Hartlepool
Borough Council

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Our Ref: AL
Your Ref:

6th November 2026

Councillors Bailey-Fleet, Dunbar, Gaines, Bruce, Holbrook, Little, Male, Napper and Thompson

Dear Councillor,

Constitution Committee – 10th November 2026

Please find attached Part 3 Schedule 1 and 3 of the revised Constitution in relation to item 4.1 Implementation of New Governance Arrangements – Revised Constitution.

Please note Part 3 Schedule 2 will follow in due course.

Yours Faithfully,

A Lucas

ANGELA LUCAS
PRINCIPAL DEMOCRATIC SERVICES AND LEGAL SUPPORT OFFICER
LEGAL, GOVERNANCE AND HUMAN RESOURCES DEPARTMENT

PART 3

RESPONSIBILITY FOR FUNCTIONS

1. Purpose and status

1.1 Part 3 explains who is responsible for the Council's functions and who can make decisions on its behalf.

1.2 It brings together the responsibilities of Full Council and non-executive bodies, the Leader's arrangements for Executive Functions, and the powers and statutory responsibilities of officers.

1.3 Part 3 must be read as a whole and with the applicable Procedure Rules. Every function and delegation is subject to the law, the Budget and Policy Framework, any limits or conditions on the delegation, and any requirement for a statutory officer to act personally. Before exercising a function, check the relevant Executive, Council, Overview and Scrutiny, Access to Information, Financial, Contract, Property and Officer Employment Procedure Rules. Part 3 identifies responsibility and authority; those Rules govern the applicable decision-making procedure.

1.4 Part 3 does not allow anyone to act outside the Council's legal powers, spend outside an approved budget, act against the Policy Framework, or ignore any legal or constitutional restriction.

1.5 This Part 3 takes effect on 10 December 2026. Decisions taken, delegations exercised and proceedings commenced before that date remain governed by the constitutional arrangements in force at the relevant time, unless a lawful transitional decision provides otherwise.

2. Structure of Part 3

2.1 Part 3 consists of this introduction and the following three Schedules:

Schedule	**Title**	**Principal purpose**	**Approval / control**
1	Non-Executive Functions and Committee Responsibilities	Lists the functions of Full Council, committees, sub-committees, overview and scrutiny bodies, and statutory or advisory bodies. It also records membership and quorum.	Full Council

2	Executive Functions and Delegations: Leader and Individual Executive Members	Records the Leader's arrangements for Executive Functions, including matters kept by the Executive, the Leader's functions, portfolio allocations and delegations to individual Executive Members.	Leader
3	Officer Decision-Making and Delegations to Directors	Sets out officer delegations, statutory and Proper Officer responsibilities, Local Choice Function allocations and the rules for recording officer decisions.	Person or body authorised to delegate or appoint

2.2 To identify the responsible decision-maker, use Schedule 1 (Non-Executive Functions and Committee Responsibilities) for functions kept by Full Council and the Council's non-executive bodies, and Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members) for the Leader's arrangements for Executive Functions. To check whether an officer may decide, use Schedule 3 (Officer Decision-Making and Delegations to Directors), subject to the allocations and reservations in Schedule 1 (Non-Executive Functions and Committee Responsibilities) and Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members). Together, the Schedules follow the Council's decision-making structure.

3. How responsibility is determined

3.1 Before making a decision, the proposed decision-maker must identify the legal function and check:

1. whether the law requires Full Council, the Executive, a committee, an officer or another person or body to exercise the function;
2. whether the function is non-executive, executive or a Local Choice Function;
3. whether Schedule 1 (Non-Executive Functions and Committee Responsibilities) or Schedule 2 (Executive Functions and Delegations: Leader

and Individual Executive Members) keeps the matter for a particular decision-maker;

4. whether Schedule 3 (Officer Decision-Making and Delegations to Directors) or a service-specific scheme delegates the matter to an officer;

5. whether any financial, procedural, consultation, publication, call-in, referral or recording requirements apply; and

6. whether the law gives the function personally or independently to a statutory officer.

3.2 A portfolio description, service responsibility or job title does not by itself give authority to make a decision. The authority must come from legislation, this Constitution, the Leader's recorded arrangements, a lawful delegation or a statutory appointment.

3.3 If a specific provision conflicts with a general delegation, the specific provision takes priority. The law always takes priority over this Constitution.

4. Full Council and non-executive functions

4.1 Schedule 1 (Non-Executive Functions and Committee Responsibilities) lists the functions kept by Full Council and the responsibilities of the Council's non-executive committees, sub-committees, overview and scrutiny committees, Health and Wellbeing Board and Independent Panel.

4.2 Giving a function to a member body does not mean that body must decide every operational matter arising from it. An officer may act where Schedule 3 (Officer Decision-Making and Delegations to Directors) or another lawful scheme gives the officer authority, unless the law or the Constitution keeps the matter for the member body.

4.3 Overview and scrutiny bodies review decisions and services, make reports and recommendations, and exercise call-in functions under the Overview and Scrutiny Procedure Rules. They do not exercise Executive Functions or substitute their own decisions for those of an Executive decision-maker.

5. Executive Functions

5.1 Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members) is the Leader's written record of the arrangements agreed under section 9E of the Local Government Act 2000 for carrying out Executive Functions.

5.2 Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members) lists the matters kept by the Executive, the functions exercised by the

Leader, and the non-key Executive Functions delegated to individual Executive Members within their portfolios and financial limits.

5.3 When the Leader or an individual Executive Member uses a delegated Executive Function, an Executive Member Decision Record must be completed and published in line with Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members) and the Access to Information Procedure Rules.

5.4 Changes to Executive arrangements are governed by paragraph 9.2.

6. Officer functions and delegations

6.1 Schedule 3 (Officer Decision-Making and Delegations to Directors) sets out the general decision-making rules for the Head of Paid Service, Executive Directors, Directors and authorised officers. It also lists the specific functions allocated to each Director.

6.2 An officer may exercise an Executive Function only where it has been delegated under the Leader's arrangements. An officer may exercise a non-executive function only where Full Council, the relevant committee, or another person or body with legal authority has delegated it.

6.3 Schedule 3 (Officer Decision-Making and Delegations to Directors) does not limit a function which legislation gives personally to a statutory officer. The statutory officer must exercise that function in line with the relevant law, statutory guidance and professional requirements.

6.4 Officer decisions must be recorded on an Officer Decision Record and published where required by law, the Constitution or arrangements approved by the Monitoring Officer.

7. Local Choice Functions

7.1 Local Choice Functions are functions which the law allows the Council to allocate either to the Executive or to the non-executive side of the Council.

7.2 Appendix 2 to Schedule 3 (Officer Decision-Making and Delegations to Directors) shows how the Council has allocated its Local Choice Functions. Full Council must approve any substantive change which moves a function between the Executive and the non-executive side of the Council.

8. Interpretation and uncertainty

8.1 The Monitoring Officer will advise where there is uncertainty about the type or allocation of a function, the scope of a delegation, the correct decision-maker, or how the Constitution applies.

8.2 If the uncertainty concerns the financial value of a decision, the Section 151 Officer will decide the value for the relevant financial or Key Decision threshold.

8.3 Until the uncertainty is resolved, a function must not be treated as delegated simply because it falls within a portfolio, service responsibility or job description.

9. Amendment and maintenance

9.1 Full Council must approve any material change to the allocation of non-executive functions or to a matter kept by Full Council, unless the law provides otherwise.

9.2 The Leader may change the arrangements for Executive Functions in accordance with the law. The Leader must notify the Monitoring Officer so the current record can be kept and published.

9.3 The person or body authorised to make an officer delegation must approve any material change to it. Statutory appointments must be made by the person or body required by law.

9.4 The Monitoring Officer may make minor factual, legislative, clerical, numbering and consequential changes, provided they do not materially change responsibility or decision-making authority.

10. Schedule titles and references

10.1 A reference to the "Responsibility for Functions Schedule" means Part 3 as a whole, unless the context clearly refers to a particular Schedule.

PART 3 – RESPONSIBILITY FOR FUNCTIONS

SCHEDULE 1

NON-EXECUTIVE FUNCTIONS AND COMMITTEE RESPONSIBILITIES

1. Application

1.1 This Schedule allocates the Council's non-executive functions and records the membership and quorum of each body.

1.2 This Schedule is subject to:

1. any law requiring Full Council or another person or body to exercise the function;
2. the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
3. the Officer Decision-Making and Delegations to Directors Schedule;
4. the Officer Employment Procedure Rules;
5. the Access to Information Procedure Rules; and
6. any limit, condition or reservation in this Constitution.

1.3 Committee and sub-committee appointments must comply with sections 15 to 17 of the Local Government and Housing Act 1989 and the related regulations, unless legislation or paragraph 1.7 provides otherwise.

1.4 Full Council must review political balance at the Annual Council meeting, following any relevant change in political groups or their membership where a review is required by law, and at any other time required by law.

1.5 When allocating seats, Full Council must, so far as reasonably practicable, ensure that:

- no political group has all the seats on a body where more than one political group is represented on the Council;
- a political group with a majority of the Council's membership has a majority of the seats on each body;
- subject to the first two principles, each political group's total number of seats across the Council's ordinary committees reflects its proportion of the Council's membership; and
- subject to those principles, the seats on each body reflect each political group's proportion of the Council's membership.

1.6 A political group is entitled to nominate the Councillors appointed to the seats allocated to it, subject to any legal qualification or restriction.

1.7 Full Council may depart from political balance only where the statutory conditions are met and no Councillor votes against the proposal. The decision must identify the bodies and appointments concerned.

1.8 Political balance applies to overview and scrutiny committees and to ordinary committees and sub-committees, unless a statutory exception applies. It does not apply to Full Council, the Executive, the Independent Panel or any body excluded by legislation.

1.9 Co-opted, independent, statutory education and partner representatives are not seats allocated to political groups unless legislation provides otherwise. Their voting and quorum rights are determined by law and this Constitution.

1.10 A vacancy does not invalidate proceedings if the meeting is quorate.

1.11 Only voting members count towards the quorum unless legislation or this Constitution provides otherwise.

1.12 A committee may delegate an allocated function to a sub-committee or officer under section 101 of the Local Government Act 1972, unless legislation, Full Council or this Constitution provides otherwise.

2. Full Council

Reference / item	Functions and responsibilities
Membership	36 Councillors
Quorum	9 Members
(a)	adopt and amend the Constitution;
(b)	approve or adopt the Policy Framework;
(c)	approve and adopt the budget, including the revenue budget and capital programme, the allocation of financial resources to Council services and projects, the setting of Council Tax and Council Tax base, the Capital Strategy, the Treasury Management Strategy; including the borrowing strategy, investment strategy and the policy for calculating the minimum revenue provision;
(d)	approve Housing Land Transfer, meaning the approval or adoption of applications, whether in draft form or not, to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993, or for consent to such disposals

	where consent is required under sections 32 or 43 of the Housing Act 1985;
(e)	make or revise a Council Tax Reduction Scheme under section 13A(2) of the Local Government Finance Act 1992;
(f)	approve the Pay Policy Statement;
(g)	appoint the Ceremonial Mayor and Deputy Mayor;
(h)	elect the chairs and vice-chairs of committees;
(i)	elect and remove the Leader and note the Members appointed to the Executive;
(j)	approve a departure from, or amendment to, the Budget and Policy Framework where Full Council approval is required, subject to the lawful exceptions and urgency arrangements in the Budget and Policy Framework Procedure Rules. Compliance with the Access to Information Procedure Rules does not itself authorise a departure from the Budget or Policy Framework. Any subsequent Executive decision or implementation must be undertaken by an authorised Executive decision-maker;
(k)	agree or amend the terms of reference of committees, determine their composition and make appointments to them;
(l)	adopt the Scheme of Members' Allowances;
(m)	adopt a Code of Conduct for Members;
(n)	determine electoral arrangements, including the Council's electoral cycle, where required by law to be determined by Full Council;
(o)	undertake community governance reviews and make any related recommendations or decisions reserved to Full Council;
(p)	appoint the Independent Persons under section 28(7) of the Localism Act 2011;
(q)	confer the title of Honorary Alderman or the Honorary Freedom of the Borough;
(r)	appoint or designate the Head of Paid Service and, where required by law, approve dismissal before notice is given;
(s)	appoint or designate the Monitoring Officer and Section 151 Officer and, where required by law, approve dismissal before notice is given;
(t)	approve remuneration packages for newly created posts over £100,000, including salary, bonuses, fees, allowances and benefits in kind;
(u)	approve any Special Severance Payment of £100,000 or more and any other severance package requiring Full Council approval under legislation, statutory guidance, the Pay Policy Statement or an approved Council policy;
(v)	make, amend, revoke, re-enact or adopt byelaws and promote or oppose local legislation or personal Bills;
(w)	receive reports and consider recommendations from the Executive, overview and scrutiny committees, the Staffing and General

	Purposes Committee, the Audit Committee and other committees as appropriate;
(x)	make appointments and nominations to Council companies and outside bodies, except for appointments specifically allocated to the Leader or Executive in the Outside Bodies Scheme or required by legislation to be made by another person or body; and
(y)	exercise all other functions which by law or this Constitution are reserved to Full Council.
Officer Schedule reference	Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraphs 2.1(h), 2.2(b), 2.2(o), 3.1, 4.1(f), 10.3, 11.1–11.2, 12.2–12.3 and 22; Schedule 3 (Officer Decision-Making and Delegations to Directors), Appendix 1; Schedule 3 (Officer Decision-Making and Delegations to Directors), Appendix 2, paragraph 3, entry for paragraph 19 of Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

3. Committees

3.1 Staffing and General Purposes Committee

Membership: 7 Councillors, including at least one member of the Executive other than the Leader. The Ceremonial Mayor is excluded.

