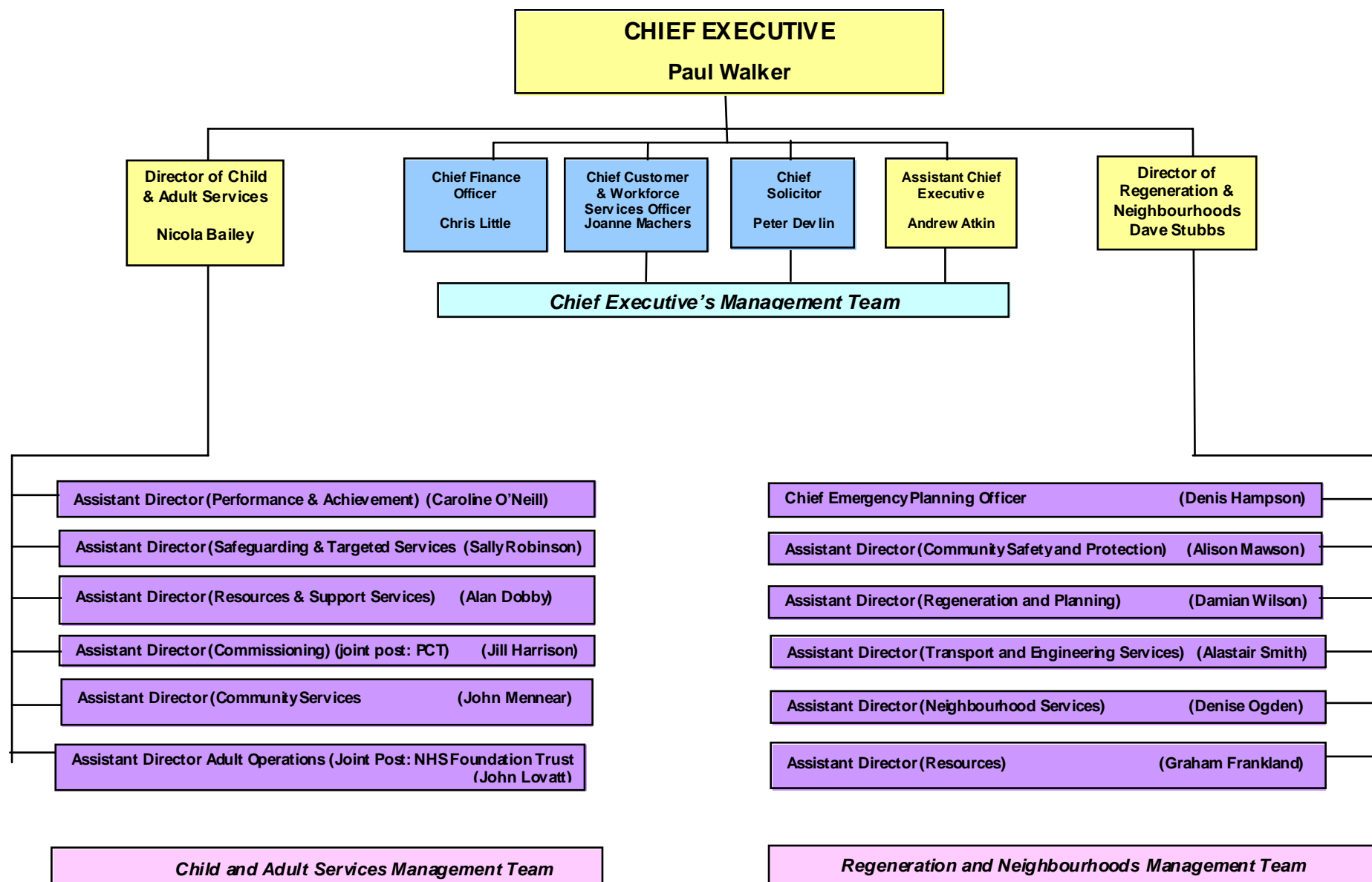
Director of Regeneration and Neighbourhood Services

1. Determine and implement a joint waste strategy developed by the constituent authorities.
2. To manage, operate and develop regeneration policies and activities.
3. To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2000 and related legislation.
4. To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
5. To determine all forms of planning and other applications under Part III of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation except those reserved to the Planning Committee.
6. To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
7. To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.
8. To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
9. To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

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10. Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998.
11. Power to apply for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 in consultation with Cleveland Police and to respond to consultation with social landlords.
12. To consent/respond to Police consultation in respect of designation of areas for dispersal of groups under the Anti-Social Behaviour Act 2003.
13. Exercise responsibilities in consultation with the Chief Solicitor in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.

