

CONSTITUTION COMMITTEE AGENDA



Friday 19 November 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 meeting held on 8 October 2010.

4. ITEMS FOR CONSIDERATION

4.1 Review of the Scheme of Delegated Authority – *Chief Solicitor*

4.2 Officer Employment Procedure Rules – *Chief Customer and Workforce Services Officer and Chief Solicitor*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONSTITUTION COMMITTEE

MINUTES

8 OCTOBER 2010

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Carl Richardson (In the Chair)

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

Also Present: Councillor Ray Wells as substitute for Councillor Dr Morris in accordance with Council Procedure Rule 4.2.

Officers: Paul Walker, Chief Executive
Peter Devlin, Chief Solicitor
David Cosgrove, Democratic Services Team

16. Apologies for Absence

Councillors Dr Morris and Preece.

17. Declarations of interest by Members

None.

18. Confirmation of the minutes of the meeting held on 27 August 2010

Confirmed.

A Member sought clarification as to why Members had not been involved in all Assistant Director appointments as indicated in the constitution. The Chief Solicitor indicated that where posts had been through a restructure process and a previous role was subsumed into a new post and that formed the large part of the new post it was appropriate to 'slot' the previous post-holder into the new post.

19. Local Democracy, Economic Development and Construction Act 2009 – Petition Scheme (*Chief Solicitor*)

The Chief Solicitor reported that at the Extraordinary Meeting of Council on the 10 June 2010, the Authority adopted a Petition Scheme, based upon

the model provided through the Department of Communities and Local Government with some modifications. Council also resolved 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. The report to the Constitution Committee sought to address the issues raised from those meetings and submitted a 'Guidance Note' to assist with the interpretation and development of the petition scheme.

The Chief Solicitor commented that all the changes that had been requested by Members had been incorporated into the documents. The Chief Solicitor also commented that he was only aware of one petition having been received by a Tees Valley authority and in that case the matter had been referred to scrutiny.

Decision

That the amended petition scheme and associated guidance note be approved for submission to Council for adoption.

20. General Purposes (Appeals and Staffing) Committee *(Chief Solicitor / Democratic Services Team Manager)*

The Chief Solicitor reported on the proposed amendments agreed by the Constitution Working Group to the current arrangements in relation to the membership and scheduling of meetings of the General Purposes (Appeals and Staffing) Committee from within the General Purposes Committee membership.

Decision

That the proposed amendments be approved and referred to full council for adoption.

21. Scheme of Delegation *(Chief Solicitor)*

The Chief Solicitor reported that a report on this subject had 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 had also been 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.

Following discussions at the Working Group, a revised 'highlighted' version of the scheme of delegation and 'Proper Officer' functions were submitted, which included additional comments received from Council Departments. Those revisions primarily incorporated the updating of delegations in line with statutory changes but also those structural changes introduced through the Business Transformation Programme. The Chief Solicitor indicated that he had designed the scheme to be a 'top level' document.

The Chief Executive referred to the list of questions raised by members at the Constitution Working Group meeting and indicated that he had prepared a document that addressed those questions, some of which were not within the remit of the Committee. The document was circulated for the Committee's consideration and the Chair allowed time for the Members to read the responses provided by the Chief Executive.

Members thanked the Chief Executive for the document provided as it addressed many of the issues that had been questioned in the past. Members were still unclear on the arrangements for the appointment of Assistant Directors in the new departments following the recent reorganisation of the Council into three departments. The Chief Executive indicated that in the previous Neighbourhood Services Department it had been the case that second tier officers were called Head of Service, when in most other departments they were Assistant Directors. When the departments were restructured this anomaly was removed and all such posts were designated as Assistant Directors. Members were involved in the appointment to such posts when there was a vacancy and the post had been advertised. This did not necessarily happen in the case of internal reorganisations unless it was deemed appropriate to involve Members in the process as had happened in the previous Head of Highways and Transportation post.

Members acknowledged that there may be occasions when there are internal promotions when it would be sensible to bring members into the process when their input would assist with that appointment process. It was understood that Member involvement was only constitutionally necessary when there were external candidates. If, however, in the judgement of a Director member involvement would be seen as beneficial, then that was appropriate. Members did feel, however, that if they were in the situation where sometimes they were involved in the appointment process and in others not, perhaps it would be better if there was a consistent approach included in the procedures.

