

CONSTITUTION COMMITTEE

AGENDA



26 June 2023

At 4.00 p.m.

**Council Chamber,
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Cowie, Dodds, Hall, Harrison, Howson, Lindridge, Little, Moore and Young

ALSO INVITED PLANNING COMMITTEE

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson and Young.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

2. APOLOGIES FOR ABSENCE

3. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

4. MINUTES

- 4.1 To confirm the minutes of the meeting held on 14 March 2023.

5. ITEMS REQUIRING DECISION

- 5.1 Periodic Review of the Council's Constitution (*Monitoring Officer/Director of Legal, Governance and Human Resources*)

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

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CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

14 March 2023

The meeting commenced at 1.30 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore (In the Chair)

Councillors Brown, Cowie and Howson

Councillor Boddy was in attendance as substitute for Councillor Morley
Councillor Creevy was in attendance as substitute for Councillor Allen
Councillor D Nicholson was in attendance as substitute for Councillor Cook
Councillor V Nicholson was in attendance as substitute for Councillor Little

Officers: Hayley Martin, Chief Solicitor
Denise McGuckin, Managing Director
Neil Wilson, Assistant Chief Solicitor
Amanda Whitaker, Democratic Services Team Manager

9. Apologies for Absence

Councillors Allen, Cook, Little and Morley

10. Declarations of interest by Members

None

11. Minutes

The minutes of the meeting held on 21 November 2022 were confirmed.

12. Further Periodic Review of the Council's Constitution *(Chief Solicitor/Monitoring Officer)*

The report set out issues which had arisen since the November meeting of the Committee. Changes were proposed with regard to the following issues:-

- **Extraordinary Council meetings** – A copy of a draft Protocol on Calling Extraordinary Council meetings to be appended to the Council Procedure Rules.

The Committee debated issues arising from the draft Protocol with some elected members questioning the rationale for the introduction of a Protocol.

Following a vote, the Chair announced that the vote had been carried and it would therefore be recommended to Full Council that the draft Protocol be appended to the Council Procedure Rules.

- **Procurement Social Value Statement of Intent** – A copy of the Statement of Intent to be added to the Contract Procedure Rules and a copy of the Statement appended to those Procedure Rules

Following clarification of the background to the Statement of Intent, the Committee agreed to recommend to Full Council that the Statement be added to the Contract Procedure Rules and a copy of the Statement be appended to those Procedure Rules.

- **Planning Delegations** – Amended wording to the Scheme of Delegation as set out below:-

Director of Neighbourhoods and Regulatory Services power to carry out all of the functions of the committee in functions 1-5, subject to the following provisions:

(1) Matters which must be referred to Committee for decision:

1 b) Any application which has received more than two material planning objections from separate addresses, *unless the officer recommendation is to refuse the application, and except in cases relating to the determination of a Lawful Development Certificate.*

(2) Matters which may be refused *(for the avoidance of doubt including an application which has received more than two material objections from separate addresses)* a) Any application which is materially contrary to planning policy b) Any application relating to prior notifications.

The Committee received an explanation from Officers in relation to the effects of approving the change in delegations. Following debate, it was agreed as follows:-

- 1 b) not recommended to Full Council
- (2) Recommended to Full Council

- **Guidance Note – Political Balance** – That the principles covering proportionality for elected members, who are not aligned to a 'political group', be reconsidered by the Committee.

The Committee had previously agreed to recommend to Full Council that with regard to calculating proportionality, Independent Members, not aligned to a political group, be considered as individuals for the purposes of allocation of seats to Committees. Council, on 21 March 2019, agreed the recommendation of the Committee and the Guidance Note was updated accordingly. It had been proposed that the principles covering proportionality for elected members who are not aligned to a 'political group' be reconsidered so that those Elected Members be 'grouped' for political balance calculation purposes only.

It was recognised that the proposed change would only effect 'Independent' Members. The Committee agreed that 'Independent' members should have the same opportunity for Committee seats, as those elected members who were aligned to a political group.