EXECUTIVE DELEGATION SCHEME – OFFICERS



D PROPER OFFICER FUNCTIONS

- 1 The Chief Executive is hereby appointed the Proper Officer in relation to any reference to any enactment other than the Local Government Act 1972, or in any instrument made before the 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough, which by virtue of any provision in the said Act, is to be construed as a reference to the Proper Officer of the Council.

- 2 The Chief Executive is hereby designated as Head of the Paid Service.

- 3 The Chief Executive is hereby appointed the Proper Officer under Section 6(3) of the Sheriffs Act, 1887.

- | 4 The **Chief Finance Officer** is hereby appointed the Proper Officer in relation to any reference in any enactments or Instruments to a Borough Treasurer or Treasurer which by any such provision is to be construed as a reference to the Proper Officer of the Council.

- 5 The Chief Solicitor is hereby appointed Monitoring Officer under the Local Government and Housing Act, 1989.

- 6 The Chief Solicitor is hereby appointed the Proper Officer for the purposes of the Commons Registration Act 1965.

- 7 The Chief Solicitor is hereby appointed the Returning Officer and the Electoral Registration Officer under S.35 and S.8 respectively of the Representation of the People Act 1983.

- 8 The Chief Solicitor is hereby appointed the proper officer for the taking of an election candidate's declaration of expenses pursuant to S.82 Representation of the People Act 1983.

- | 9 The **Chief Customer and Workforce Services Officer** is hereby appointed Proper Officer under the Local Government and Housing Act 1989 as amended in respect of politically restricted posts.

- 10 The Chief Solicitor is hereby appointed Proper Officer under the Local Government (Miscellaneous Provisions) Act 1976 s. 41(2A) for the purposes of certification of records of decisions of the executive.

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- 11 The Assistant Chief Executive is hereby appointed Proper Officer under the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments) Order 2001 for the purposes of the recording of declarations of prejudicial interests of executive members.
- 12 The Chief Solicitor is hereby appointed Proper Officer under the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000 for the purposes of determination of confidential and exempt information relating to reports to and records of decisions of the executive.
- 13 The Chief Executive is hereby appointed Proper Officer under the Local Elections (Declaration of Acceptance of Office) Order 2001 for the purposes of receipt of declaration of office of members.
- 14 The Chief Customer and Workforce Services Officer is hereby appointed Proper Officer for the purposes of Registration Services Act 1953 as amended.
- 15 The Director of Child and Adult Services is hereby appointed Proper Officer under Section 532 of the Education Act 1996.
- 16 The Director of Regeneration and Neighbourhoods is hereby appointed the Proper Officer under Section 606 of the Housing Act 1985.
- 17 The Director of Child and Adult Services is hereby appointed Proper Officer under Section 6 of the Local Authority Social Services Act 1970 (as amended).
- 18 The Assistant Director (Transportation and Engineering Services) is hereby appointed Proper Officer in relation to any reference in any enactments or Instruments referred to in any resolution of the Council to a Borough Engineer, Borough Surveyor, Surveyor or Head of Engineering and Waste Management which by any provision in the Local Government Act, 1972, is to be construed as a reference to the Proper Officer of the Council.
- 19 The Assistant Director (Community Safety and Protection) and Director of Regeneration and Neighbourhoods are hereby appointed the Proper Officers in relation to any reference in any enactments or Instruments to a Sanitary Inspector or Public Health Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council
- 20 The person appointed by the Health Protection Agency North East as a Consultant in Communicable Disease/Consultant in Health Protection/Regional Epidemiologist/Unit Director is hereby appointed to act as Proper Officer for the Council for the purposes of functions

APPENDIX 1

under the Public Health (Control of Disease) Act 1984 (as amended) and in relation to any reference in any enactments or instruments made thereunder.

21 The Assistant Chief Executive is hereby appointed Proper Officer to receive notices under the Local government (Committees and Political Groups) Regulations 1990.