- Two independent Members (for Member complaints)
- Up to two parish representatives (parish complaints)

Quorum: 5 Members

Functions and responsibilities	**Related officer powers and limitations**
1. Promote and maintain high standards of conduct by Councillors and co-opted members and monitor the operation of the Members' Code of Conduct. 2. Following referral by the Monitoring Officer and having taken account of the Independent Person's views, determine whether a Councillor or co-opted member has failed to comply with the Code and what action should be taken under the standards arrangements.	**Officer note — functions 1–2:** The Monitoring Officer may administer complaints, provide standards advice and exercise delegated dispensations. Determination of a complaint referred to the Committee under function 2 remains with the Committee.

3. Review and monitor the Constitution and recommend changes to Full Council. 4. Consider nominations and recommend civic honours, including Freedom of the Borough and the titles of Honorary Alderman or Honorary Alderwoman, and issue related guidance. 5. Oversee Member development and appoint the Independent Remuneration Panel.	
6. Exercise the functions assigned to the Committee under the Officer Employment Procedure Rules and applicable legislation in relation to the appointment, dismissal, disciplinary action, grievances and appeals concerning Chief Officers and statutory officers. 7. Act as the Investigating and Disciplinary Committee for the Head of Paid Service, Monitoring Officer and Section 151 Officer, including suspension and review, appointment of an Independent Investigator and advisers, hearings, disciplinary action short of dismissal, and referral of any proposed dismissal to the Independent Panel and Full Council. 8. Determine whether an Executive member's objection to a proposed Chief Officer appointment or dismissal is material and well-founded where the statutory procedure requires. 9. Consider grievances from the Head of Paid Service and Chief Officer appeals concerning grievance decisions. 10. Recommend to Full Council the appointment of the Head of Paid Service (Head of Paid Service), Monitoring Officer and Section 151 Officer, whose appointments are reserved to Full Council. Make final appointments to other Chief Officer posts, excluding the Director of Public Health, whose appointment must follow	**Officer note — functions 6–11:** Where appointments, disciplinary decisions, objections or appeals are assigned to Members, the relevant member body must make those decisions. Officers' delegated powers to manage day-to-day staffing matters do not allow them to make those decisions instead.

the separate requirements of the Officer Employment Procedure Rules. The Committee must include at least one Executive member when recommending or making an appointment. All appointments must comply with those Rules, including the Executive notification and objection procedure. 11. Determine the dismissal of Chief Officers where that responsibility is allocated to the Committee under the Officer Employment Procedure Rules, subject to the Executive notification and objection procedure and any requirement for Full Council approval.	
12. Determine staffing matters of Council-wide significance, including proposed contractual changes to salaries and terms and conditions, subject to matters reserved to Full Council.	**Officer note — function 12:** Operational staffing and HR powers remain subject to approved policies, budgets and the Officer Employment Procedure Rules; Council-wide changes allocated to the Committee and matters reserved to Full Council are excluded.
13. Consider appeals against dismissal by officers other than the Head of Paid Service, Monitoring Officer or Section 151 Officer, and other appeals allocated to it under an adopted procedure.	
14. Approve changes to the Chief Officer structure within the approved Budget and Policy Framework where not reserved elsewhere. 15. Approve and oversee pay and reward strategy and HR policies going beyond statutory requirements, subject to other reservations and delegations.	**Officer note — function 17:** Individual pension decisions may be taken by officers only where expressly delegated.

16. Develop and recommend the annual Pay Policy Statement to Full Council. 17. Determine employer-discretion policies under the Local Government Pension Scheme and other pension arrangements, and individual pension matters not expressly delegated to officers.	
18.Discharge other non-executive functions allocated to the Committee under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	
19. Oversee electoral-services performance, conduct polling district and polling place reviews, and recommend outcomes and proposed alterations to Full Council, without displacing the personal statutory functions of the Returning Officer or Electoral Registration Officer.	**Officer note — function 19 electoral-services oversight:** Personal statutory functions of the Returning Officer and Electoral Registration Officer are not Committee delegations.
20. Review the Officer Code of Conduct and recommend amendments after consultation with recognised trade unions. 21. Exercise corporate trustee functions only for trusts and decisions expressly identified in the adopted trust-responsibility schedule.	
22. Consider home-to-school transport appeals.	**Officer note function 22 — home-to-school transport appeals:** The Director of Neighbourhoods and Regulatory Services is responsible for home-to-school transport, including eligibility decisions and officer reviews, subject to lawful delegated authority and the adopted transport and appeal procedures. Officers may administer the appeal and provide advice, but appeals allocated to the Committee under the adopted

	appeal procedure remain with the Committee. The appeal arrangements must meet the independence requirements in Schedule 3 (Officer Decision-Making and Delegations to Directors), Appendix 2, paragraph 4.
23. Oversee the use of covert-surveillance powers under the Regulation of Investigatory Powers Act 2000, including compliance and policy review.	**Officer note — function 23:** Committee oversight does not authorise surveillance. Individual authorisations and operational action require the relevant statutory and delegated authority and applicable safeguards in accordance with the Council's RIPA Policy.

3.2 Audit Committee

Membership: 9 members. The Ceremonial Mayor, Leader and Executive members are excluded.

Quorum: 5 members

Functions and responsibilities	Related officer powers and limitations
1. Review the Council's corporate-governance arrangements against the good-governance framework, including the ethical framework and local code of governance. 2. Monitor the development and operation of risk management and progress in addressing risk-related issues. 3. Consider reports on the effectiveness of internal controls and financial-management arrangements and monitor agreed actions. 4. Oversee significant partnerships and collaborations with regard to governance and assurance.	

5. Oversee Internal Audit's independence, performance and professional conformance; approve and monitor the Internal Audit Plan; receive reports on activity, findings and performance; and support the Head of Internal Audit.	**Officer note — function 5:** The Head of Internal Audit prepares and delivers audit work under the Internal Audit Plan and other lawful authority; approval and monitoring of the Plan remain with the Committee.
6. Monitor management responses to internal-audit recommendations. 7. Consider external-audit plans, opinions, reports, annual findings, value-for-money conclusions and recommendations and monitor management action. 8. Support effective relationships between assurance providers and the Council, promoting openness, challenge, review and accountability. 9. Review proposals for appointment of external providers of internal and external audit services and make recommendations. 10. Report annually on how the Committee has discharged its responsibilities. 11. Oversee measures to reduce the risk of fraud, corruption and bribery and oversee whistleblowing arrangements.	
12. Consider the annual review of internal control, approve the Annual Governance Statement before approval of the Statement of Accounts, and monitor delivery of the governance improvement actions.	**Officer note — functions 12–13**: Officer preparation or certification of the governance and accounting documents does not replace the Committee's approval of the Annual Governance Statement and Statement of Accounts.
13. Review and approve the annual Statement of Accounts and consider the external auditor's report to those charged with governance.	
14. Review and scrutinise the Treasury Management Strategy before submission to Full Council and monitor treasury-management activity.	**Officer note — function 14:** Operational treasury-management powers within approved arrangements and delegated limits do not replace Committee scrutiny or Full Council approval of the Strategy.
15. Agree and oversee the Council's Whistleblowing Policy.	

16. Determine applications and questions concerning politically restricted posts under sections 1 and 2 of the Local Government and Housing Act 1989, including directing inclusion or removal of a post from the statutory list. 17. Receive assurance on information governance, cyber security and business continuity. 18. Receive any report required by legislation, professional standards or this Constitution.	

3.3 Planning Committee

Membership: 11 Councillors

Quorum: 5 Members

Functions and responsibilities	**Related officer powers and limitations**
1. Determine applications listed in Schedule 2 to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 where the Nominated Member and Nominated Officer, or authorised substitutes, both agree that the statutory referral test is met and that the application should be determined by the Committee. 2. Determine own-interest applications lawfully referred to the Committee under regulation 6 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.	**Officer note — functions 1–2:** Subject to the rules applying to Own-Interest Applications, the Director of Neighbourhoods and Regulatory Services determines applications required to be determined by an officer, together with applications listed in Schedule 2 to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and Own-Interest Applications not lawfully referred to the Committee. Applications properly referred under these functions remain with the Committee. See Part 3, Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraphs 16.4–16.21, and the Planning Scheme of Delegation.

3. Exercise non-executive listed-building, conservation-area, hazardous-substances, advertisement, permission-in-principle, prior-approval and related development-management functions reserved or referred to the Committee. 4. Determine planning-enforcement, planning-obligation, appeal, heritage and compulsory-acquisition matters expressly reserved from officers, without overriding mandatory officer determination.	**Officer note — functions 3–4:** The Director may determine related development-management matters, conditions, enforcement, obligations, appeals and heritage matters only within the Officer Schedule and Planning Scheme of Delegation. Matters expressly reserved by legislation, this Constitution or that Scheme, and properly referred matters, remain with the Committee; mandatory officer determination is unaffected.
5. Exercise powers concerning commons registration where applications or modifications are opposed, subject to any statutory referral or confirmation process. 6. Exercise public-rights-of-way functions where applications or modifications are opposed, subject to any statutory referral or confirmation process. 7. Exercise town and village green functions where applications or modifications are opposed, subject to any statutory referral or confirmation process.	**Officer note — functions 5–7:** Opposed matters allocated here remain with the Committee, subject to the stated statutory processes. Officers may undertake administration and related decisions only where separately authorised; these entries do not themselves delegate unopposed or other matters to officers. See paragraphs 16.29–16.30 of the Officer Schedule 3 (Officer Decision-Making and Delegations to Directors) for rights-of-way powers. Appendix 1, paragraph 6.2, separately allocates receipt, custody, certification and production of commons and town or village green records to the Director of Legal, Governance and Human Resources; operational registration functions remain with the responsible Director, subject

	to the Committee's terms of reference.
8. Consider neighbouring authorities' proposed Development Plan Documents and make recommendations to the appropriate Executive decision-maker. 9. Receive performance reports for Development Control and Planning Policy.	
10. Exercise powers concerning Tree Preservation Orders where three or more objections are received, subject to the adopted Planning Scheme of Delegation.	**Officer note — function 10:** The Director may exercise tree-related powers within the adopted Planning Scheme of Delegation. Matters meeting the Committee reservation above remain with the Committee, subject to that Scheme.
11. Undertake site visits and hear representations in accordance with the Planning Code of Practice. 12. Exercise incidental non-executive planning powers required to discharge its functions.	