It was agreed, unanimously, that the proposed change be recommended for approval by Full Council.

- **Budget and Policy Framework** – That those Plans and Strategies which are not legally required to be approved/adopted by Full Council be removed from the Budget and Policy Framework.

The following plans and strategies were not legally required to be approved/adopted by Full Council.

Child and Family Poverty Strategy
Health and Wellbeing Strategy
Council Plan
Housing Strategy

The Committee agreed to recommend to Full Council the removal of the above Plans and Strategies from the Budget and Policy Framework to ensure that decisions are made quicker and at the most appropriate forum; the appropriate Policy Committee rather than Full Council.

Decision

That the recommendations of the Committee be submitted to Full Council for consideration.

13. Parish Charter *(Monitoring Officer)*

In April 2022 the Parish Liaison Group had established the Parish Charter Working Group to progress the development of a partnership agreement,

aimed at improving joint working and ensuring the delivery of high quality services that meet the needs of local communities. The Working Group had met on 5 occasions culminating in the development of the draft of the Parish Charter approved by the Parish Liaison Group on the 9th January 2023. The Parish Charter, appended to the report, contained a number of broad principles under which this Council (HBC) and each of the Parish Councils had committed to work together, as set out in the report.

Under each of the principles are a number of actions / commitments for both HBC and each of the Parish Councils, some which had been easy implemented as examples of good working practice. A number of other actions that fall within the remit of HBC would, however, require changes to processes within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules. Details of the constitution changes were set out in a table included in the report.

Following presentation of the report, an elected member referred to the number of conservation areas in the Borough and highlighted the need to also engage with the residents in those areas. In response, the Committee was advised that conservation areas were currently being reviewed and the Managing Director undertook to provide information in relation to that review to Committee members.

The Managing Director also sought authority from the Committee, in consultation with the Committee Chair, to update the Constitution to reflect any minor changes made to the Charter.

Decisions

- (i) To recommend to Full Council the approval of the changes to processes within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules, arising from the adoption of the Parish Charter.
- (ii) To delegate authority to the Managing Director, in consultation with the Committee Chair, to update the Constitution to reflect any minor changes made to the Charter.

The meeting concluded at 2.20 p.m.

CHAIR

CONSTITUTION COMMITTEE

26 June 2023



Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of the changes by Council on 13 July 2023.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 This report sets out details of issues which have been referred to the Committee for consideration and also the outcomes of a review which has been undertaken following the Corporate Peer Review to propose changes in the delegation scheme which is included in Part 3 of the Constitution.

3. PROPOSALS

4. QUESTIONS FROM THE PUBLIC

- 4.1 Council Procedure Rule 9.1 states:-

During a period of 30 minutes, or a longer period at the discretion of the Chair, residents of Hartlepool may raise questions of, Chairs of Committees and Sub-Committees at ordinary meetings of Full Council in accordance with these procedure rules. Questions and answers shall not be matters for debate.

- 4.2 At the meeting of Full Council on 23 March 2023, a Member raised concerns that the constitution prevented public questions and answers from being debated and requested this committee consider amending Rule 9.1 to allow for public questions to be debated.

5. TIME AND PLACE OF MEETINGS

- 5.1 Council Procedure Rule 5.2 states Ordinary meetings of Full Council shall, unless otherwise directed or determined by Full Council, be held at the Civic Centre, Hartlepool commencing at 6.00 pm in the evening.
- 5.2 At the Annual Council meeting, on 16th May, it was proposed that the commencement time be changed to 7.00 p.m.

6. VIREMENT

- 6.1 Paragraph 7 of the Budget and Policy Framework includes that “no virement of revenue budget transfer between ‘Directorates’ is permitted without approval of Full Council.”
- 6.2 It has been proposed that instead of seeking the approval of Full Council, it would be appropriate instead to seek the approval of the Finance and Policy Committee.