22 The Chief Customer and Workforce Services Officer is hereby appointed Proper Officer to undertake the Council's duties under the Civil Partnership Act 2004.

23 The Director of Child and Adult Services as the Proper Officer under Section 18 of the Children Act 2004.

24 The Director of Child and Adult Services is hereby appointed the Proper Officer for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

25 The Scrutiny Manager is hereby designated as Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

26 In respect of the sections of the Local Government Act 1972 set out in the first column hereunder the Officer of the Council referred to in the second column shall be the Proper Officer with regard to the function referred to in the third column, that is to say:-

Section of Act	Proper Officer	Functions
13(3)	Chief Executive	Parish Trustee
83(1) to (4)	Chief Executive	Witness and receipt of declarations of acceptance of office.
84	Chief Executive	Receipt of declaration of resignation of office.
88(2)	Chief Executive	Convening of meeting of Council to fill casual vacancy in the Office of Chairman.
89(1)(b)	Chief Executive	Receipt of notice of casual vacancy from 2 local government electors
100B - 100F	Chief Solicitor	Functions with respect to exempt information

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115(2)	Chief Finance Officer	Receipt of money due from officers
117	Chief Executive	Keeping record of particulars of any notice given by an officer as to a pecuniary interest in any contract or proposed contract.
146(1)(a) & (b)	Chief Finance Officer	Declarations and certificates with regard to securities.
191	Assistant Director (Transportation and Engineering Services)	Functions with respect to ordnance survey
210(6) & (b)	Chief Executive	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office, to Proper Officers
212(1) and (2)	Chief Solicitor	Proper Officer to act as local registrar for Land Charges Act 1972 and 1975
225(1)	Assistant Chief Executive	Deposit of Documents
229(5)	Chief Solicitor	Certification of photographic copies of documents
234(1) and (2)	Chief Executive	Authentication of documents
236(9)	Chief Solicitor	To send copies of bye-laws for Parish Records.
238	Chief Solicitor	Certification of bye-law s
248	Chief Solicitor	Keeping of roll of Freemen
Schedule 12 Para. 4(2)(b)	Chief Executive	Signature of summonses to council meetings
Para. 4(3)	Chief Executive	Receipt of notices regarding address to which summons to meetings is to be sent
Para. 25(7)	Chief Solicitor	Certification of resolutions under para. 25 of Schedule 14

APPENDIX 1

Schedule 16

Para. 28

Chief Solicitor

Receipt on deposit of lists of protected buildings (section 54(4) of the Town and Country Planning Act 1971)

For the purpose of exercising any of the functions for which the Officer of the Council named in the first column hereunder is appointed Proper Officer whenever that Officer is unable to perform such functions, the officer of the Council named in the second column hereunder shall be appointed Deputy to the Proper Officer in respect of these functions, that is to say:-

Proper Officer**Deputy Proper Officer**

Chief Executive	Assistant Chief Executive
Chief Solicitor	Chief Executive
Assistant Chief Executive	Chief Solicitor
Chief Customer and Workforce Services Officer	Chief Solicitor
Chief Finance Officer	Assistant Chief Finance Officer
Assistant Director (Transportation and Engineering)	Director of Regeneration and Neighbourhoods
Assistant Director (Community Safety and Protection)	Director of Regeneration and Neighbourhoods
Director of Regeneration and Neighbourhoods	Assistant Director (Transportation and Engineering) or Assistant Director (Community Safety and Protection) (as appropriate)

POWER TO ACT GENERALLY

1. The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
2. Any power delegated to a Chief Officer may be delegated by him/her to an Officer with his/her Department provided that the same is permitted by law.
3. Chief Officers shall see the power to act generally to undertake the enforcement of all legislation as detailed in Appendix 2, relating to the Council's powers, duties and functions, including the issuing of

certificates, licences, notices, consents and orders including the authorisation of registration and the maintenance of such registers and lists relating thereto.