3.4 Licensing Committee

Membership: 12 Councillors

Quorum: 6 Members

Functions and responsibilities	Related officer powers and limitations
1. Act as the statutory licensing committee for functions allocated under the Licensing Act 2003 and Gambling Act 2005, subject to those Acts. 2. Discharge all separate non-executive licensing and registration functions allocated to the Committee except those reserved to Full	**Officer note — functions 1–2:** The Director of Neighbourhoods and Regulatory Services may determine uncontested applications and other matters only where delegated by the applicable statutory or Council-

Council, delegated to an officer or sub-committee, or allocated elsewhere.	approved licensing arrangements. Required member hearings and reserved matters remain with the Committee or Sub-Committees. See the Officer Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraphs 16.33–16.34 and 16.38–16.44, and the Licensing Scheme of Delegation.
3. Recommend licensing policies and statements of principles where approval is reserved to Full Council. 4. Determine policies and procedures, within its responsibility.	**Officer note — functions 3–4:** Officer authority to set fees or charges must be expressly supported by the applicable delegation. See Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraph 2.2(l), for fees and charges within an approved policy or charging framework, subject to paragraphs 16.33–16.34 of that Schedule and the Licensing Scheme of Delegation.
5. Determine individual licensing and registration matters retained by the statutory or Council-approved delegation table.	**Officer note — function 5:** Individual matters retained for Committee determination may not be decided under a general operational officer delegation. Other individual decisions may be taken by officers only within the applicable licensing delegation table.
6. Appoint the Licensing sub-committee and Regulatory Sub-Committee and delegate functions to it through the applicable statutory or Council route.	

7. Consider reports on licensing performance, enforcement and regulatory policy.	**Officer note — function 7:** Inspection, investigation and enforcement require the applicable statutory authorisations and delegated powers.
8. Exercise any other licensing or registration function allocated by Full Council.	

3.5 Appeals Committee (Statutory Officers)

Membership: 3 Councillors, including one Executive member; none may be a member of the Staffing and General Purposes Committee.

Quorum: 2 Members

Functions and responsibilities	Related officer powers and limitations
1. Hear appeals by the Head of Paid Service, Monitoring Officer and Section 151 Officer against disciplinary action short of dismissal under the relevant procedure. 2. Consider the appeal afresh or by review as required by the applicable procedure. 3. Confirm, vary, reduce or remove the sanction within the Committee's lawful remit. 4. Conduct the appeal fairly and impartially under the Officer Employment Procedure Rules. 5. Exercise no function concerning proposed dismissal, which must follow the Independent Panel and Full Council process.	**Officer note — functions 1–5:** Determination of the appeals allocated here remains with the Committee. Officers may arrange or provide legal, human resources, procedural and administrative support but may not determine the appeal or vary the sanction.

4. Overview and Scrutiny Committees

4.1 Corporate Scrutiny Committee

Membership: 11 Councillors

Chair/Vice Chair - Not to be a member of the largest political group.

Membership will be on a politically proportionate basis.

Quorum: 5 Members

Functions and responsibilities	Related officer powers and limitations
1. To review and scrutinise performance, outcomes and delivery for services within the Committee's remit; 2. To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit. 3. Provide strategic oversight and leadership of the Council's Overview and Scrutiny function, including the preparation of an annual report to Full Council on scrutiny activity and outcomes. 4. Develop, co-ordinate and oversee a risk-based scrutiny work programme designed to support continuous improvement, effective policy development, service transformation and improved outcomes for residents. 5. Provide challenge and constructive support to the Executive's policy development role and to the Council's long-term strategic direction, including the consideration of emerging issues, policy changes and their potential impact on the Borough. 6. Support the development, implementation and review of the Council's Budget, Medium Term Financial Strategy and associated financial plans, making recommendations to Executive and Council as appropriate. 7. Review and scrutinise the Council's strategic approach to service delivery, performance and resource management, undertaking investigations and in-depth reviews where necessary and making recommendations for improvement.	**Officer note — call-in:** Officers may administer requests and advise on procedural validity under the Overview and Scrutiny Procedure Rules; the Committee determines its substantive response. A scrutiny recommendation does not itself authorise expenditure, change policy or permit implementation; resulting action requires a decision by the person or body with lawful authority.

8. Consider matters included within the Forward Plan and undertake pre-decision scrutiny where appropriate. 9. Consider and determine requests for the call-in of Executive decisions in accordance with the Overview and Scrutiny Procedure Rules and, where appropriate, refer matters back to Executive or Full Council for reconsideration. 10. Consider matters which cut across the remit of more than one Scrutiny Committee and co-ordinate scrutiny activity where a corporate or cross-cutting approach is required. 11. Consider Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit. 12. Review and make recommendations regarding overview and scrutiny arrangements, working practices and constitutional provisions relating to scrutiny. 13. Oversee and promote the Council's involvement in local, regional and national scrutiny networks and activities, including the nomination of Councillors to represent the Council where appropriate. 14. Consider the strategic contribution of partner organisations to the achievement of the Council's objectives and, where appropriate, utilise the powers available to Council's Overview and Scrutiny Committees to obtain information and make recommendations to partner authorities. 15. Report findings and recommendations arising from scrutiny reviews to Executive, Council or other relevant bodies in accordance with the Constitution.	

4.2 People Scrutiny Committee

Membership: 9 Councillors, Chair/Vice Chair - Not to be a member of the largest political group

Membership will be on a politically proportionate basis (plus appropriate co-option)

Plus statutory education representatives, with voting rights on education matters to the extent required by legislation and no voting rights on other matters:

- One Church of England school diocese representative
- One Roman Catholic school diocese representative(s);
- Two Parent governor representatives

Quorum: 5 members

Purpose and remit: Overview and scrutiny of services relating to children, young people, adults, public health and wellbeing, and health services provided by NHS bodies and partners. The remit includes Adult Social Care and Public Health; Children's Services; health and mental health services; voluntary and community sector engagement; libraries, leisure and cultural services; and other matters referred by the Council.	**Related officer powers and limitations**
1. To review and scrutinise performance, outcomes and delivery for services within the Committee's remit; 2. To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit. 3. To develop a scrutiny work programme designed to support continuous improvement, effective policy development, service transformation and improved outcomes for residents; 4. To report findings and recommendations arising from scrutiny reviews, investigations and other scrutiny activity to the Executive, Full Council and other relevant bodies in accordance with the Constitution.	**Officer note — health scrutiny:** Officers may prepare evidence, reports, draft recommendations and draft health-scrutiny consultation responses within existing authority; formal health-scrutiny responses remain with the Committee. Call-in requests are determined by the Corporate Scrutiny Committee under the Overview and Scrutiny Procedure Rules. The scrutiny recommendation safeguard in the Corporate Scrutiny Committee officer note applies equally here.

5. To consider items included within the Forward Plan which fall within the Committee's remit and, where appropriate, undertake pre-decision scrutiny of proposed Executive decisions, policies, strategies and plans before they are determined by the Executive. Responsibility for the consideration and determination of any subsequent call-in of Executive decisions shall rest with the Corporate Scrutiny Committee in accordance with the Overview and Scrutiny Procedure Rules. 6. To undertake and discharge the Council's statutory health scrutiny responsibilities in accordance with the Local Government Act 2000, the National Health Service Act 2006, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and any subsequent legislation, regulations or guidance. 7. In exercising its statutory health-scrutiny responsibilities, the Committee shall: i) Review and scrutinise matters relating to the planning, provision and operation of health services affecting the residents of Hartlepool, including the exercise of the Council's powers under section 244 of the National Health Service Act 2006; ii) Review and scrutinise proposals for any substantial development of, or variation in, health services and make reports and recommendations to relevant NHS bodies, health service providers and other appropriate organisations; iii) Consider and respond to consultations from NHS bodies, Integrated Care Boards, NHS trusts, foundation trusts, the Department of Health and Social Care and any organisation providing health services to Hartlepool residents;	

iv) Receive information, reports and evidence from NHS bodies, Healthwatch, the Care Quality Commission and other relevant organisations and stakeholders in connection with the Committee's health scrutiny functions; v) Consider referrals made through Healthwatch arrangements and discharge the Council's responsibilities in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; vi) Review and scrutinise the contribution of NHS bodies, public health partners and other relevant organisations to the health and wellbeing of Hartlepool residents, including collaborative working, service commissioning and the integration of health and social care services; vii) Where local resolution has not been reached, consider what further representations or other action should be taken, including whether to submit or support a request asking the Secretary of State to consider exercising the statutory call-in power in relation to a proposed reconfiguration of NHS services, in accordance with applicable legislation and statutory guidance; viii) Receive and consider reports arising from external inspections, reviews and assessments relating to health, public health, adult social care, children's services and wellbeing functions; 8. To consider Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit.	

4.3 Place Scrutiny Committee

Membership: 9 Councillors

Chair/Vice Chair - Not to be a member of the largest political group

Membership will be on a politically proportionate basis (plus appropriate co-option)

Two Parish Council representatives (non-voting) to be nominated by the Parish Councils on an annual basis and rotated annually.

Quorum: 5 Members

Purpose and remit: Overview and scrutiny of the Borough's physical, economic and environmental development, promoting thriving, sustainable and inclusive communities. The remit includes environmental services, waste and sustainability; highways, transport, infrastructure, flood and coastal risk; planning policy, building control; regeneration, strategic development, climate change and net zero; estates, assets and housing regeneration; community safety, crime and disorder, anti-social behaviour and public protection; emergency planning, resilience, health and safety and risk management; housing, homelessness, welfare support and inclusion; community hubs, libraries, learning, skills and volunteering; leisure, culture, heritage, countryside and open spaces; economic growth, business support, inward investment, tourism and the visitor economy; community cohesion, equality and inclusion; and other matters allocated by Full Council.	**Related officer powers and limitations**
1. To review and scrutinise performance, outcomes and delivery for services within the Committee's remit; 2. To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit. 3. The development and delivery of a scrutiny work programme designed to support continuous improvement, effective policy	**Officer note — scrutiny interfaces:** Call-in requests are determined by the Corporate Scrutiny Committee under the Overview and Scrutiny Procedure Rules. Scrutiny of flood-risk management is distinct from operational Lead Local Flood Authority decisions under separate lawful delegations. This note does not amend or resolve the scope of function 9 or create, transfer or enlarge any delegation. The scrutiny recommendation

development, service transformation and improved outcomes for residents. 4. Exercise the Council's scrutiny functions in relation to the Crime and Disorder Committee in accordance with sections 19 to 21 of the Police and Justice Act 2006, including the scrutiny of crime and disorder functions exercised by responsible authorities and community safety partners. 5. The reporting of findings and recommendations arising from scrutiny reviews, investigations and other scrutiny activity to the Executive, Full Council and other relevant bodies in accordance with the Constitution. 6. Consideration of matters included within the Forward Plan that fall within the Committee's remit and, where appropriate, the undertaking of pre-decision scrutiny of proposed Executive decisions, policies, strategies and plans before determination by the Executive. Responsibility for the consideration and determination of any subsequent call-in of Executive decisions shall rest with the Corporate Scrutiny Committee in accordance with the Overview and Scrutiny Procedure Rules. 7. Undertake Crime and Disorder Councillor Calls for Action in accordance with the Police and Justice Act 2006 and associated legislation. 8. Undertake Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit. 9. Review and scrutinise the discharge of the Council's functions as Lead Local Flood Authority under the Flood and Water Management Act 2010 and associated legislation. 10. Receive and consider reports, inspections, reviews and assessments from external regulators, inspectorates and partner	safeguard in the Corporate Scrutiny Committee officer note applies equally here.

organisations relating to matters within the Committee's remit.	

5. Sub-Committees

5.1 Licensing Sub Committee

Licensing Sub Committee Membership			
Membership	3 Councillors	**Quorum**	3 Councillors

No	Licensing Sub Committee Function
1	Discharge the Council's functions under the Licensing Act 2003 and the Gambling Act 2005, with the exception of those functions reserved to Full Council.

5.2 Regulatory Sub Committee

Regulatory Sub Committee Membership			
Membership	4 Councillors	**Quorum**	3 Councillors

No	Regulatory Sub Committee Function
1	Discharges the Licensing Committee's functions in relation to individual licence matters not assigned to the Licensing Sub-Committee. Including: the power to refuse, revoke or suspend except for matters where eligibility criteria are not met or where there is judged to be a clear risk to the well-being of the public, or a section of the public, which needs to be addressed as a matter of urgency, except those relating

	to Commons Registration and Roads and Highways (delegated to Planning Committee).
2	Discharges all other licensing and registration functions except those relating to Commons Registration and Roads and Highways (delegated to Planning Committee) with the exception of those functions reserved to Full Council.

Officer note — Contested hearings and decisions expressly referred or reserved to the Sub-Committee remain with it. The Director of Neighbourhoods and Regulatory Services may determine uncontested and other delegated matters, and undertake associated investigation and enforcement, only within applicable statutory authorisations and the licensing delegation table. A similar type of decision is not delegated merely because officers may determine other applications. See Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraphs 16.33–16.34 and 16.38–16.44, and the Licensing Scheme of Delegation.