7. PLANNING CODE OF PRACTICE – UPDATED DOCUMENT TO FOLLOW

8. PART 3 - RESPONSIBILITY FOR FUNCTIONS (Delegation Scheme)

- 8.1 The above was last reviewed in March 2019. A further comprehensive review has been undertaken. The document expressly states the functions of Full Council and its Committees and the various powers delegated to officers and how they can be exercised. The revised format has also reduced the duplication which is currently included in the document. A copy of the updated document will follow. Documentation which highlight changes by way of inclusion of ‘track changes’ are available from the Democratic Services Team on request.

9. RECOMMENDATIONS

- 9.1 That the Committee consider the report and subject to the views of Members, the Committee formulates its recommendations for submission to Full Council

10. REASONS FOR RECOMMENDATIONS

- 10.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

11. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution
Constitution Committee Minutes –
Corporate Peer Review Report 2023

12. CONTACT OFFICERS

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PLANNING CODE OF PRACTICE

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The main points of advice about the conduct expected of Elected Members and Officers are emphasised in bold italics, like this sentence.

PLANNING CODE OF PRACTICE

1. INTRODUCTION

- 1.1 ~~The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for Elected Members. Previously the Nolan Committee Report on Standards in Public Life (1997) issued advice to Local Planning Authorities to frame Local Codes of Conduct or Good Practice to cover the question of Probity in Planning. This Planning Code of Practice therefore complements and expands on the 'Code of Conduct for Elected Members and Co-opted Members' ('Code of Conduct'), adopted by Hartlepool the Borough Council in conformity with the Localism Act, 2011. The Code of Conduct is essentially concerned with the responsibilities of Elected Members when acting in the role as an Elected Member of the Borough Council. The Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on guidance from, ie, The Committee on Standards in Public Life, the Local Government Association, the Royal Town Planning Institute, the Department for Levelling Up, Housing and Communities (DHLUC) Communities and Local Government, the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.~~
- 1.2 ~~The Code will be enforced through the Council's Audit and Governance Committee- (or such committee that has 'standards' as part of its responsibilities and functions).~~ The Code will be a consideration in any investigation of maladministration by the Local Government [and Social Care](#) Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, e.g. [Full](#) Council where planning issues may be discussed. The Code applies to both Elected Members and Officers.
- 1.3 In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 In addition, the role of Elected Members on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

2. THE NEED FOR A CODE

- 2.1 Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (~~ie~~ [i.e.](#) it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and

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enforcement action. [It](#)

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is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.

- 2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

3. SCOPE OF THE CODE

- 3.1 This ~~guidance note~~[Code](#) sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of ~~Borough Council~~[both](#) Officers and Elected Members on planning matters.
- 3.2 It applies to both Elected Members and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Elected Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

Both Elected Members and Officers are guided by codes of conduct. The statutory Code of Conduct, supplemented by guidance from the ~~DHLUC~~[Department for Communities and Local Government](#), and others, provides standards and guidance for Elected Members. ~~Employees are subject to a separate~~ [Employees' Code of Conduct](#). Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.

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~~incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.~~

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- ~~3.43.3~~ Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice.*** Officers should seek advice from the ~~Chief Solicitor~~[Monitoring Officer](#), ~~who also acts as the Council's Monitoring Officer under the Local Government and Housing Act 1989.~~ Elected Members can [also](#) seek advice from the Planning and Development Manager or from a Solicitor within the Legal Services Division as appropriate.

- ~~3.53.4~~ Appendix 1 also contains a list of other guidance on planning which is available from the Council.

- ~~3.63.5~~ This guidance is mainly about planning applications, but also applies to the ways in

August 2022

which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contraveners in enforcement cases, and to landowners, developers and objectors

involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the [Borough Council](#).

4. COUNCILLORS AND OFFICERS

Elected Members and Officers have different, but complementary, roles. Both serve the public. Elected Members are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the [Council Authority](#) as a whole. They advise the Council and its committees, and carry out the [Council's Authority's](#) work. They are employed by the [Council Authority](#), not by individual Elected Members, and it follows that instructions may be given to Officers only through [Fulla Council](#) or Committee decision. Any other system which develops is open to question. A successful relationship between Elected Members and Officers can only be based upon mutual trust, respect and an understanding of each other's roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.