The Chief Executive indicated that much of the legislation and guidance on these issues were set out in the 1972 Local Government Act and also the 1989 Local Government and Housing Act. Some authorities did include Members in the interviewing for posts of a much lower grade and while there may be justification for certain departures for specific posts it was not always a useful use of members' time. Any arrangements would also need to be approved by Council.

Members discussed the issue of the designation of responsible officers for particular functions. Members were aware that many changes had been made during the restructure process and were concerned that in some instances this may have led to the reshaping of roles from their original concept. Members considered that it may be appropriate to refer more of these changes to Council in the future so that Members could keep abreast of the changes.

The Chief Executive addressed Members concerns in relation to the appointment of Assistant Directors through the reorganisation process. It was indicated that the first approach was always to fill the new posts with internal candidates. Where a new post was substantially similar to a previous post it was prudent to slot officers into the new post based on their previous position and experience. Members indicated that they wished to have some consistency and to be involved when there was competition between officers. The Chief Solicitor indicated that an amendment to the Officer Appointment Procedure Rules would be required to facilitate this suggestion. Members requested a further report on this issue for the next meeting of the Committee including the views of the Chief Customer and Workforce Services Officer.

Members agreed that further consideration of the Scheme of delegation be undertaken at the next meeting of the Committee on 19 November 2010 at which Members hoped the Chief Executive would be able to attend as his input had been particularly useful to Members considerations at this meeting.

Decision

1. That the report be noted and considered further at the next meeting of the Committee.
2. That a report be submitted to the next meeting on potential amendments to the officer appointment procedures as detailed above.

22. Minutes of the meeting of the Constitution Working Group held on 24 September 2010

Received.

23. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

The Chair sought clarification through a report from the Chief Solicitor for the next meeting of the Committee as to the protocol for a referendum in relation to the maintenance of an elected mayor for the borough and whether it was in the gift of council to determine if an appropriate referendum should be held.

The meeting concluded at 3.45 p.m.

CHAIR

Report of: Chief Solicitor

Subject: REVIEW OF THE SCHEME OF DELEGATED
AUTHORITY

1. PURPOSE OF REPORT

- 1.1 This report has previously been considered both by the Working Group and the Constitution Committee, most recently at the Committee meeting held on 8th October, 2010. At that meeting, the Committee suggested that a 'page turn' of the 'Highlighted Changes Version' of the amended 'Responsibility for Functions' document be undertaken at the next scheduled meeting of the Committee. That document is again appended herewith, and Members may also wish to refer to "Part 8 – Management Structure" as contained within the current Council Constitution and potentially 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 The revised 'highlighted' version of the scheme of delegation and 'Proper Officer' functions follows comments received from Council Departments. Those revisions as put forward incorporate the updating of delegations in line with statutory changes but also those structural changes introduced through the Business Transformation Programme.

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 also 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 again 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 specific mention for '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

1. To note and discuss.

Part 3

Responsibility for Functions

HIGHLIGHTED CHANGES VERSION

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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.

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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

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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	Formatted: Highlight
<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>		Formatted: Indent: Left: 0 cm, Hanging: 0.63 cm
<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>		Formatted: Highlight

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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. [1.1.35]	General Purposes Committee
11	Power to make standing orders. [1.1.36]	
12	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). [1.1.37]	Appointments Panel and Chief Executive in accordance with the Officer Employment Procedure Rules.
13	Power to make standing orders as to contracts. [1.1.38]	
14	Duty to make arrangements for proper administration of financial affairs. [1.1.39]	
15	Power to appoint officers for particular purposes (appointment of “proper officers”. [1.1.40]	

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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

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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	Formatted: Highlight Deleted: s
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	Formatted: Highlight
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	

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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.	

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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; 	

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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 or 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>	

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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"> Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. 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. Monitoring audit performance by including reporting schedules and action on recommendations. 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). 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. Consider the overall effectiveness of the Council's corporate governance arrangements, risk 	

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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.	
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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.	

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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> <p>4. To act as a consultee on the annual review of the Council's sustainable procurement strategy and 5 year procurement plan.</p>	
<p>5. Power to consider and make recommendations on the risk management of procurement of contracts in accordance with the Council's Contract Procedure Rules.</p>	
<p>6. Power to monitor contract register and the maintenance of select lists.</p>	

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General Purposes Committee Membership:	9 Chair – Vice Chair of the Council – Councillor Aiken Councillors: C Akers-Belcher, S Akers-Belcher, Fleet, Flintoff, Gibbon, James (Vice Chair), Simmons and Wells.
Quorum:	3
FUNCTION	DELEGATION
<p>1. Functions relating to elections:</p> <ul style="list-style-type: none"> a) Power to assign officers in relation to requisitions of the electoral registration officer b) Duty to provide assistance at European Parliamentary Elections c) Power to divide electoral divisions into polling districts at local government elections d) Powers in respect of holding elections e) Power to pay expenses properly incurred by electoral registration officers f) Duty to declare vacancy in office in certain cases g) Duty to give public notice of a casual vacancy h) Power to make temporary appointments to parish councils 	<p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p>

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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.	