6. Statutory and Advisory Bodies

6.1 Health and Wellbeing Board

Membership: 4 Councillors nominated by the Leader, subject to the Leader's statutory right to membership; the Director of Adult Social Services; Director of Children's Services; Director of Public Health; a representative appointed by Local Healthwatch; a representative of each relevant Integrated Care Board; and any additional members lawfully appointed under section 194 of the Health and Social Care Act 2012. Political proportionality does not apply.

Quorum: At least 5 members, including at least one Council representative, one relevant Integrated Care Board representative and one Local Healthwatch representative. Only members or lawfully appointed substitutes count.

Functions and responsibilities	**Related officer powers and limitations**

1. Encourage integrated working between health, public health, social care and health-related services. 2. Encourage partnership arrangements, including arrangements under section 75 of the National Health Service Act 2006.	**Officer note — functions 1–9:** Personal statutory and operational officer responsibilities do not replace the Board's collective statutory decisions, approvals or opinion, or themselves authorise commissioning commitments or partnership agreements. See Officer Schedule 3 (Officer Decision-Making and Delegations to Directors) paragraphs 14.3(p)–(q) for operational NHS arrangements and approved pooled or aligned budgets, and 20.3(l) for the Director of Public Health's role in preparing the Joint Strategic Needs Assessment and supporting the Joint Health and Wellbeing Strategy.
3. Exercise statutory functions relating to the Joint Strategic Needs Assessment and Pharmaceutical Needs Assessment. 4. Prepare, approve, publish, review and oversee implementation of the Joint Health and Wellbeing Strategy.	
5. Promote alignment of commissioning priorities with those assessments and strategies and influence health, public health and social-care commissioning and investment. 6. Promote joint commissioning, integration, prevention, health improvement and reduction of inequalities. 7. Give the Council its statutory opinion on whether due regard has been given to the needs assessment and strategy where required. 8. Exercise additional functions lawfully delegated to the Board.	

9. Work with the relevant Integrated Care Board, Healthwatch and other partners.	

6.2 Independent Panel

Membership: At least 2 relevant Independent Persons appointed in accordance with section 28(7) of the Localism Act 2011 and the Local Authorities (Standing Orders) (England) Regulations 2001.

Quorum: 2 Panel members

Procedure: The Panel must be appointed at least 20 working days before the Full Council meeting considering the proposed dismissal. Invitations, appointments and the order of priority for Independent Persons must follow the Officer Employment Procedure Rules and the applicable statutory provisions. Before deciding, Full Council must consider the Panel's advice, views or recommendations, the conclusions of any investigation and the relevant officer's representations.

Functions and responsibilities	Related officer powers and limitations
1. Consider any proposal to dismiss the Head of Paid Service, Monitoring Officer or Section 151 Officer, together with the Independent Investigator's report, the officer's representations and other relevant information. 2. Consider oral or written representations under the Officer Employment Procedure Rules. 3. Provide Full Council with independent advice on the proposal, including whether the Panel agrees or disagrees and its reasons. 4. Act only in an advisory capacity and not determine dismissal. 5. Act fairly, impartially and having regard to the statutory timetable and the officer's rights.	**Officer note — functions 1–5:** No officer may exercise the Panel's statutory advisory function concerning a proposed dismissal. Officers may arrange or provide legal, human resources and administrative support, subject to independence and procedural fairness. The dismissal decision remains with Full Council.

7. General Provisions

7.1 Each body shall exercise its functions in accordance with these terms of reference, the Council Procedure Rules, the Access to Information Procedure Rules and any applicable statutory procedure.

7.2 A committee or sub-committee may exercise any incidental or conducive power necessary to discharge an allocated function, subject to statutory and constitutional restrictions.

7.3 A committee shall not exercise an Executive Function unless permitted by law and lawful arrangements have been made for it to do so.

7.4 An overview and scrutiny committee reviews decisions and services, makes reports and recommendations, and exercises call-in functions under the Overview and Scrutiny Procedure Rules. It must not exercise an Executive Function or substitute its own decision for that of an Executive decision-maker.

7.5 The Health and Wellbeing Board and Independent Panel shall exercise only the functions conferred or delegated by legislation or this Constitution.

7.6 A Chair has no individual decision-making authority unless expressly delegated.

7.7 Regulatory and quasi-judicial matters shall be determined on their merits, in accordance with procedural fairness and the principles of decision-making in the Constitution.

7.8 An urgent non-executive matter reserved to a committee must be determined at an ordinary or extraordinary meeting unless a separate express lawful delegation applies. Consultation with a Chair does not transfer the committee's authority.

7.9 Where there is uncertainty about membership, quorum or the allocation of a function, the Monitoring Officer shall advise.

8. Amendment

8.1 A material change to functions, membership or quorum must be approved by Full Council, except where legislation or this Constitution provides otherwise.

8.2 The Monitoring Officer may update statutory references, post titles, appointments already lawfully made and clerical, numbering or cross-referencing errors, provided the amendment does not materially alter responsibility, membership or quorum.

PART 3 – RESPONSIBILITY FOR FUNCTIONS

SCHEDULE 2

EXECUTIVE FUNCTIONS AND DELEGATIONS

TO BE AGREED WITH THE LEADER

PART 3 – RESPONSIBILITY FOR FUNCTIONS

SCHEDULE 3

OFFICER DECISION-MAKING AND DELEGATIONS TO DIRECTORS

1. Application

1.1 This Schedule applies to the Head of Paid Service, Executive Directors and Directors and sets out the general rules governing the exercise of functions delegated to them.

1.2 This Schedule shall be read with:

(a) the Responsibility for Functions Schedule;

(b) Schedule 2 Executive Functions and Delegations: Leader and Individual Executive Members;

(c) the individual schemes of delegation to Directors;

(d) the Access to Information Procedure Rules;

(e) the Budget and Policy Framework Procedure Rules;

(f) the Financial Procedure Rules;

(g) the Contract Procedure Rules;

(h) the Officer Employment Procedure Rules; and

(i) any other relevant provision of the Constitution.

2. General Delegation to Directors

2.1 Subject to the Constitution, each Director is authorised to exercise any function delegated to them within their area of responsibility where the decision:

(a) involves revenue expenditure or savings of less than £250,000;

(b) involves capital expenditure of less than £1,000,000;

(c) is not likely to have a significant impact on communities living or working in an area comprising two or more wards;

(d) is consistent with the Budget and Policy Framework;

(e) is supported by an approved budget or other lawful source of funding;

(f) complies with the Financial Procedure Rules and Contract Procedure Rules;

(g) is consistent with approved Council policy; and

(h) is not reserved by law or by the Constitution to Full Council, Executive, the Leader, an individual Executive Member, a committee or another officer.

2.2 Unless a specific delegation provides otherwise, the authority in paragraph 2.1 includes power to:

(a) take operational, administrative, professional and technical decisions;

(b) implement decisions of Full Council, Executive, the Leader, an individual Executive Member or a committee;

(c) commission and procure goods, works and services;

(d) award, enter into, extend, vary, manage and terminate contracts;

(e) incur expenditure and deliver savings within approved budgets;

(f) apply for, accept and administer grants and external funding;

(g) award grants and other financial assistance under an approved scheme;

(h) enter into partnership, collaboration and joint-working arrangements;

(i) determine applications, assessments, requests and individual cases;

(j) approve and implement projects, programmes and service improvements;

(k) exercise regulatory, inspection, enforcement, land and property functions allocated to the Director;

(l) set or vary fees and charges within an approved policy or charging framework;

(m) settle claims and disputes within delegated financial limits;

(n) take staffing and establishment decisions in accordance with the Officer Employment Procedure Rules, approved policies and budgets; and

(o) take any other action necessary or incidental to the exercise of a delegated function.

3. Supplementary delegation provisions

3.1 In exercising a delegated function, a Director may use the Council's powers under section 111 of the Local Government Act 1972 to take action which facilitates, or is conducive or incidental to, the discharge of that function.

3.2 Where a specific delegation provides a lower financial limit, the lower limit shall apply.

3.3 The financial limits in this Schedule do not, of themselves, provide authority to incur expenditure. Any expenditure must be supported by an approved budget or other lawful source of funding.

3.4 The Leader delegates the Executive Functions set out in this Schedule to the Directors identified, subject to every applicable reservation, exclusion, financial limit, condition and referral requirement in this Schedule and Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members). Non-executive functions may be exercised only to the extent delegated by Full Council or the relevant committee.

4. Referral

4.1 A Director shall refer a matter to the appropriate decision-maker where:

(a) the matter is a Key Decision and the Director has not been expressly authorised to take it under paragraph 5;

(b) the decision would establish a new Council policy or materially change an existing policy;

(c) the decision would be contrary to, or not wholly in accordance with, the Budget or Policy Framework;

(d) there is insufficient approved budget or other lawful funding;

(e) the decision would create a significant ongoing financial commitment for which provision has not been made;

(f) the matter is reserved by law or by the Constitution to another decision-maker;

(g) the person or body which delegated the function has required the matter to be referred;

(h) the Director has a conflict of interest which prevents them from acting;

(i) the matter requires an independent hearing, appeal or review which is not lawfully delegated to that officer, or the officer does not meet the applicable independence requirements;

(j) the proposed decision would be contrary to statutory advice from the Monitoring Officer or Section 151 Officer; or

(k) the Director considers that the political, financial, legal, community or reputational significance of the matter requires member determination.

4.2 Where there is uncertainty as to whether a decision is a Key Decision, the Relevant Director shall consult the Monitoring Officer before the decision is taken.

4.3 Where the uncertainty relates to financial value, the Section 151 Officer shall determine the value for the purposes of paragraph 2.1.

4.4 The Monitoring Officer shall determine whether a decision is likely to have a significant impact on communities, having regard to paragraph 2.1(c), the community-impact assessment factors in Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members), ER3, and any relevant professional advice.

4.5 Nothing in this paragraph prevents the exercise of an emergency or urgency power expressly provided elsewhere in the Constitution.

5. Key Decisions by Officers

5.1 In accordance with Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members), a Key Decision may only be taken by the Executive collectively or the Leader, except where an officer acts under an express delegation set out in that Schedule. An officer may take a Key Decision only under that express delegation.

6. Urgent Decisions

6.1 **The Head of Paid Service** may take an urgent Key Decision in accordance with LF8 Urgent Executive Decisions as set out in Schedule 2 (Executive Functions and Delegations: Leader and Individual Executive Members).

7. Individual Decisions

7.1 For an individual case in the exercise of adult or children's social care, safeguarding, education, SEND, housing, homelessness, regulatory, enforcement, public health or another statutory or professional function, the financial limits shall not prevent a Director from determining the case. The decision must be taken in accordance with legislation, approved policy and delegated authority and reported to the section 151 officer as soon as practicable thereafter.

7.2 Nothing in this Schedule prevents an authorised officer from taking action or incurring expenditure which the Council is legally required to take or incur under a court or tribunal order, statutory duty, binding legal obligation or immediate safeguarding requirement, subject to the Financial Procedure Rules and reporting requirements. Action must be confined to what is lawfully required and within the officer's existing statutory or delegated authority. This paragraph creates no unrestricted spending or urgency power and does not disapply applicable Key Decision, notice, recording, publication or urgency requirements.

8. Statutory Functions

8.1 Nothing in this Schedule limits or alters a function conferred personally by law upon a statutory office-holder.

8.2 A statutory office-holder shall exercise the functions of that office in accordance with the relevant legislation, statutory guidance and professional requirements.

8.3 A function which the law requires a statutory office-holder to exercise personally shall not be sub-delegated unless permitted by law.

8.4 This Schedule does not limit or alter the statutory responsibilities of the Head of Paid Service, Monitoring Officer, Section 151 Officer, Director of Adult Social Services, Director of Children's Services, Director of Public Health, Electoral Registration Officer or Returning Officer.

9. Sub-Delegation

9.1 A Director may authorise a suitably qualified officer to exercise a function delegated to the Director unless the law requires personal exercise, the original delegation prevents further delegation, the function is personal to a statutory office-holder, or the Director considers that the matter should be determined personally.

9.2 A sub-delegation may relate to all or part of a function, contain financial or other limits, be subject to conditions, require prior consultation, and be varied or withdrawn by the Director.

9.3 Significant standing sub-delegations shall be recorded in accordance with arrangements determined by the Monitoring Officer.