~~relationship, and the trust which underpins it, must never be abused or compromised.~~

4.24.1 Therefore:

- ***Individual Elected Members should not give instructions to Officers on planning matters.***
- ***Officers' actions will follow Council policy and Committee decisions.***
- ***Political group meetings should not be used to decide how Elected Members should vote on applications ~~and enforcement cases~~ and Members are not mandated on these matters by a political group.***

4.34.2 The Code of Conduct sets out the requirements on Elected Members in undertaking their role as an Elected Member of the Council. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, ~~(see next section)~~, but also appropriate relationships with other Elected Members, staff and the public, which will impact on the way in which Elected Members participate in the planning process. Of particular relevance to Elected Members who become involved in making a planning decision is the requirement that;

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships. "Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends" ("Principles of Public Life").

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Elected Members should take account of these views, they should not favour any person, company, group or locality, nor put

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themselves in a position where they appear to do so. Elected Members who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.

4.44.3 Officers must always act impartially. The RTPI Code of Conduct says, amongst other things, that planners:

- shall not make or subscribe to any statements or reports which are contrary to their own ~~bona fide~~genuine professional opinions;
- shall act with competence, ~~honesty~~ and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- ~~shall discharge their duty to their employers, clients, colleagues and others with due care and diligence; and~~
- ~~shall not discriminate on grounds of race, sex, sexual orientation, creed, religion, disability or age, and shall seek to eliminate such discrimination by others and to promote equality of opportunity act in a way that encourages equity and inclusion.~~

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989 as amended, restrictions are placed on the outside activities of senior staff.

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4.54.4 Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements ~~in Elected Members in the~~ the Code of Conduct. Elected Members are placed under a requirement by the Code to:

- treat others with respect; and
- act in accordance with the local authority's requirements;
- ~~act in accordance with the Authority's reasonable requirements;~~

4.64.5 Under the Localism Act, 2011, a Code of Conduct, when viewed as a whole, must be consistent with the following principles;

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

In addition, the Code of Conduct requires Elected Members to agree that they will on all occasions:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and

• lead by example and act in a way that secures public confidence in the role of councillor.

Further more the Code of Conduct requires Members in undertaking their role to:

• impartially exercise their responsibilities in the interests of the local community

• not improperly seek to confer an advantage, or disadvantage, on any person

• avoid conflicts of interest

• exercise reasonable care and diligence; and

• ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

~~Council have incorporated in their Code the additional principles of; Respect for~~

~~others~~

~~Duty to uphold the law~~

~~Personal Judgement~~

The actions and conduct of Elected Members and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish

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Council. The key is to demonstrate that ~~each Council and Elected Member's decisions are was~~ taken on the facts alone, without any undue outside pressure.

5. WHAT PLANNING DECISIONS ARE BASED ON

5.1 Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990, (as amended), together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.

5.2 *It is the responsibility of Officers in preparing reports and recommendations to Elected Members, and in advising Committees, to identify the material planning considerations and to ensure Elected Members are aware of those matters which are not material to planning decisions.*

5.3 Section 70 of the Town and Country Planning Act 1990, provides that Elected Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 advises that it is a requirement that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of:

- The policies of the Hartlepool Local Plan 2018, [the Hartlepool Rural Neighbourhood Plan](#) and the policies contained with the Minerals and Waste Development Plan Documents (September 2011) so far as they are consistent with the National Planning Policy Framework.

Neighbourhood Plans subject to examination in public and approval through referendum, must be in general conformity with an adopted Local Plan.

5.4 Other material planning considerations include:

- ~~planning briefs and other~~ 'supplementary planning [documents](#) ~~guidance~~' approved by the Council following public consultation;
- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);

- the amenity and privacy of dwellings;

- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;
- public proposals for using the same land; and
- legitimate planning gain/community benefit.