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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).	Director of Regeneration and Neighbourhood 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. 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.
8. Functions relating to sea fisheries. [1.1.35]	
9. Power to make closing order with respect to take away food shops [1.1.42]	
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]	

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APPENDIX 1

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>	

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APPENDIX 1

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.

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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.

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APPENDIX 1

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 	<p>Director of Regeneration and Neighbourhood</p> <p>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.</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>

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	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.	

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APPENDIX 1

Planning Committee	
Membership:	18 Councillors:- Cook (Chair), S Akers-Belcher, Brash, Cranney, Hargreaves, James, Lawton, G Lilley, London, J Marshall, Morris (Vice Chair), Richardson, Sutherland, 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.

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APPENDIX 1

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

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APPENDIX 1

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.

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	<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>Chief Solicitor</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>

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APPENDIX 1

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.

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APPENDIX 1

Constitution Working Group Membership:	11 – As detailed in Article 15. Chair: Chair of the Council, Councillor Richardson, Vice Chair of the Council, Councillor Aiken, The Mayor Stuart Drummond, Scrutiny Co-ordinating Chair, Councillor James. 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.
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.

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APPENDIX 1

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. 	

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APPENDIX 1

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. 	

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APPENDIX 1

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

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APPENDIX 1

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. 	

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APPENDIX 1

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>

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APPENDIX 1

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. 	

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APPENDIX 1

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

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APPENDIX 1

Pride in Hartlepool Steering Group Membership:	7 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.
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

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Standards Committee	
Membership:	7 Councillors: - Fleet, Griffin, Preece, Morris, Shaw, Simmons and Sutheran. 4 Independent Members – Barry Gray (Chair), Ted Jackson, Professor Brian Footitt and 1 vacancy. Parish Council Representatives: Alan Bell (Hart) and 2 vacancies.
Quorum:	4 (3 Councillors and 1 independent member) When dealing with Parish Council issues the quorum will be 5 (3 Councillors and 1 independent member and the Parish Council representative)
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; 	

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APPENDIX 1

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>	

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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>	

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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 	

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<p>resources (people, money, property, information technology); and</p> <p>- District Auditor performance reports, the District Auditor’s Annual Audit Letter, Best Value Performance Indicators and health and safety issues.</p>	
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APPENDIX 1

Children's Services Scrutiny Forum Membership:	9 Councillors:- Simmons (Chair), C Akers-Belcher, Fleet, Griffin, Ingham, Lauderdale, Maness, P Thompson and Wells (Vice Chair). 1 C of E Diocese representative – vacancy 1 Roman Catholic representative – D Relton 1 Parent Governor representative, Primary – vacancy 1 Parent Governor representative, Secondary - vacancy 3 Resident Representatives: Joan Steel and 2 vacancies. Children and Young Persons Representatives: 6 vacancies
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.	

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APPENDIX 1

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.	

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APPENDIX 1

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.	

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APPENDIX 1

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.	

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APPENDIX 1

Neighbourhood Services Scrutiny Forum Membership:	9 Councillors: - Thomas (Chair), Barclay, Cook, Fleet, Flintoff (Vice Chair), Gibbon, Griffin, McKenna and Richardson. 3 Resident Representatives: John Cambridge, Brenda Loynes and Iris Ryder.
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.	

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APPENDIX 1

Corporate Parent Forum	
Membership:	13 Children's Services Portfolio Holder: Council lor 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. 	<p>None.</p>

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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.

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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.

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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.

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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.

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PORTFOLIO HOLDER	RESPONSIBILITY
All Portfolio Holders (cont'd)	7. Consideration of any departmental proposals requiring compulsory redundancy of one or more staff.
	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.
	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.
	10. Improvement plans and other key reports.
	11. District Audit and other inspection reports on service and non-strategic corporate matters.
	12. Compensation payments above limit delegated to officers.
	13. Allocations, scheme designs and specifications within agreed programmes of works.
	14. Policies, plans and strategies which are not part of the financial and policy framework.

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PORTFOLIO HOLDER	RESPONSIBILITY
The Mayor	<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.