10. General Provisions

10.1 A Director may refer a matter within their delegated authority to the person or body from whom the delegation derives where the Director considers that member determination is appropriate.

10.2 A matter should not normally be referred for member determination where this would interfere with the independent responsibilities of a statutory officer, the proper conduct of an election, an individual safeguarding decision, an appeal or review, an independent professional decision, procedural fairness, or regulatory or enforcement action.

10.3 Nothing in this Schedule authorises an officer to exercise a function reserved by law, amend the Budget or Policy Framework except as permitted, take a decision reserved to another decision-maker, incur expenditure without authority, act contrary to the Financial Procedure Rules or Contract Procedure Rules, or act contrary to a statutory restriction.

10.4 The delegation of a function to an officer does not prevent the person or body which made the delegation from exercising that function where legally entitled to do so.

11. Amendments

11.1 The Monitoring Officer may amend this Schedule to reflect legislation, give effect to a decision already lawfully made, update a statutory reference or post title, correct an error, or make a minor or consequential amendment which does not materially change decision-making responsibility.

11.2 Any material change to the definition or thresholds of a Key Decision, the extent of officer powers, or the allocation of responsibility for a function shall be approved by the person or body authorised to make that change.

12. Application of Individual Delegations

12.1 Paragraphs 1 to 11 apply to each individual scheme of delegation below.

12.2 Each Director is authorised to exercise the general powers in section 2, subject to section 3, and the functions allocated to that Director. This authority includes statutory functions attached to their office, executive functions delegated by the Leader, and non-executive functions delegated by Full Council or a committee. It also includes local choice functions allocated under paragraph 21 and Appendix 2, and functions transferred under another provision of the Constitution.

12.3 A reference to a function includes all powers and duties under relevant legislation, including determining applications, granting or refusing approvals, inspecting, investigating, obtaining information, serving notices, undertaking works in default, enforcing compliance, entering agreements, obtaining funding and taking incidental action.

12.4 Where responsibility overlaps, each Director may act within their own area, the Directors may work jointly, but only one authorised Director may take the actual decision. One Director may act with the agreement of the other, or the Head of Paid Service may determine who shall act.

13. Head of Paid Service

Responsibilities

13.1 The Head of Paid Service is responsible for:

(a) overall corporate leadership and management;

(b) coordination of the Council's functions and effective management of its officers;

(c) delivery of the Corporate Plan and corporate priorities;

(d) corporate performance, improvement and transformation;

(e) strategic partnerships, external relations and corporate communications;

(f) organisational resilience, business continuity and emergency corporate leadership;

(g) the Senior Management Team;

(h) electoral registration and electoral administration; and

(i) any function not allocated to another Director.

Statutory Office

13.2 The Head of Paid Service is designated as Head of Paid Service under section 4 of the Local Government and Housing Act 1989.

13.3 The Head of Paid Service is appointed as Electoral Registration Officer under section 8 and Returning Officer for local government elections under section 35 of the Representation of the People Act 1983, together with any other electoral office to which the Head of Paid Service is separately appointed.

Specific Delegations

13.4 The Head of Paid Service is authorised to:

(a) direct and coordinate the Council's officers and services;

(b) exercise the functions and duties of the Head of Paid Service and prepare any report required by law;

(c) determine deployment and operational reporting arrangements and approve structural changes below Chief Officer level;

(d) resolve uncertainty or overlap concerning officer responsibility;

(e) approve corporate transformation, improvement and organisational development programmes;

(f) establish corporate performance, risk, assurance and improvement arrangements;

(g) commission investigations, reviews and inquiries into the Council's administration;

(h) approve operational partnership, collaboration, shared-service and joint-working arrangements;

(i) appoint officer representatives to external bodies where member appointment is not required;

(j) appoint temporary cover in the absence of a Director, subject to statutory requirements;

(k) exercise any function not clearly allocated to another Director;

(l) take emergency protective action within existing lawful authority to protect life, health, property, essential services or the Council's interests. This power does not authorise determination of a non-executive matter reserved to Full Council or a committee; such a matter requires an ordinary or extraordinary meeting unless a separate express lawful delegation applies. Consultation with a Chair or other member does not transfer authority. Applicable executive urgency, notice and call-in requirements remain in force, and the action, reasons, authority and consultations shall be recorded and reported to the next appropriate member meeting;

(m) exercise all functions arising from any statutory electoral office held by the Head of Paid Service, including the offices of Returning Officer and Electoral Registration Officer;

(n) where the Leader is unavailable to act under LF8, exercise the Head of Paid Service fallback power expressly provided in LF8, subject to every condition, exclusion, consultation, advice, recording, publication, reporting, call-in and implementation safeguard in that provision and its express inclusion in the Leader's recorded arrangements. This power is not sub-delegable; and

(o) To personally approve and sign off any Special Severance Payment of £20,000 or more but less than £100,000, in accordance with the applicable statutory guidance, with a clear record of the approval of the Leader of the Council and of any other officers required to approve or sign off the payment. Where the proposed Special Severance Payment relates to the Head of Paid Service, the matter shall be dealt with in accordance with the applicable statutory guidance and shall not be determined by the Head of Paid Service.

Electoral Independence

13.5 When acting as Electoral Registration Officer, Returning Officer or in another personal electoral capacity, the Head of Paid Service acts in a personal statutory capacity, is not subject to direction by the Council's executive or another officer, and may appoint deputies and electoral staff where permitted by law.

13.6 The residual and coordination powers in paragraphs 12.4, 13.1(i) and 13.4(d), (j) and (k) apply only within existing lawful officer authority. They do not transfer a function reserved to Full Council, a committee, sub-committee, independent panel or another statutory office-holder, enlarge an underlying delegation, or replace a required appointment, qualification or authorisation. Electoral review administration and implementation do not transfer member decisions on polling districts, polling places or community governance, or the personal statutory functions of the Electoral Registration Officer or Returning Officer.

14. Executive Director of Adult and Public Health Services

Responsibilities

14.1 The Executive Director of Adult and Public Health Services is responsible for:

(a) adult social care and adult safeguarding;

(b) assessment, eligibility, care planning, personal budgets and direct payments;

(c) residential, nursing, home care and direct support services;

(d) occupational therapy, equipment and adaptations;

(e) support for carers, financial assessments and charging;

(f) adult social care commissioning, provider quality and market management;

(g) integrated health and social care;

(h) mental capacity and deprivation of liberty functions; and

(i) strategic coordination with the Director of Public Health.

Statutory Office

14.2 The Executive Director is designated as the Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970.

Specific Delegations

14.3 The Executive Director of Adult and Public Health Services is authorised to:

(a) exercise the statutory, professional and leadership responsibilities of the Director of Adult Social Services;

(b) exercise the Council's adult social services and Care Act 2014 functions;

(c) determine assessments, eligibility, care and support plans and reviews;

(d) approve, vary, suspend or end care packages, placements, personal budgets and direct payments;

(e) approve exceptional support required by urgency, vulnerability, safeguarding need, court order or legal obligation;

(f) assess, impose, reduce, waive, defer and recover adult social care charges;

(g) undertake safeguarding enquiries and establish protection arrangements;

(h) exercise Council functions under mental capacity legislation and make best-interest decisions where appropriate;

(i) authorise applications and proceedings concerning vulnerable adults, including Court of Protection proceedings, following legal advice;

(j) commission, procure and manage adult care and support services;

(k) investigate provider concerns and impose embargoes, suspensions, improvement measures and contractual remedies;

(l) exercise market-management, continuity and market-failure functions;

(m) manage Council-provided adult care services;

(n) assess carers and approve services, personal budgets and grants;

(o) approve occupational therapy, equipment and adaptation services;

(p) enter operational and commissioning arrangements with NHS bodies and partners;

(q) administer approved pooled or aligned budgets; and

(r)Apply for, accept and administer relevant funding under £100,000, regardless of source"

(s) Apply for, in consultation with the Chief Executive, Monitoring Officer and Section 151 Officer, and administer if successful relevant funding over £100,000, regardless of source

15. Executive Director of Children's Services

Responsibilities

15.1 The Executive Director of Children's Services is responsible for:

(a) children's social care, child protection and safeguarding;

(b) looked-after children, care leavers, fostering, adoption and permanence;

(c) early help and family support;

(d) education, maintained schools and school improvement;

(e) school admissions and attendance;

(f) special educational needs and disabilities;

(g) childcare and early years;

(h) youth services and youth justice; and

(i) children's services commissioning.

Statutory Office

15.2 The Executive Director is appointed as the Director of Children's Services under section 18 of the Children Act 2004.

Specific Delegations

15.3 The Executive Director of Children's Services is authorised to:

(a) exercise the statutory, professional and leadership responsibilities of the Director of Children's Services;

(b) exercise the Council's children's social services, education and childcare functions allocated to the post;

(c) exercise child protection, assessment, enquiry and safeguarding functions;

(d) authorise care proceedings and related applications following legal advice;

(e) approve placements, care plans, contact arrangements and permanence plans;

(f) approve secure accommodation where statutory requirements are met;

(g) exercise adoption, fostering, special guardianship and permanence functions not reserved elsewhere;

(h) provide statutory support to care leavers;

(i) establish early-help, family-support and prevention services;

(j) determine SEND assessments, education health and care plans, placements, personal budgets and support;

(k) administer school admissions and attendance functions not reserved to an appeal panel;

(l) exercise school intervention and implement approved school organisation proposals;

(m) exercise childcare and early-years functions;

(n) exercise and commission youth justice functions;

(o) commission, procure and manage children's and education services;

(p) approve individual placements and support packages required by safeguarding need or legal obligation;

(q) Apply for, accept and administer relevant funding under £100,000, regardless of source

(r) Apply for, in consultation with the Chief Executive, Monitoring Officer and Section 151 Officer, and administer if successful relevant funding over £100,000, regardless of source

16. Director of Neighbourhoods and Regulatory Services

Responsibilities

16.1 The Director is responsible for:

(a) planning and development management;

(b) planning enforcement;

(c) building control;

(d) strategic asset management and the Council's land and property portfolio;

(e) environmental services and waste;

(f) highways, strategic transport, traffic management, parking and public rights of way;

(g) environmental health, trading standards, licensing and public protection;

(h) community safety and anti-social behaviour;

(i) parks, beaches, open spaces, allotments, cemeteries and crematorium services;

(j) passenger and fleet transport;

(k) emergency planning, civil contingencies and business continuity;

(l) facilities management and building maintenance; and

(m) other neighbourhood or regulatory services allocated to the Director.

(n) determine home-to-school transport eligibility and reviews;

Statutory and Proper Officer Functions

16.2 The Director shall exercise any Proper Officer or statutory function allocated to the Director, and may appoint or authorise suitably qualified officers where permitted by legislation or the Constitution.

16.3 Where legislation requires the officer exercising a function to hold particular qualifications, registration or professional competence, only an officer meeting those requirements may exercise it. Where legislation instead permits exercise with advice or support from a qualified or registered officer, that advice or support must be obtained.

16.3A The Director is authorised to:

(a) determine home-to-school transport eligibility and officer reviews in accordance with the approved policy and appeal procedure;
(b) apply for, accept and administer relevant funding below £100,000, regardless of source; and
(c) apply for and, if successful, accept and administer relevant funding of £100,000 or more, following consultation with the Head of Paid Service, Monitoring Officer and Section 151 Officer and subject to any applicable Executive reservation or Key Decision requirement.

Planning

16.4 In paragraphs 16.5 to 16.21, "the Regulations" means the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, as amended or replaced; "Nominated Member" means the Chair of the Planning Committee; "Nominated Officer" means the Director; and "Own-Interest Application" has the meaning given in the Regulations.

16.5 The Chair of the Planning Committee is appointed as the Nominated Member for the purposes of the Regulations.

16.6 The Director is appointed as the Nominated Officer for the purposes of the Regulations.

16.7 The Director may appoint in writing a suitably qualified officer to act as Nominated Officer during any period when the Director is absent or unable to act.

16.8 Subject to the rules applying to Own-Interest Applications, the Director shall determine every application which the Regulations require to be determined by an officer.

16.9 The authority in paragraph 16.8 applies to every application listed in Schedule 1 of the Regulations.

16.10 An application under Schedule 2 of the regulations shall be determined by the Director unless referred to the Planning Committee under paragraph 16.11.