5.5 There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land.*** For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions***:

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ie restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Elected Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

6. DUTIES AND ACTIONS

- 6.1 The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see [Part 3 of the Constitution](#))~~Appendix 4~~. Decision makers have a very special responsibility and have a number of statutory duties. There are also actions that can be taken against the Council and Elected Members for a failure to properly discharge the Local Planning Authority function. These duties and actions are summarised in Appendix 2.

7. THE DECISION MAKING PROCESS

- 7.1 In reaching a decision on a planning application, Elected Members need to:-

- (i) identify the development plan policies which are relevant to the particular development proposal;
- (ii) identify any other material considerations;
- (iii) if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption.

At a fundamental level, Elected Members should go through the following three stage process when making a decision:-

Stage 1

- (i) Identify the relevant development plan policies and other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.
- (ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

Stage 2

- (i) Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.
- (ii) Elected Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.

Stage 3

Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

- ***In the decision making process, Elected Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.***
- ***Elected Members should determine applications in accordance with the advice given to them by their professional Officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.***

8. LOBBYING OF AND BY ELECTION MEMBERS

~~8.1~~ It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their ~~Elected~~ Ward Member or to ~~a~~An Elected Member of the Planning Committee. ~~As the Nolan Committee's Third Report states: 'local democracy depends on Elected Members being available to people who want to speak to them. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representative, the Elected Members themselves' (paragraphs 285, 288). However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Elected Member being called into question.~~

~~8.28.1~~ Elected Members need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparent, ~~by~~ open and fair manner, in which Elected Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application, ~~or of a planning enforcement case,~~ is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer that an Elected Member has breached the Code of Conduct.

~~8.38.2~~ An Elected Member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Elected Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it – it will be very difficult for that Elected Member to argue convincingly when the Committee comes to take its

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decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary interest in terms of the Code of Conduct, **the proper course of action for such a Elected Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Elected Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for an Elected Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

8.48.3 It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and the 'overriding duty as a Elected Member ... to the whole local community'. However, the following guidance will be appropriate in most cases.

8.58.4 Elected Members who are lobbied on a planning matter before the Planning Committee:

- *may listen to what is being said;*
- *may give procedural advice ie to write to the Director of Neighbourhoods and Regulatory Services, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;*
- *should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;*
- *should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;*
- *should make it clear that Elected Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;*
- *should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;*
- *should not negotiate detailed planning matters with applicants, agents, objectors, etc;*
- *should pass relevant correspondence to the Case Officer prior to any Committee meeting;*
- *should report instances of significant, substantial or persistent lobbying to the Planning and Development Manager or the [Executive](#) Director of [Development](#), Neighbourhoods and Regulatory Services.*

8.68.5 Elected Members who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.

8-78.6 To avoid impressions of improper influence which lobbying by Elected Members can create:

- *Elected Members should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other Elected Members - such actions can easily be misunderstood by parties to the application and by the general public;*
- *Elected Members should not put pressure on Officers for a particular recommendation;*
- *political group meetings should not be used to decide how Elected Members should vote on planning matters;*
- *Elected Members should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where an Elected Member is involved in a particular planning matter, she/he should take care not to appear to try to influence other Elected Members, and should declare an interest at the relevant Committee meeting.*
- *Whenever an Elected Member is approached or lobbied on any particular application Elected Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Elected Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.*
- *If Elected Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Elected Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.*
- *Elected Members should not normally undertake private site inspections in another Elected Member's ward without prior notice to the Elected Ward Member. Again Elected Members should express no opinion on the merits of the application.*

9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

- 9.1 The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.
- 9.2 However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- *The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.*
- *Advice should be consistent and based upon the development plan and material considerations.*
- *Where the [Executive Director of Development, Neighbourhoods and Regulatory Services](#) is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.*
- *Whilst Elected Members will not normally be involved in pre-application or pre-decision discussions, if an Elected Member is present he/she should be accompanied by an Officer. The Elected Member should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.*