APPENDIX 2

POWER TO ACT GENERALLY

Abandonment of Animals Act 1960

Access to Neighbouring Land Act 1992

Accommodation Agencies Act 1953

Acquisition of Land Act 1981

Administration of Justice Act 1970

Adoption Act 1976

Adoption and Children Act 2002

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Acts 1968, 1972, 1976

Agriculture Produce (Grading & Marking) Act 1931

Airports Act 1986

Animal Act 1971

Animal Boarding Establishments 1963

Animal Health Act 1981

Animal Health and Welfare Act 1984

Animal Welfare Act 2006

Animals Cruel Poisons Act 1962

Anti-Social Behaviour Act 2003

Apprenticeships , Skills, Children and Learning Act 2009

Asylum and Immigration Act 2004

Audit Commission Act 1998

Banking Act 1987

Breeding of Dogs Acts 1973, 1991

Bribery Act 2010

Building Act 1984

Building Regulations Act 1991

Business Names Act 1985

Caravan Sites and Control of Development Act 1960

Care Standards Act 2000

Caravan Sites Act 1968

Charities Act 1993

Charities Act 2006

Child Support Act 1991
Child Support Pensions and Social Security Act 2000
Child Trust Funds Act 2004
Children Act 1989
Children Act 2004
Child Care Act 1980
Child Poverty Act 2010
Childcare Act 2006
Children and Adoption Act 2006
Children (Leaving Care) Act 2000
Children, Schools and Families Act 2010
Children and Young Persons Act 1933
Children and Young Persons Act 2008
Children and Young Persons (Protection from Tobacco) Act 1992
Charities Act 1992
Christmas Day (Trading) Act 2004
Chronically Sick and Disabled Persons Act 1970
Cinemas Act 1985
Civil Contingencies Act 2004
Civil Partnership Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Cleveland County Act 1986
Climate Change and Sustainable Energy Act 2006
Commonhold and Leasehold Reform Act 2002
Commons Act 2006
Companies Act 1985
Companies Act 1989
Companies Act 2006
Competition Act 1998
Concessionary Bus Travel Act 2007
Consumer Credit Act 1974
Control of Dogs Order 1992
Control of Pollution Act 1974 and 1976
Copyright, Designs and Patents Act 1988
Coroners and Justice Act 2009

Courts Act 2003
 Criminal Damage Act 1971
 Criminal Justice Act 2003
 Criminal Procedure and Investigations Act 1996
 Climate Change Act 2008
 Consumer Protection Act 1987
 Contract (Rights of Third Parties) Act 1999
 Copyright Design and Patents Act 1988
 Corporate Manslaughter and Corporate Homicide Act 2007
 County of Cleveland Act 1987
 Courts and Legal Services Act 1990
 Crime and Disorder Act 1998
 Criminal Damage Act 1971
 Criminal Justice Act 1991
 Criminal Justice and Immigration act 2008
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Act 1994
 Criminal Law Act 1977
 Criminal Procedure and Investigations Act 1996
 Council Tax (New Valuation Lists for England) Act 2006
 Countryside and Rights of Way Act 2000
 Customs and Excise Management Act 1979
 Cycle Tracks Act 1984

 Dangerous Dogs Acts 1989 and 1991
 Dangerous Wild Animals Act 1976
 Data Protection Act 1998
 Defective Premises Act 1972
 Defamation Act 1996
 Deregulation and Contracting Out Act 1994
 Development of Tourism Act 1969
 Disability Discrimination Acts 1995 and 2005
 Disabled Persons (Services, Consultation and Representation) Act 1986
 Disability Rights commission (DRC) Act 1999
 Dogs Act 1871
 Dogs Act 1906

Dogs (Fouling of Land) Act 1996

Dogs Protection of Livestock Act 1953

Domestic Violence, Crime and Victims Act 2004

Education Act 1962

Education Act 1973

Education Act 1996

Education Act 1997

Education Act 2002

Education and Skills Act 2008

Education and Inspections Act 2006

Education Reform Act 1988

Elections Act 2001

Electoral Administration Act 2006

Electronic Communications Act 2000

Employment Acts 1982 – 2002

Employment Act 2008

Employment Equality Act 1998

Employment Protection (Consolidation) Act 1978

Employment Relations Act 1999

Employment Rights act 1996

Employment Rights (Dispute Resolution) Act 1998

Employment Tribunals Act 1996

Environment Act 1995

Environmental Protection Act 1990

Energy Act 1976

Energy Act 2008

Energy Conservation Act 1981

Energy Conservation Act 1996

Equal Pay Act 1970 (as amended)