16.11 An application under schedule 2 of the Regulations may be referred only where the Nominated Member and Nominated Officer both agree that the proposal raises one or more issues of economic, social or environmental significance to the local area, or significant planning matters having regard to the Development Plan and other material considerations, and both agree that the application should be determined by the Planning Committee.

16.12 The referral decision shall comply with the Regulations and statutory guidance, be recorded in writing and include reasons.

16.13 The authority in paragraph 16.10 applies to every application listed in Schedule 2 to the Regulations which has not been referred to the Planning Committee in accordance with paragraph 16.11.

16.14 An Own-Interest Application shall be determined in accordance with the Regulations.

16.15 The Nominated Member and Nominated Officer may agree to refer an Own-Interest Application to the Planning Committee, having regard to statutory guidance.

16.16 An Own-Interest Application not referred to the Planning Committee shall be determined by the Director or another authorised officer.

16.17 A Councillor or officer with an interest in an application shall take no part in its processing or determination, except as permitted by law and the Planning Code of Practice.

16.18 The Director is authorised to exercise all other planning functions not reserved by law or the Constitution to Full Council or the Planning Committee.

16.19 This includes authority to obtain land-interest information; determine planning and related applications; impose, vary, discharge and enforce conditions; negotiate and complete planning obligations; investigate breaches; issue planning and enforcement notices; seek injunctions; conduct appeals; exercise section 215 powers; make and confirm Tree Preservation Orders where not reserved; exercise hedgerow, listed building, conservation, hazardous

substances, advertisement and Article 4 functions; refer viability disputes; authorise powers of entry; issue decision notices; settle conditions and reasons following committee decisions; complete section 106 agreements; and take other enforcement action under the Planning Acts.

16.20 The making of a Tree Preservation Order, service of specified enforcement or heritage notices, applications for injunctions and exercise of section 215 powers shall be reported for information to the next available Planning Committee where required by the Planning Scheme of Delegation.

16.21 The Planning Committee shall determine only those planning matters allocated to it under its terms of reference, including properly referred Schedule 2 and Own-Interest Applications, opposed commons, public rights of way and town or village green matters, and Tree Preservation Order matters reserved to it.

16.21A Nothing in this Schedule permits referral to the Planning Committee of an application which legislation requires an officer to determine. Planning referrals must comply with paragraphs 16.8–16.16 of Schedule 3 and the Planning Scheme of Delegation. Administrative implementation, settlement of conditions and completion of obligations following a Committee decision must remain within that decision and any express delegated discretion. A proposed material change to Committee-approved obligations or a substantive appeal position shall be referred to the Committee unless separate lawful authority permits officer determination. The Director determines planning merits within delegated authority; the Director of Legal, Governance and Human Resources conducts proceedings and completes legal documentation. Reserved or properly referred matters remain with the Committee.

Building Control

16.22 The Director is authorised to exercise all building control functions not reserved by law or the Constitution to another decision-maker.

16.23 Where legislation requires the involvement of a Registered Building Inspector, the function shall be exercised by, or with the advice or support of, an appropriately registered Building Inspector.

16.24 The Director may receive, validate, process and determine applications, plans, certificates and notices under the Building Act 1984, Building Regulations 2010 and related legislation; process Building Notices, initial notices and regularisation applications; determine relaxations; issue approvals, certificates and notices; exercise enforcement powers under sections 35 and 36; take action under sections 72, 77, 78 and 81; undertake emergency or default works and recover costs; determine charges; respond to consultations; deal with

building-over-sewer arrangements; and exercise other building control functions.

16.25 A building control function may be sub-delegated only to an officer with the qualifications, registration and competence required by law.

Land and Property

16.26 The Director is authorised to manage the Council's land and property portfolio and, within the Director's delegated decision-making powers, to:

(a) acquire and dispose of land and property;

(b) grant, acquire, renew, vary, assign or surrender leases, tenancies, licences, easements, wayleaves and other rights over land;

(c) undertake rent reviews and lease renewals and vary or release covenants and restrictions;

(d) approve the terms of land and property transactions and associated agreements;

(e) declare land or property surplus to operational requirements, following consultation with the Director responsible for the service concerned; and

(f) take any other action required for the effective management of the Council's land and property portfolio.

16.27 A transaction under paragraph 16.26 shall:

(a) comply with the Financial Procedure Rules, approved property procedures and the Budget and Policy Framework;

(b) be supported by appropriate valuation advice;

(c) comply with statutory requirements relating to acquisition or disposal, including best consideration where applicable;

(d) comply with statutory requirements applying to open space; and

(e) be referred to the appropriate decision-maker where it is a Key Decision or otherwise reserved.

16.28 The Director of Legal, Governance and Human Resources is authorised to approve and complete the legal documentation required to give effect to a transaction approved under paragraphs 16.26 and 16.27.

Highways and Transport

16.29 The Director is authorised to exercise the Council's highway and traffic authority functions, including highway maintenance, construction, adoption, obstruction, licensing and enforcement; highways agreements; traffic regulation and parking orders and notices; street works and permitting; public rights of way; stopping-up and diversion; cycle-track arrangements; passenger transport and concessionary travel; parking and civil enforcement; vehicle removal; fleet management; and operational priorities within approved policy and budget.

16.30 An opposed public rights of way matter shall be referred to the Planning Committee where required by its terms of reference.

Environmental Services

16.31 The Director is authorised to determine operational arrangements for waste collection, recycling, disposal and commercial waste; exercise litter, fly-tipping, street cleansing and abandoned vehicle functions; manage recycling facilities; enter waste arrangements; inspect premises and determine charges; manage parks, beaches, open spaces, play areas, allotments, cemeteries and crematorium services; exercise street naming and numbering functions; determine Blue Badge applications; manage concessionary travel; manage vehicles, plant and equipment; and implement environmental education programmes.

Public Protection

16.32 The Director is authorised to exercise functions relating to environmental protection, pollution control, air quality, contaminated land, drainage, noise and statutory nuisance; food safety and food standards; workplace health and safety enforcement; infectious disease and public health protection; trading standards, consumer protection, product safety and weights and measures; dangerous premises; dogs; inspection and entry; notices, penalties and enforcement; works in default; seizure and disposal; cautions and undertakings; and referral for prosecution. For workplace health and safety enforcement, this delegation covers operational inspections, investigations and enforcement within the Council's field of responsibility, subject to the Committee-approved enforcement policy and paragraphs 16.38–16.44. It does not include approval of that policy or replace the Staffing and General Purposes Committee's oversight under Schedule 1 (Non-Executive Functions and Committee Responsibilities), function 18. Any statutory inspector appointment

or authorisation required by law must be in place before the relevant powers are exercised.

Licensing

16.33 The Director is authorised to exercise licensing and registration functions to the extent permitted by legislation and the Licensing Scheme of Delegation, including uncontested applications, inspections, investigations, notices, conditions, officer authorisations and delegated fees.

16.34 The Director shall not determine a matter which legislation or the Licensing Scheme of Delegation requires to be determined by the Licensing Committee or a Licensing Sub-Committee.

Community Safety

16.35 The Director is authorised to exercise community safety and anti-social behaviour functions, including statutory notices, Public Spaces Protection Orders where delegated, injunctions and orders, high hedges, environmental crime, CCTV, the Safer Hartlepool Partnership, officer authorisations and referrals for legal proceedings.

Emergency Planning

16.36 The Director is authorised to discharge the Council's responsibilities as a Category 1 responder; exercise allocated Proper Officer functions; approve and maintain emergency, civil contingency and business continuity arrangements; appoint response officers; coordinate operational response; and take urgent action to maintain essential services.

Facilities and Operational Property

16.37 The Director is authorised to manage facilities, cleaning, catering, security, operational property, building maintenance and construction; manage asbestos, legionella and property compliance; exercise sports-ground safety functions; approve operational use of land and premises; manage street lighting and infrastructure; manage plant, vehicles and equipment; and protect Council buildings and operational property.

Officers and Enforcement

16.38 The Director may appoint, nominate and authorise suitably qualified officers to exercise inspection, entry, investigation, licensing, regulatory or enforcement functions within the Director's responsibilities.

16.39 An authorisation may cover one or more statutory functions, include associated statutory powers, contain conditions or limitations, and be varied or withdrawn.

16.40 An officer shall not exercise a function requiring a statutory qualification, registration or competence unless the officer meets that requirement.

16.41 The Director may investigate an alleged offence and provide instructions to the Director of Legal, Governance and Human Resources to consider legal proceedings.

Consultation and Reporting

16.42 The Director shall consult Legal, Finance, affected service Directors and the relevant Executive Member where required by the nature of the matter, legislation or Schedule 2 Executive Functions and Delegations: Leader and Individual Executive Members.

16.43 Consultation does not transfer responsibility for the decision.

16.44 The Director shall maintain and publish decision records where required by legislation or the Constitution.

17. Director of Housing, Growth and Community Services

Responsibilities

17.1 The Director of Housing, Growth and Community Services is responsible for:

(a) housing strategy and delivery;

(b) homelessness, housing advice and allocations;

(c) affordable housing and housing support;

(d) economic development, inward investment and business support;

(e) employment, skills and regeneration programme coordination;

(f) community development and voluntary sector support;

(g) libraries, museums, arts and heritage;

(h) leisure, physical activity, tourism and events; and

(i) community facilities.

Specific Delegations

17.2 The Director of Housing, Growth and Community Services is authorised to:

(a) implement approved housing and homelessness strategies;

(b) exercise homelessness prevention, relief, accommodation and review functions;

(c) administer the housing allocation scheme and determine applications, priorities and reviews;

(d) secure and manage temporary accommodation and housing support;

(e) negotiate affordable housing arrangements in consultation with the Director of Neighbourhoods and Regulatory Services on planning matters;

(f) approve housing enabling and delivery arrangements;

(g) determine housing grants, loans and assistance under approved schemes;

(h) establish economic development, inward investment and business-support programmes;

(i) approve business assistance under approved schemes;

(j) commission employment, training and skills programmes;

(k) manage approved regeneration programmes;

(l) commission voluntary, community and neighbourhood services and determine community grants;

(m) manage libraries, museums, arts, heritage and cultural services;

(n) commission leisure and physical-activity services;

(o) manage tourism, destination and events programmes;

(p) manage and let community facilities; and

(q) administer community asset transfer and community right-to-bid arrangements, subject to matters reserved to members.

(r)Apply for, accept and administer relevant funding under £100,000, regardless of source

(s) Apply for, in consultation with the Chief Executive, Monitoring Officer and Section 151 Officer, and administer if successful relevant funding over £100,000, regardless of source

18. Director of Finance, IT and Digital

Responsibilities

18.1 The Director of Finance, IT and Digital is responsible for:

(a) financial management, accountancy, budget preparation and monitoring;

(b) treasury management, revenues, benefits and taxation;

(c) insurance, debt recovery and financial systems;

(d) procurement governance;

(e) information technology, digital services and cyber security;

(f) data management; and

(g) corporate payment and income systems.

Statutory Office

18.2 The Director is designated as the officer responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and as Chief Finance Officer for sections 113 and 114 of the Local Government Finance Act 1988.

Specific Delegations

18.3 The Director of Finance, IT and Digital is authorised to:

(a) determine arrangements for the proper administration of the Council's financial affairs;

(b) exercise the statutory functions and duties of the Chief Finance Officer and make reports required by law;

(c) provide statutory and professional financial advice and impose necessary financial controls;

(d) approve virements, transfers and use of earmarked reserves within the Constitution;

(e) determine accounting policies and prepare the Statement of Accounts;

(f) undertake borrowing, investment and debt-management activity within the approved strategy;

(g) operate bank accounts and payment, income and cash-management arrangements;

(h) determine taxation matters;

(i) administer Council Tax, business rates, Housing Benefit and Council Tax Support; and to institute, defend, participate in, withdraw, settle or compromise legal and tribunal proceedings relating to the recovery of such;

(j) write off, compromise, defer and arrange payment of debts up to the key decision threshold;

(k) arrange insurance and determine claims within limits;

(l) issue procurement guidance and exercise functions under the Contract Procedure Rules;

(m) procure and operate finance, revenues, benefits, payment, IT, digital and telecommunications systems;

(n) take immediate action on cyber incidents and suspend access where necessary;

(o) establish data management, retention, security and digital governance arrangements;

(p) apply for, accept and administer relevant funding below £100,000, regardless of source;

(q) apply for and, if successful, accept and administer relevant funding of £100,000 or more, following consultation with the Head of Paid Service and Monitoring Officer

(r) certify grant claims and financial returns.