9.3 Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- *Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.*
- *Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.*
- *Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use or Development. Advice from an Officer cannot legally circumvent this procedure.*
- *Officers ~~will be~~ may be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.*

9.4 The Planning Advisory Service operated by the Planning and Development Team encourages Elected Member involvement in pre-application discussions on major applications, a 'Pre Application Development Forum' has been agreed by the Planning Committee which would allow Elected Members to be presented with development proposals at an early stage. A local protocol is set out [below in 9.5](#) regarding Elected Member involvement. Without this, Elected Member involvement may unnecessarily open any Elected Member on the planning committee, to avoidable risks of challenge on apparent predetermination.

9.5 The local protocol for the 'Pre Application Development Forum' is as follows:

- Elected Members are encouraged to promote any community aspirations

involving sites, land or community benefits from development, or other planning

issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);

- Elected Members and the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);
- The relevant officer explains the role of Elected Members present at any pre-application discussion and this is recorded in the note of the meeting;
- The Developer is invited to attend and present their proposals;
- Interested Parties are invited to speak;
- Planning Committee Elected Members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;
- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
- Any planning committee Elected Member who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and vote on the application.

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10. REGISTRATION OF INTERESTS

- 10.1 The Localism Act 2011 places an obligation on Elected Members to register and declare certain disclosable pecuniary interests and such other interests as set out within the Code of Conduct for Elected Members and Co-opted Members. Further the Code outlines the consequences for the Elected Member's participation in consideration of an issue, in the light of those interests. The attention of Elected Members is also drawn to Council Procedure Rule 21 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Elected Members in contracts and other matters. These requirements must be followed scrupulously and Elected Members should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Council's Monitoring Officer. However, ultimate responsibility for fulfilling these requirements rests individually with each Elected Member.
- 10.2 You must register in the Authority's Register of Elected Members' Interests information about your registerable personal interests. A definition of a registerable personal interest is contained within the Code of Conduct for Elected Members and Co-opted Members. A register of Elected Members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. An Elected Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Elected Member becoming aware of such changes.

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11. DECLARATION OF INTERESTS BY ELECTED MEMBERS AT COMMITTEE

- 11.1 Information regarding 'your registerable and non-registerable personal interests' is contained in the Code of Conduct for Elected Members and Co-opted Members.
- 11.2 Elected Members of the Planning Committee should consult the Code of Conduct for Elected Members and Co-opted Members to determine their registrable and non-registrable personal interests to determine, what, if any, effect these interests could have at a Planning Committee meeting.

Pre-determination and Bias

- 11.3 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as an Elected Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 11.4 At all meetings, when making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 11.5 However, if an Elected Member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had 'pre-determined' the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.
- 11.6 There will be occasions when Elected Members will wish to press for a particular development which the Elected Member regards as beneficial to the development of the area. Should that Elected Member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that an Elected Member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the Elected Member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the Elected Member becomes almost the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the Elected Member advocating for the development should not vote on the relevant applications.

12. PARISH MEMBERSHIP

- 12.1 The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

12.2 Difficulties can arise for Elected Members who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Elected Member will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The Elected Member could be considered to have fettered his or her discretion. In those circumstances the Elected Member should not participate at the Borough Council meeting. In such cases the Elected Member has been excluded not because of the code but because the Elected Member's previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, an Elected Member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

'Dual' Members should therefore either:

- ***not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or***
- ***not take part in the discussion/decision on the application at the Borough Council's Planning Committee;***

Furthermore:

- ***although the consultation response from a Parish Council is a relevant consideration, Elected Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.***

13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL

13.1 Elected Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Planning and Development Manager or the [Executive Director of Development, Neighbourhoods and Regulatory Services](#) of the breach in writing.