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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

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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

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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

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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

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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

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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

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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

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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)

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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.

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6 Decision Making by Committees of the Cabinet

Grants Committee	
Membership:	3 The following executive portfolio holders: <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

Allocation of grants of over £500 from the following funds:

- Community grants pool
- Community safety capital grants
- Grants for play schemes and play development
- Directed lettings
- Voluntary sector youth centre support
- Youth advisory grants

All civic lottery grants and the financial management arrangements of the existing scheme

The sponsorship of new grant-aiding schemes, related to community services functions funded by external regimes.

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Hartlepool United Executive Committee	
Membership:	4 The following executive portfolio holders: <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

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

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APPENDIX 1**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:

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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.

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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.

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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.

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Chief Customer and Workforce Services Officer

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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.

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Assistant Chief Executive

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

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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.

Chief Finance Officer

1. The arrangement of insurance cover and settling of claims within the framework of the approved Insurance Strategy.

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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.

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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.

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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 a approved council policy.

12. To make all necessary banking arrangements on behalf of the Council.

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Director of Child and Adult Services

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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.

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- 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. Formatted: Highlight
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. Formatted: Highlight
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. Formatted: Highlight
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: Formatted: Highlight
- 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
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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.

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Director of Regeneration and Neighbourhood Services

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1. Determine and implement a joint waste strategy developed by the constituent authorities.

2. To manage, operate and develop regeneration policies and activities.

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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.

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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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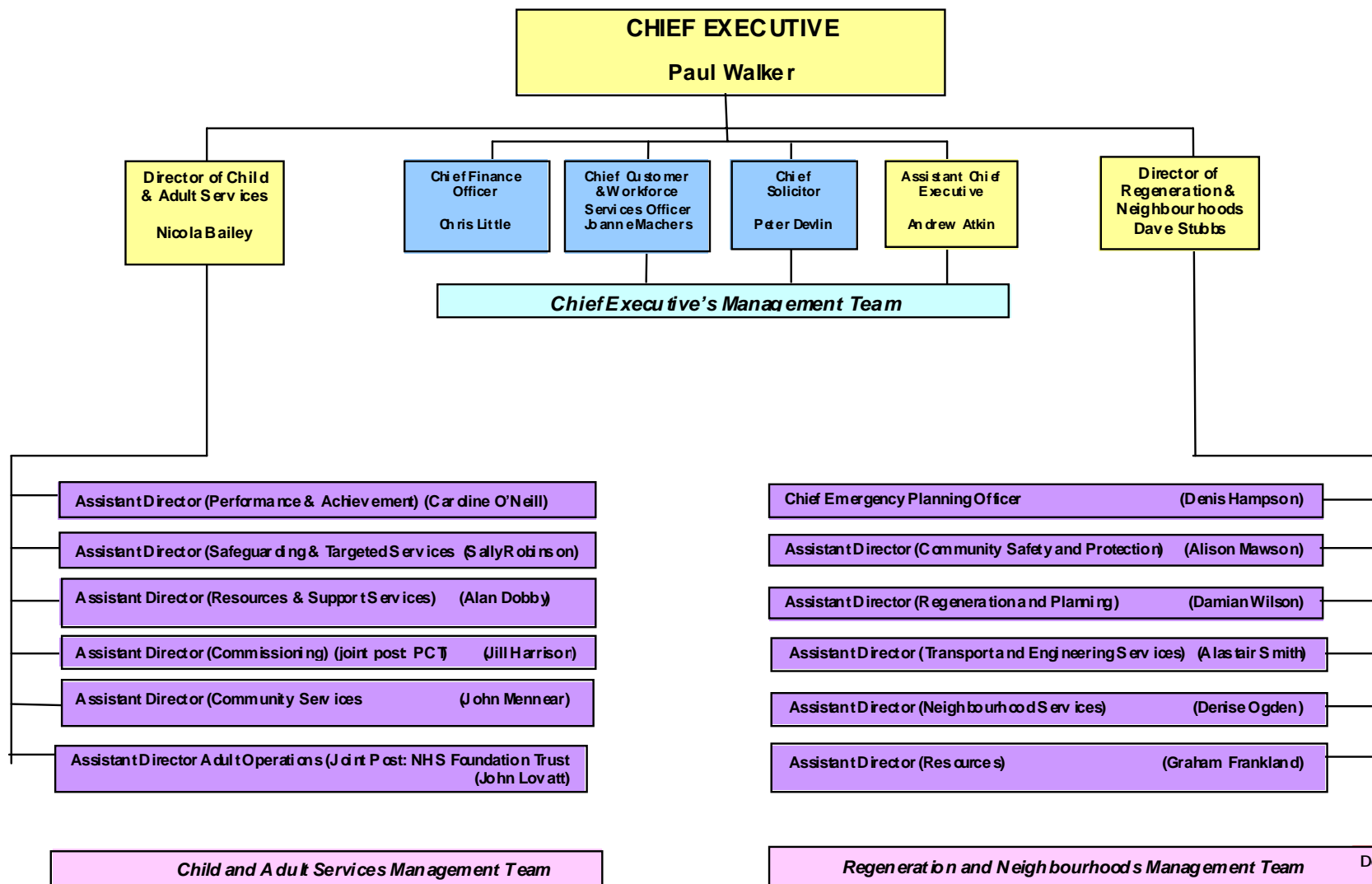
APPENDIX 1