Equality Acts 2004, 2006 and 2010

Estates agents Act 1979

European Communities Act 1972

Explosive (Age of Purchase) Act 1976

Explosives Act 1875

Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1985
Fire Precautions Act 1971
Fire Safety and Safety of Place of Sport Act 1987
Flood and Water Management Act 2010
Food Act 1984
Food Safety Act 1990
Food and Environmental Protection Act 1985
Forgery and Counterfeiting Act 1981
Foreign Traffic (Foreign Vehicles) Act 1972
Fraud Act 2006
Freedom of Information Act 2000

Gambling Act 2005
Game Acts 1831 – 1860
Gender Recognition Act 2004
Guard Dogs Act 1975

Hallmarking Act 1973
Health Act 1999
Health Act 2006
Health and Safety at Work Act Etc 1974
Health and Safety (Offences) Act 2008
Health and Social Care Act 2001
Health and Social Care Act 2008
Health and Social Care (Community Health and Standards) Act 2003
Hire Purchase Act 1973
Highways Act 1980
Highways (Obstruction by Body Corporate) Act 2004
Home Energy Conservation Act 1995
Homelessness Act 2002
Housing Acts 1957 – 1985 as amended
Housing Act 1988
Housing Act 1996
Housing Act 2004

Housing Associations Act 1985
Housing Grants, Construction and Regeneration Act 1996
Housing and Regeneration Act 2008
Human Rights Act 1998
Human Fertilisation and Embryology Act 2008

Immigration and Asylum Act 1999
Immigration, Asylum and Nationality Act 2006
Income and Corporation Taxes Act 1988
Incitement to Religious Hatred Act (1986 Public Order Act)
Independent Living and Human Rights Act 1998
Insurance Brokers (Registration) Act 1977
Insurance Companies Act 1981
Intoxicating Substances (Supply) Act 1985
Jobseekers Act 1995
Justices of the Peace act 1997

Land Drainage Act 1991
Land Registration Act 2002
Landlord and Tenant Act 1954
Landlord and Tenant Act 1985
Landlord and Tenant Act 1987
Landlord and Tenant Act 1988
Late Night Refreshment Houses act 1969
Late Payment of Commercial Debts (Interest) Act 1998
Litter Act 1983
Law of Property Act 1925
Law of Property (Miscellaneous Provisions) act 1989
Learning and Skills Act 2000
Licensing Act 1964
Licensing Act 2003
Licensing (Young Persons) Act 2000
Local Land Charges Act 1975
Lotteries and Amusements Act 1976
Lotteries Act 1993
Local Authorities (Goods and Services) Act 1970

Local Democracy, Economic Development and Construction Act, 2009

Local Government Act 1972

Local Government Act 1974

Local Government Act 1985

Local Government Act 1986

Local Government Act 1987

Local Government Act 1988

Local Government Finance Act 1989

Local Government Act 1992

Local Government Finance Act 1982

Local Government Finance Act 1987

Local Government Finance Act 1988

Local Government Finance Act 1992

Local Government and Housing Act 1989

Local Government, Planning and Land Act 1980

Local (Contracts) Act 1997

Local Government and Rating Act 1997

Local Government Act 1999

Local Government Act 2000

Local Government Act 2003

Local Government (Miscellaneous Provisions) Act 1976 and 1982

Local Government and Public Involvement in Health Act 2007

Local Transport Act 2008

Malicious Communications Act 1988

Marine and Coastal Access Act 2009

Medicines Act 1968

Mental Health Act 2007

Mental Health Act 1983

Mobile Homes Acts 1975 and 1983

Motor Vehicles (Safety equipment for Children) Act 1991

Motor Cycle Noise Act 1987

Mock Auction Act 1961

National Assistance Act 1948

National Assistance Act 1951

National Health Service and Community Care Act 1990
National Health Service Act 1999
National Health Service Act 2006
Nationality, Immigration and Asylum Act 2002
New Roads and Streetworks Act 1991
Nurses Agencies Act 1957
Noise and Statutory Nuisance Act 1993
Noise Act 1996
Occupiers Liability Act 1957
Offices, Shops and Railway Premises Act 1963