[13.2](#) Breaches of planning or listed building control involving an Elected Member or an Officer should be promptly investigated by the Planning and Development Manager, ~~and the Director of Neighbourhoods and Regulatory Services and be the subject of an enforcement report to Planning Committee, or not,~~

[13.3](#) ~~Planning enforcement decisions are taken by the Executive Director of development, Neighbourhoods and Regulatory Services in consultation with the Chair of the Planning Committee and the Chief Solicitor. A written Officer report and decision record will be prepared in advance of any decision being taken. The report and decision record on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.~~

~~13.2~~

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14. OFFICER REPORTS TO COMMITTEE

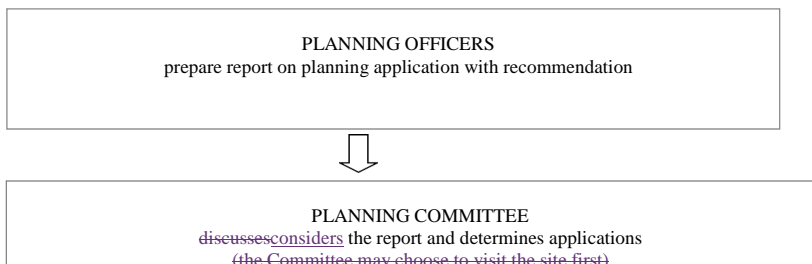
- 14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, ~~enforcement cases~~ and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports ~~will be agreed through the Planning and Development Manager and~~ will reflect the collective view of the Department - not the view of the individual author.

14.2 Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
- contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

15. COMMITTEE PROCEDURES

15.1 Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's Planning Committee. The procedure for processing planning applications may be summarised as follows:



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15.2 Reports are available to the public five working days before the Committee on request. [Paragraph 14.2 describes the content of reports.](#) The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

15.3 A guidance leaflet on public speaking and the process to be followed is [made](#) available, ~~from the Borough Council.~~ In essence, the officer will explain what is proposed and highlight the key planning issues. An individual or Applicant wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes. Elected Members may then ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Elected Members will then debate the merits of the case and arrive at a decision.

15.4 It is important that Elected Members are present throughout all the debate on an item. **If any Elected Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence. Similarly if an item is deferred to a future Committee whether for a Site Visit or any other reason when the item is resumed at that Committee any Elected Members who were not present for all the proceedings relating to that item at the original Committee Meeting should also take no part in the discussion or voting on that item.**

15.5 The Planning Committee may agree or disagree with the report and recommendation ~~and (but see sections 18 and 19 below).~~ Having considered all the relevant planning matters, the Committee may:

- grant planning permission (usually with appropriate planning conditions) with justified planning reasons;
- refuse planning permission, with justified planning reason(s);
- defer the application for further consideration.

~~15.6 Planning enforcement decisions are normally taken by the Planning Committee. A written Officer report will normally be prepared in advance of the Committee. The report and the discussion at the Committee on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.~~

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~~15.6~~ **15.6** Decisions on Local Plan/Local Development Plan proposals are generally within the functions of the ~~Economic Growth and Regeneration~~ **Neighbourhood Services** Committee, subject to Council approval as part of the Budget and Policy Framework.

~~15.7~~ **15.7** The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chair ~~person~~ **man** of the meeting, assisted where appropriate by Officers. To facilitate this:

- **a briefing for the Chair ~~man~~ and Vice-Chair ~~man~~ of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chair ~~man~~ and Vice-Chair ~~man~~ of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items ;**
- **one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;**
- **a Legal Officer will normally also be present.**

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the

Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.