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.

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EXECUTIVE DELEGATION SCHEME – OFFICERS



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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.

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15 The Director of Child and Adult Services is hereby appointed Proper Officer under Section 532 of the Education Act 1996.

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16 The Director of Regeneration and Neighbourhoods is hereby appointed the Proper Officer under Section 606 of the Housing Act 1985.

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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).

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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.

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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

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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

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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.

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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.

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

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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.

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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.	Formatted: Highlight
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	Formatted: Highlight
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	Formatted: Highlight
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-laws	
248	Chief Solicitor	Keeping of roll of Freemen	Formatted: Highlight
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	Formatted: Highlight
Para. 25(7)	Chief Solicitor	Certification of resolutions under para. 25 of Schedule 14	Deleted: January
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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)

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POWER TO ACT GENERALLY

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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

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

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HBC Constitution

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APPENDIX 2

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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

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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

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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

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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

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Factories Act 1961
 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1985
 Fire Precautions Act 1971
 Fire Safety and Safety of Places 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

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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

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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

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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

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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

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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

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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.

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Report of: Chief Customer & Workforce Services Officer and
Chief Solicitor

Subject: OFFICER EMPLOYMENT PROCEDURE RULES

1. PURPOSE OF REPORT

- 1.1 At their meeting on 8th October, 2010, the Committee requested a report be provided on these particular procedure rules relating to the employment of Chief Officers with emphasis upon appointments which did not strictly require Member involvement, where ‘internal circumstances’ dictated otherwise (see generally below). Members are also requested to refer to the minutes of that meeting for further background information.

2. BACKGROUND

- 2.1 The Local Government Act, 1972, requires an authority to appoint such Officers *“as it thinks necessary for the proper discharge by the authority of its functions”*. Further, this can include Officers in carrying out functions and commitments on behalf of other local authorities. Local authorities are required to appoint certain individuals to designated positions in accordance with statutory requirements. For example, authorities must secure that one of their Officers has responsibility for the administration of their financial affairs (Section 151 of the Local Government Act, 1972) and the designation of an Officer as “Head of Paid Service” and an individual (who is not the Head of Paid Service nor the Chief Financial Officer) as “Monitoring Officer” (part 1 of the Local Government and Housing Act, 1989 refers).
- 2.2 The Secretary of State has made regulations imposing a duty to adopt certain requirements with respect to the appointment of Chief Officers. The Local Authorities (Standing Orders) Regulations, 1993, require authorities who propose to appoint a Chief Officer and who do not propose that the appointment be made exclusively from existing Officers, to provide a statement specifying the duties and the qualifications sought and for appropriate advertisement. Every appointment should be made on merit and must be made by the authority. The Regulations provide that the various steps in a recruitment process can be undertaken either by a Committee, Sub-Committee or Chief Officer of the authority, or in the case of a ‘joint appointment’, by the authorities concerned. The relevant Standing Orders/Procedure Rules can therefore prescribe as to how an appointment should be made. Suffice to say, the authority should make the appointment (other than in the case of joint appointments with another local authority) and as indicated the appointment should also be made on merit.