Party Wall Etc Act 1996
Performing Animals Acts 1925 and 1968
Personal Care at Home Act 2010
Pet Animals Act 1951
Petroleum (Regulations) Acts 1928 and 1936
Pilotage Act 1987
Poisons Act 1972
Planning and Compensation Act 1991
Planning Act 2008
Planning and Energy Act 2008
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning and Compulsory Purchase Act 2004
Police Act 1996
Police Act 1997
Police and Criminal Evidence Act 1984
Police and Justice Act 2006
Police Reform Act 2002
Political Parties, Elections and Referendums Act 2000
Political Parties and Elections Act 2009
Powers of the Criminal Courts (Sentencing) Act 2000
Prevention of Damage by Pests Acts 1949
Private Places of Entertainment (Licensing) Act 1967
Protection of Animals Act 1911
Prices Acts 1974 and 1975
Private Security Industry Act 2001

Property Misdescriptions Act 1991
 Prosecution of Offences Act 1985
 Protection from Eviction Act 1977
 Protection from Harassment Act 1997
 Public Health Acts 1907, 1936-1961
 Public Health (Control of Disease) Act 1984
 Public Libraries and Museums Act 1964

 Race Relations Act 1976
 Race Relations (Amendment) Act 2000
 Racial and Religious Hatred Act 2006
 Registration of Political Parties Act 1998
 Regulation of Investigatory Powers Act 2000
 Regulatory Enforcement and Sanctions Act 2008
 Representation of the People Act 1983
 Representation of the People Act 1985
 Representation of the People Act 2000
 Rent Act 1977
 Refuse Disposal (Amenity) Act 1978
 Rehabilitation of Offenders Act 1974
 Registered Homes Act 1984
 Riding Establishment Acts 1964 and 1970
 Rights of Way Act 1990
 Road Safety Act 2006
 Road Traffic Acts 1971 and 1988
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Act 1974
 Road Traffic Regulation Act 1984
 Road Traffic Act 1991
 Road Traffic (Consequential Provisions) Act 1988
 Road Traffic Offenders Act 1988

 Safety of Sports Grounds Act 1975
 School Inspection Act 1996
 School Standards and Framework Act 1998
 Scotch Whisky Act 1988

Scrap Metal Dealers Act 1964
 Sea Fisheries Regulation Act 1966
 Sex Discrimination Acts 1975 and 1986
 Slaughter Houses Act 1974
 Slaughter of Poultry Act 1974
 Social Security Act 1986
 Social Security Act 1998
 Social Security Administration Act 1992 (as amended)
 Social Security Contributions and Benefits Act 1992
 Social Security Fraud Act 2001
 Solicitors Act 1974
 Special Educational Needs Act 2008
 Special Educational Needs (Information) Act 2008
 Special Educational Needs and Disability Act 2001
 Statistics and Registration Service Act 2007
 Sunday Trading Act 1994
 Sunday Theatres Act 1972
 Sustainable Communities Act 2007

 Taxes Management Act 1970
 Teaching and Higher Education Act 1998
 Telecommunications Act 1984
 Theatres Act 1968
 Theft Acts 1968 and 1978
 Timeshare Act 1992
 Town and Country Planning Act 1990
 Town Police Clauses Act 1847
 Trade Descriptions Act 1968
 Trade Marks Act 1938
 Trading Representation (Disabled Persons) Acts 1958 and 1972
 Traffic Management Act 2004
 Transport Act 1982
 Transport Act 1985
 Transport Act 2000
 Transport and Works Act 1992
 Trade Marks Act 1994

Tribunals, Courts and Enforcement Act 2007

Trustee Act 2000

Trusts of Land and Appointment of Trustees Act 1996

Unsolicited Goods and Services Act 1971

Unsolicited Goods and Services (Amendment) Act 1975

Vehicle (Excise) Act 1971

Vehicles (Crime) Act 2001

Video Recordings Act 1984

Warm Homes and Energy Conservation Act 2000

Waste and Emissions Trading Act 2003

Water Act 1973

Water Act 1989

Water Industry Act 1991

Weights and Measures Act 1976

Weights and Measures Act 1985

Wildlife and Countryside Act 1981

Welfare Reform Act 2007

Young Persons (Employment) Acts 1938 – 1964

Zoo Licensing Act 1981

Any amending or replacement legislation, or Statutory Instruments, Regulations, Codes of Practice, Byelaws or Orders associated with or made under these enactments.