18.4 The powers in paragraphs 13.4(f) and 18.2–18.3 do not transfer the Audit Committee's approval of the Internal Audit Plan, Annual Governance Statement or annual Statement of Accounts, its scrutiny of the Treasury Management Strategy, or Full Council's reserved budget, taxation and strategy decisions. The Section 151 Officer may prepare and certify financial documents and implement approved arrangements within lawful authority. The Head of Internal Audit prepares and delivers audit work within the Internal Audit Plan and other lawful authority, retaining professional independence and access to the Audit Committee.

19. Director of Legal, Governance and Human Resources

Responsibilities

19.1 The Director of Legal, Governance and Human Resources is responsible for:

(a) legal services;

(b) the Constitution and corporate governance;

(c) democratic, member and scrutiny services;

(d) electoral support;

(e) standards and ethical governance;

(f) information governance;

(g) school and other appeals;

(h) human resources and workforce development;

(i) employee and trade union relations;

(j) job evaluation; and

(k) support to statutory officers.

Statutory Office

19.2 The Director is designated as the Monitoring Officer under section 5 of the Local Government and Housing Act 1989.

Specific Delegations

19.3 The Director of Legal, Governance and Human Resources is authorised to:

(a) exercise the statutory functions and duties of the Monitoring Officer, including issuing statutory reports, advising on lawful decision-making and standards, and exercising Proper Officer functions allocated in Appendix 1;

(b) maintain, publish and advise on the Constitution and make minor factual, legislative, clerical and consequential amendments which do not materially alter responsibility, policy or decision-making authority;

(c) administer the Council's arrangements for standards of conduct, including Code of Conduct complaints, Members' interests, gifts and hospitality, investigations and informal resolution, and exercise any power to grant dispensations delegated to the Monitoring Officer, subject to any matter reserved by law, this Constitution or the Council's adopted standards arrangements to another decision-maker;

(d) institute, defend, participate in, withdraw, settle or compromise legal or tribunal proceedings; apply for injunctions and other remedies; recover debts through proceedings; obtain Counsel's opinion; and instruct Counsel and other external legal advisers where considered necessary in the Council's interests;

(e) authorise suitably qualified officers to undertake legal proceedings or other statutory functions within the Director's responsibilities, including authorising officers under section 223 of the Local Government Act 1972 to appear on behalf of the Council before a magistrates' court, subject to any statutory or professional qualification, appointment, right of audience or other requirement;

(f) prepare, approve, execute and complete legal documents, authorise representation, affix the Common Seal and take other legal action necessary to implement a lawfully authorised decision of the Council;

(g) serve notices under section 146 of the Law of Property Act 1925 where necessary to implement a lawfully authorised property decision or protect the Council's interests;

(h) administer democratic, scrutiny and appeal arrangements, including meetings, agendas, decision records and electoral support to the Head of Paid Service, without displacing functions reserved to Members, independent panels or statutory electoral office-holders;

(i) exercise the Council's freedom of information, environmental information, data protection, information governance and records-management functions;

(j) determine and implement operational HR and employment matters, including job evaluation, grading, trade union consultation and negotiation, delegated pension discretions, honoraria and employment settlements, within approved policies, schemes and budgets, except where the matter is reserved by law or this Constitution to the Head of

Paid Service, Full Council, the Staffing and General Purposes Committee or another decision-make;

(k) approve Special Severance Payments below £20,000 where lawful and appropriate and in accordance with the Council's approved policy and applicable statutory guidance, following consultation with the Head of Paid Service and Section 151 Officer;

(l) apply for, accept and administer relevant funding below £100,000, regardless of source; and

(m) apply for and, if successful, accept and administer relevant funding of £100,000 or more, following consultation with the Head of Paid Service and Section 151 Officer

19.4 Operational staffing, HR, employment settlement and pension powers do not transfer decisions reserved by Schedule 1: Non-Executive Functions and Committee Responsibilities or the Officer Employment Procedure Rules. Chief Officer appointments, disciplinary determinations, Executive objections, grievances and appeals remain with the allocated member bodies. Proposed dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer follows the Independent Panel and Full Council process. Council-wide employment and pension-discretion policies remain with the allocated body. Litigation or settlement authority confers no underlying reserved decision. Officers may support and implement authorised decisions, subject to independence and procedural fairness.

19.5 The Monitoring Officer's complaints and dispensations powers remain subject to the adopted standards arrangements; a complaint referred for determination to the Staffing and General Purposes Committee remains with that Committee. Administration of politically restricted posts does not include determination of applications or questions allocated to the Audit Committee. Scrutiny support does not transfer a scrutiny committee's review, call-in or recommendation-making functions. Officer appeal and review decisions are permitted only where expressly allocated and the decision-maker satisfies the relevant independence requirements; member and independent-panel appeals remain with their allocated bodies.

20. Director of Public Health

Responsibilities

20.1 The Director of Public Health is responsible for:

(a) public health leadership, health improvement and health protection;

(b) healthcare public health and health inequalities;

(c) public health intelligence and commissioning;

(d) mandated public health services;

(e) outbreak and incident response and public health emergency planning;

(f) the Joint Strategic Needs Assessment;

(g) support for the Joint Health and Wellbeing Strategy; and

(h) independent public health advice.

Statutory Office

20.2 The Director is appointed by the Council, acting jointly with the Secretary of State, under section 73A of the National Health Service Act 2006.

Specific Delegations

20.3 The Director of Public Health is authorised to:

(a) exercise the statutory, professional and leadership responsibilities of the Director of Public Health;

(b) exercise public health functions for which the Director is responsible under section 73A;

(c) provide independent professional advice;

(d) prepare the annual public health report under section 73B and submit it for publication;

(e) exercise health protection, assurance and emergency-response functions;

(f) lead the response to outbreaks and health threats;

(g) commit resources within approved budgets where immediate action is required;

(h) commission, procure and manage public health and mandated services;

(i) establish health improvement, prevention and health-inequality programmes;

(j) commission substance misuse, children's public health and NHS Health Check services;

(k) collect, analyse and publish public health intelligence;

(l) lead the Joint Strategic Needs Assessment and support the Joint Health and Wellbeing Strategy;

(m) approve public health research, surveillance and evaluation;

(n) administer the public health grant; and

(o) set professional standards and authorise qualified staff.

(p)"Apply for, accept and administer relevant funding under £100,000, regardless of source"

(q) Apply for, in consultation with the Chief Executive, Monitoring Officer and Section 151 Officer, and administer if successful relevant funding over £100,000, regardless of source"

20.4 The Health and Wellbeing Board retains its collective functions, including approvals relating to the Joint Strategic Needs Assessment, Pharmaceutical Needs Assessment and Joint Health and Wellbeing Strategy, and any statutory opinion allocated to it. Board membership and supporting functions do not independently authorise commissioning commitments, pooled budgets or partnership agreements; separate lawful authority is required. Paragraphs 14, 15 and 20 permit statutory, professional, preparatory, commissioning and operational work only within lawful officer authority, including leading or supporting preparation and implementation as appropriate.

21. Local Choice Functions

21.1 Full Council allocates the local choice functions specified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in accordance with Appendix 2 to this Schedule.

21.2 Subject to that allocation, local choice functions may be discharged by officers in accordance with Appendix 2, Part 3, Schedule 2: Executive Functions and Delegations: Leader and Individual Executive Members, and the other provisions of this Schedule.

22. Proper Officer Functions

22.1 The Council's statutory and Proper Officer appointments are set out in Appendix 1.

22.2 A Director may exercise a Proper Officer function allocated to that Director, appoint or authorise a deputy where permitted, and make supporting operational arrangements.

22.3 A Director shall not appoint themselves as Proper Officer, transfer a designation made by Full Council, reallocate a function which legislation requires a named officer to exercise, or exercise another Proper Officer's function without lawful authority.

23. Records of Officer Decisions

23.1 An officer shall produce a written record of a decision where required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Openness of Local Government Bodies Regulations 2014, the Access to Information Procedure Rules, the Financial Procedure Rules, the Contract Procedure Rules, Part 3, Schedule 2: Executive Functions and Delegations: Leader and Individual Executive Members, a specific delegation, or arrangements approved by the Monitoring Officer.

23.2 The record shall include, where applicable, the decision, date, decision-maker, authority, reasons, alternatives, consultation, conflicts of interest and financial implications.

23.3 A decision record shall be published where required by legislation or the Constitution.

23.4 A decision record need not disclose confidential or exempt information, but shall identify the statutory basis on which any information has been withheld.

APPENDIX 1

STATUTORY AND PROPER OFFICERS

1. Application

1.1 This Appendix sets out the Council's statutory officer appointments, Proper Officers, officers authorised to receive statutory notices and documents, and arrangements for deputies and acting officers.

1.2 This Appendix shall be read with Schedule 3 (Officer Decision-Making and Delegations to Directors), the Officer Employment Procedure Rules, and Part 3 as a whole.

1.3 An appointment under this Appendix does not authorise the exercise of a function reserved by law or the Constitution to another decision-maker.

2. Interpretation

2.1 In this Appendix, "Appointed Officer" means the officer appointed or designated for the specified function. "Deputy" means an officer authorised to act in the absence or inability of the Appointed Officer where permitted by law. "Proper Officer" means the officer appointed for a statutory purpose requiring or permitting action by the Council's Proper Officer. "Statutory Officer" means an officer appointed or designated to hold an office required by legislation.

2.2 References to legislation include amendments, re-enactments and replacements. References to posts include successor posts and formal acting appointments where permitted.

2.3 Where an enactment or statutory instrument refers to the Clerk or Town Clerk of the Council and provides that the reference is to be treated as a reference to the Proper Officer, the Head of Paid Service shall be the Proper Officer, unless legislation or this Appendix provides otherwise.

3. Statutory Officers

Legislation and office	**Appointed officer**	**Function**
Local Government and Housing Act 1989, s.4	Head of Paid Service	Head of Paid Service

Local Government and Housing Act 1989, s.5	Director of Legal, Governance and Human Resources	Monitoring Officer
Local Government Act 1972, s.151; Local Government Finance Act 1988, ss.113–114	Director of Finance, IT and Digital	Chief Finance Officer / Section 151 Officer
Children Act 2004, s.18	Executive Director of Children's Services	Director of Children's Services
Local Authority Social Services Act 1970, s.6(A1)	Executive Director of Adult and Public Health Services	Director of Adult Social Services
National Health Service Act 2006, s.73A	Director of Public Health	Director of Public Health
Representation of the People Act 1983, s.8	Head of Paid Service	Electoral Registration Officer
Representation of the People Act 1983, s.35	Head of Paid Service	Returning Officer for local government elections
Local Government Act 2000, s.9FB	Democratic Services and Statutory Scrutiny Manager	Statutory Scrutiny Officer

3.1 These statutory appointments are not ordinary delegations and shall not be transferred except in accordance with the relevant legislation.

4. Electoral Functions

4.1 The Head of Paid Service is appointed as Electoral Registration Officer, Returning Officer for Borough and parish elections, and to any other electoral office to which the Head of Paid Service is separately appointed.

4.2 The Head of Paid Service shall exercise functions attaching to those offices under the Representation of the People Act 1983, including sections 8, 28, 35, 52, 67 and 131 where applicable.

4.3 For local government elections, the Head of Paid Service is the Appropriate Officer under section 67 and Proper Officer under section 82 for receipt of candidates' returns and declarations as to election expenses.

4.4 In exercising electoral functions the Head of Paid Service acts in a personal statutory capacity, is not subject to executive direction, and may appoint deputies and electoral staff where permitted by law.

4.5 The Director of Legal, Governance and Human Resources shall provide legal, democratic and administrative support and may act as a deputy only under a separate written appointment made by the Head of Paid Service in the relevant electoral capacity.