3. OFFICER EMPLOYMENT PROCEDURE RULES

3.1 For the purpose of discussion by the Committee, reproduced below is an extract from Part 4 of the Council's Constitution, "Rules of Procedure" relating to the Officer Employment Procedure Rules, so far as they relate to the appointment of Chief Officers. This covers;

1. Declarations
2. Seeking support for appointment
3. Recruitment of Head of Paid Service and Directors, and Chief Officers reporting directly to them.
4. Appointment of Head of Paid Service
5. Appointment of Directors and of Chief Officers reporting directly to the Head of Paid Service or a Director

'3 Recruitment of Head of Paid Service and directors, and chief officers reporting directly to them

3.1 *Where the Council proposes to appoint the head of paid service, a director, or a chief officer reporting directly to them, and it is not proposed that the appointment be made exclusively from among their existing officers as a result of internal circumstances, the Council will:*

- a) make arrangements for a statement to be drawn up specifying:
 - the duties of the post concerned; and
 - any qualifications or qualities to be sought in the person to be appointed;
- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

4 Appointment of head of paid service

4.1 The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee of the Council. That committee will consist of:

- the Chair of the Council
- the Mayor
- six other members of the Council selected by the Council

4.2 The committee will select its own chair and its membership should be in accordance with political balance requirements. The membership should reflect both the make-up of the Council in terms of gender and

age, and the different areas of responsibility within the Council's political management arrangements.

- 4.3 The full Council may only approve the appointment of the head of paid service where no well-founded objection has been made by any member of the executive.

5 Appointment of directors and of chief officers reporting directly to the head of paid service or a director

- 5.1 A committee of the Council will make these appointments. That committee will consist of:

- the Chair of the Council
- the Mayor
- six other members of the Council selected by the Council

- 5.2 The committee will select its own chair and its membership should be in accordance with political balance requirements. The membership should reflect both the make-up of the Council in terms of gender and age, and the different areas of responsibility within the Council's political management arrangements.

- 5.3 An offer of employment to these posts shall only be made where no well-founded objection from any member of the executive has been received.'

- 3.2 Others than those appointments described above, the appointment of other Officers is generally the responsibility of the Head of Paid Service or his/her nominee. The Officer Employment Procedure Rules also cover the statutory requirements contained in the Local Authorities (Standing Orders) (England) Regulations, 2001, as to disciplinary action relating to the Head of Paid Service, Monitoring Officer and Chief Financial Officer. Disciplinary action against other Officers will therefore relate to their conditions of service and the Council's disciplinary procedure.

4. CORPORATE RESTRUCTURE 2009 IMPLEMENTATION ARRANGEMENTS

- 4.1 The Council has recognised that when changes to structures are required in order to better shape the organisation to reflect changing circumstances specific provisions are required to ensure that employees are treated fairly and in a consistent way.
- 4.2 The Council operated a Change Protocol for a number of years which was reviewed and discussed with Trade Unions last summer in anticipation of wide ranging restructuring across the whole organisation, particularly across the various tiers of management.
- 4.3 The Procedure for Managing Reorganisation, Redeployment and Redundancy was subsequently approved by the Finance & Performance Portfolio Holder and

applied to all staffing changes arising from the corporate and departmental restructuring exercises. The revised procedure incorporated a number of policies and procedures into one single document, incorporated best practice and clarified local arrangements which had evolved from the original Change Protocol.

- 4.4 The procedure specifies the arrangements which will apply to employees who are affected by restructuring and refers to a number of different processes which to aim to protect employees from unnecessary competition from other employees who may not be at risk, other employees who are at risk but may be on a lower grade, recognises where additional duties may be undertaken and regrading and redesignation takes place, etc. The procedure also includes references to staff being at risk, slotting in, ring-fencing, selection pools, etc.
- 4.5 The way these procedures are implemented by the Workforce Services Team is subject to Trade Union monitoring across the organisation for consistency and fairness.
- 4.6 In 2009 when Cabinet considered restructuring proposals which directly affected chief officer posts, recommendations were also made regarding the implementation of those restructuring proposals based on the procedure for reorganisation, redeployment and redundancy. Each Chief Officer was identified and the implementation arrangements specified for Cabinet approval. As a result of the implementation proposals all remaining employees i.e. excluding those who volunteered for early retirement/redundancy, were confirmed in post or slotted in, in accordance with the procedure.
- 4.7 Although no competitive ring-fences arose as a result this particular exercise the current practice of establishing an Appointments Panel to appoint to any vacant post covered by the Officer Employment Procedure Rules would apply. Appointments Panels have always been established to determine appointments to vacant Chief Executive/Chief Officer posts whether advertised internally only in the first instance or open to external competition. The wording of the Constitution as outline earlier in this report does not explicitly state that competitive recruitment situations for posts covered by Officer Employment Procedure Rules will be subject to an Appointments Panel process and therefore this wording could be amended for future clarity.

5. RECOMMENDATION

- 5.1 To note and discuss