5. Proper Officers and Other Statutory Designations

Legislation or function	Proper Officer	Function
General references to Clerk, Town Clerk or Proper Officer where no specific appointment is made	Head of Paid Service	General Proper Officer
Local Government Act 1972, ss.83–84	Head of Paid Service	Declarations of acceptance of office
Local Government Act 1972, ss.88–89	Head of Paid Service	Resignations and casual vacancy notices
Local Government Act 1972, ss.100B–100F	Director of Legal, Governance and Human Resources	Access to information, agendas, reports and documents
Local Government Act 1972, Sch.12, para.4(2)(b)	Head of Paid Service	Signature of summonses to Full Council
Local Government Act 1972, s.115(2)	Director of Finance, IT and Digital	Receipt of money due from officers
Local Government Act 1972, s.117	Head of Paid Service	Record of officers' notices of pecuniary interests

Local Government Act 1972, ss.212, 225 and 229	Director of Legal, Governance and Human Resources	Deposit, custody, production and certification of documents
Local Government Act 1972, ss.236 and 238	Director of Legal, Governance and Human Resources	Authentication, deposit and evidence of byelaws
Local Government Act 1972, s.248	Director of Legal, Governance and Human Resources	Roll of Freemen functions, where applicable
Local Government (Committees and Political Groups) Regulations 1990	Director of Legal, Governance and Human Resources	Receipt of notices relating to political groups
Local Government and Housing Act 1989 and related regulations	Director of Legal, Governance and Human Resources	Politically restricted posts
Education Act 1996, s.532	Executive Director of Children's Services	Relevant education Proper Officer functions
Public Health (Control of Disease) Act 1984	Director of Neighbourhoods and Regulatory Services	Administrative and enforcement functions allocated to the Council
Health Protection (Notification) Regulations 2010	Relevant UKHSA Director of Health Protection / Consultant in Communicable Disease Control or prescribed post	Medical and health protection notification functions
Housing Act 2004, s.4(2)	Director of Neighbourhoods and Regulatory Services	Relevant housing inspection and enforcement arrangements
Sheriffs Act 1887, s.6(3)	Head of Paid Service	Sheriff-related Proper Officer function

Civil Contingencies Act 2004 and local arrangements	Director of Neighbourhoods and Regulatory Services	Civil emergencies and business continuity
Environmental Protection Act 1990, s.149(1)	Director of Neighbourhoods and Regulatory Services	Stray dog functions

5.1 External health protection appointments shall identify the office or post, require the qualifications and authority prescribed by law, and apply only to the medical, notification or health protection functions covered by the appointment.

6. Registration and Commons Functions

6.1 Registration and civil partnership functions shall be exercised by the officer appointed for those purposes under the relevant legislation. The appointment and any deputy arrangements shall be recorded in the register maintained under paragraph 9.

6.2 The Director of Legal, Governance and Human Resources shall be Proper Officer for the receipt, custody, certification and production of commons and town or village green registers and associated documents where allocated to the Council. Operational registration authority functions shall be exercised by the responsible Director, subject to the Responsibility for Functions Schedule and Planning Committee terms of reference.

7. Deputies

Appointed Officer	**Deputy post**
Head of Paid Service	An Executive Director or Director authorised in writing by the Head of Paid Service
Director of Legal, Governance and Human Resources	Assistant Director of Legal, Governance and Human Resources
Director of Finance, IT and Digital	Assistant Director (Finance)/Deputy Section 151 Officer, or Assistant Director (Digital, Data and Technology), as appropriate

Director of Neighbourhoods and Regulatory Services	Assistant Director (Neighbourhoods) or Assistant Director (Regulatory Services), as appropriate
Director of Housing, Growth and Community Services	Assistant Director (Housing and Growth) or Assistant Director (Preventative and Community-Based Services), as appropriate
Executive Director of Children's Services	Relevant Assistant Director for Children and Families, Education, or Early Intervention, Performance and Commissioning
Executive Director of Adult and Public Health Services	Director of Public Health or Assistant Director (Adult Social Care), as appropriate
Director of Public Health	Suitably qualified Consultant in Public Health or other authorised officer
Democratic Services and Statutory Scrutiny Manager	Suitably qualified officer authorised by the Director of Legal, Governance and Human Resources

7.1 A Deputy may act only where the Appointed Officer is absent, unavailable or unable to act; the law permits it; the Deputy is authorised in writing; any required qualifications are held; and the authorisation identifies the functions concerned.

7.2 A Deputy arrangement shall not transfer the statutory office, permit exercise of a personal statutory duty, override a statutory appointment process, or permit exercise without required qualifications or independence.

8. Electoral Deputies

8.1 The Head of Paid Service may appoint Deputy Electoral Registration Officers only where the Council has delegated authority to make those appointments; otherwise the appointments require Council approval. Separately, the Head of Paid Service may appoint persons in writing to discharge Returning Officer functions where permitted by electoral legislation.

8.2 Deputy Electoral Registration Officer appointments shall be made under the Council approval or delegated authority identified in paragraph 8.1. Authorisations to discharge Returning Officer functions are made by the Head of Paid Service in the relevant personal statutory capacity. Appointments and authorisations may be limited by function, election or period and shall be recorded in writing.

9. Register of Appointments

9.1 The Director of Legal, Governance and Human Resources shall maintain an electronic register recording the legislation, function, primary officer, deputy, appointing authority, effective date, conditions, qualifications and end date.

9.2 An appointment reserved by law to Full Council shall not take effect until Full Council has made it.

10. Absence, Vacancies and Changes

10.1 An authorised Deputy may act during temporary absence subject to paragraph 7. Where a statutory office is vacant, the Council shall appoint an acting officer where required by law.

10.2 A change in post title does not end an appointment where responsibilities remain substantially the same and the law does not require a fresh appointment. The Monitoring Officer may record the updated title.

10.3 A fresh appointment shall be made where legislation requires consultation, Full Council approval, professional qualification or appointment of a named individual.

11. Restrictions and Amendments

11.1 No appointed officer may act outside the appointment, transfer it without authority, act with a disqualifying conflict, act contrary to statutory requirements, exercise a reserved function, or exercise a function without the required qualification or competence.

11.2 The independent responsibilities of the statutory officers and electoral office-holders shall be preserved.

11.3 The Monitoring Officer may update statutory references, record appointments already lawfully made, update deputies or post titles, correct errors and remove spent references, but may not use this power to make an appointment reserved to Full Council, transfer a personal function, materially reallocate responsibility or dispense with a statutory procedure.

APPENDIX 2

LOCAL CHOICE FUNCTIONS

1. Application

1.1 In this Appendix to Part 3, Schedule 3 (Officer Decision-Making and Delegations to Directors), "local choice function" means a function specified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended or replaced.

1.2 This **Appendix** records whether each local choice function applicable to the Council is the responsibility of the Executive or a non-executive responsibility.

1.3 A function shall only be exercised where it remains in force, is applicable to the Council and the Council is the authority responsible for its discharge.

2. Delegation

2.1 Subject to the allocation in paragraph 3:

(a) an executive local choice function may be discharged by the Relevant Director in accordance with arrangements made under section 9E of the Local Government Act 2000 and recorded in Part 3, Schedule 2: Executive Functions and Delegations: Leader and Individual Executive Members; and

(b) a non-executive local choice function may be discharged by the Relevant Director in accordance with arrangements made by Full Council or the relevant committee under section 101 of the Local Government Act 1972.

2.2 A delegation under this **Appendix** includes authority to determine individual cases, establish and administer operational arrangements, consult, obtain information, give notices and requirements, enter into agreements, authorise officers where permitted by law, incur expenditure within approved budgets, refer matters for legal proceedings and take any necessary or incidental action.

2.3 The detailed extent, conditions and limitations of an officer delegation are set out in this Officer Decision-Making and Delegations to Directors Schedule.

3. Allocation of Functions

Paragraph of Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	**Local choice function**	**Allocation**	**Responsible decision-maker or officer**

1	Any function under a local Act, other than a function specified or referred to in regulation 2 or Schedule 1 to the 2000 Regulations	According to the underlying function	Relevant Director, subject to identification of the local Act and the allocation of the underlying function
2	Determination of an appeal against a decision made by or on behalf of the Council	Non-Executive, unless Full Council expressly allocates the class of appeal to the Executive	An independent committee, panel or officer identified in the relevant appeals arrangements
3	Appointment of review boards under regulations made under section 34(4) of the Social Security Act 1998	Not currently applicable	No exercise unless the Monitoring Officer and Section 151 Officer confirm that the Council is required to appoint a review board
4	Making arrangements for appeals against decisions to exclude pupils from maintained schools	Non-Executive	Executive Director of Children's Services, with administrative and legal support from the Director of Legal, Governance and Human Resources
5	Making arrangements for school admission appeals	Non-Executive	Executive Director of Children's Services, with administrative and legal support from the Director of Legal, Governance

			and Human Resources
6	Making arrangements for appeals by governing bodies under the applicable education legislation	Non-Executive	Executive Director of Children's Services, with administrative and legal support from the Director of Legal, Governance and Human Resources
7	Arrangements for questions concerning the discharge of police authority functions	Not applicable	No current function under the present policing governance arrangements
8	Appointments to a police authority under former Police Act 1996 arrangements	Not applicable	No current function under the present policing governance arrangements
10	Any function relating to contaminated land	Executive	Director of Neighbourhoods and Regulatory Services
11	Functions relating to pollution control or air quality management	Executive	Director of Neighbourhoods and Regulatory Services
12	Service of an abatement notice in respect of a statutory nuisance	Executive	Director of Neighbourhoods and Regulatory Services
13	Passing a resolution that Schedule 2 to the Noise and Statutory	Executive	Executive, with implementation by the Director of

	Nuisance Act 1993 is to apply in the Council's area		Neighbourhoods and Regulatory Services
14	Inspection of the Council's area to detect statutory nuisance	Executive	Director of Neighbourhoods and Regulatory Services
15	Investigation of complaints concerning the existence of statutory nuisance	Executive	Director of Neighbourhoods and Regulatory Services
16	Obtaining information under section 330 of the Town and Country Planning Act 1990 concerning interests in land	Non-Executive	Director of Neighbourhoods and Regulatory Services
17	Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	According to the underlying function	Relevant Director, normally the Director of Neighbourhoods and Regulatory Services
18	Making agreements for the execution of highway works	Executive	Director of Neighbourhoods and Regulatory Services
19	Appointment or removal of an individual to or from an outside office, body, committee or sub-committee within	Non-Executive: Full Council, except for appointments specifically allocated to the	The decision-maker identified in the Outside Bodies Scheme, subject to legislation and the body's governing

	paragraph 19 of Schedule 2	Leader or Executive in the Outside Bodies Scheme	arrangements. The Head of Paid Service's power under Part 3, Schedule 3 (Officer Decision-Making and Delegations to Directors), paragraph 13.4(i), is limited to officer representation where member appointment is not required and does not authorise an appointment reserved to Full Council, the Leader or Executive.
20	Entering into an agreement with another local authority for the placing of staff at that authority's disposal	Executive	Head of Paid Service or Relevant Director, following consultation with the Director of Legal, Governance and Human Resources and subject to approved budgets and employment procedures
21	Functions exercised by the Council in the capacity of a harbour authority, so far as not falling within paragraph 1 of Schedule 2	Not currently applicable	No exercise unless the Monitoring Officer confirms that the Council is acting in the relevant legal

			capacity as a harbour authority
22	Functions concerning local area agreements under the statutory provisions identified in Schedule 2	Not currently applicable	Any replacement or revived function shall be allocated by Full Council before exercise
23	Making or revocation of Local Development Orders	Executive	Director of Neighbourhoods and Regulatory Services
24	Planning authority powers of entry under s.324 TCPA 1990	Non-Executive	Director of Neighbourhoods and Regulatory Services
25	Listed-building/conservation powers of entry under s.88	Non-Executive	Director of Neighbourhoods and Regulatory Services

4. Appeals

4.1 A person shall not determine an appeal where that person:

(a) made the original decision;

(b) was materially involved in advising on the original decision;

(c) has a conflict of interest; or

(d) would not provide the independence required by law or procedural fairness.

4.2 An appeal shall be allocated to an appropriately independent officer, panel, committee or external person in accordance with the relevant statutory and constitutional arrangements.

4.3 The allocation of an appeal function as executive or non-executive does not displace any statutory requirement for the appeal to be determined by an independent panel or other specified decision-maker.

5. Interpretation and Amendment

5.1 Where there is uncertainty as to whether a local choice function is executive or non-executive, the Monitoring Officer shall advise on the application of the 2000 Regulations and this Constitution.

5.2 Where legislation abolishes, replaces or materially alters a local choice function, the Monitoring Officer may update this Schedule to reflect that change, provided that the amendment does not make or alter a substantive local choice as to whether a function is executive or non-executive.

5.3 Any substantive change to the allocation of a local choice function between the Executive and the non-executive side of the Council shall be approved by Full Council.