16. COMMITTEE SITE VISITS

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by a Elected Ward Member. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Elected Ward Member can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

16.2 However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- *A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.*
- *The reasons for a site visit should be clearly stated and minuted.*
- *All Elected Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.*
- ~~*Any Elected Member who requests or votes for a site visit thereby indicates that they do not have sufficient information with which to make a decision, in the event that the Elected Member does not then attend the site visit he/she should, when the item is resumed, indicate that they either made alternative arrangements to view the site or they should take no part in discussion of the matter or any subsequent vote.*~~

16.3 Site visit meetings will be conducted in a formal manner:

- *The Chairman should start by explaining the purpose and conduct of the site inspection .*
- *The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.*
- *The Officer will be asked to point out relevant features which can be observed. Elected Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.*
- *To avoid giving an impression of being lobbied, Elected Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.*
- *The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Elected Members' attention to any salient features or to any relevant factual information.*
- *Other than to draw Elected Members' attention to any salient feature or to clarify a factual point, through the Chair, the public, applicant and objector will not be allowed to speak.*
- *To avoid Elected Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.*

- ***No discussion or decision-making will take place on site.***
- ***No hospitality will be accepted before, on or after site visits.***
- ***Elected Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.***

17. DECISIONS DELEGATED TO OFFICERS

17.1 Decisions on certain types of application can be taken by the [Executive](#) Director of [Development](#), Neighbourhoods and Regulatory Services through the Planning and Development Manager or the Assistant Director (Place Management) some in consultation with the Chair of the Planning Committee. These are wide ranging but generally less contentious for example applications where there are two or less objections where approval is proposed, the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Neighbourhoods and Regulatory Service is set out in [Part 3 of the Constitution Appendix 4](#). The system allows quicker decisions to be taken on straightforward matters.

18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 If Officers are recommending granting planning permission [significantly contrary to the development plan](#):

- ***The decision will always be taken by Committee, and not as a delegated decision.***
- ***The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.***
- ***The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with Part 3 (158) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 [as amended](#).***

18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2.

19. DECISIONS CONTRARY TO OFFICER ADVICE

[19.1](#) If [following debate](#), the Planning Committee makes a decision contrary to the Officers' recommendation on a planning application [the reasons should be clear and based on material planning considerations. Officers may comment on the proposed reasons, or enforcement case, then: eOfficers will summarise \(from the debate\) why members are departing from officer recommendation. Where the reasons are unclear to the officer, the officer will seek to clarification from the](#)

Members as to why they are departing from the officer recommendation. An amended motion (opposite to the officer recommendation) will then be ~~be~~ moved and a second vote taken. The drafting of conditions, and as the case may be, reasons for refusal, will be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services.

19.2 Where the Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services to execute the S106 Agreement and issue the permission.

19.3 If a Committee wishes to amend or add conditions to an approval, the detailed drafting of conditions will be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services. ~~Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to applicable Development Plan policies, where relevant.~~

~~19.4~~

- ~~the proposer of the motion to go against the Officers' recommendation, or the Chairman, should state the planning reasons for the proposed decision before a vote is taken; the Ombudsman has said that the reasons should be~~

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clear and convincing, and be material planning considerations. They should also reflect the actual discussion which took place (see section 5 above);

- the Planning and/or Legal Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are planning matters and, if an approval is proposed, to recommend appropriate planning conditions;
- if the decision would be contrary to the Development Plan, then the Officer should comment on the extent to which the other planning considerations could be seen to override the Development Plan, and on whether the decision would require referral (see section 18 above);
- where Planning Committee indicates that it is not minded to accept the Officers recommendation for approval, the planning application may be deferred to the next available meeting of Planning Committee where so requested by the Planning and Development Manager on behalf of the Director of Neighbourhoods and Regulatory Services. This deferral period enables Officers to prepare clear and convincing planning reasons for refusal;
- if any of the conditions required by Planning Committee are 'Pre-Conditions' for which prior agreement is required from the applicant prior to imposition then the Committee Meeting should either be adjourned for a short time to allow for the signing of the appropriate document or the matter should be delegated to the Director of Neighbourhoods and Regulatory Services in consultation with the Chair or Vice Chair of Planning Committee to agree the conditions and issue the permission.
- a detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Development Plan, the minute should state that and clearly set out those planning considerations which override the development plan.
- if a Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Director of Neighbourhoods and Regulatory Services to execute the S106 Agreement and issue the permission. **In the event that the Applicant does not enter into the Agreement within six months of the Committee date the delegation shall require that Director of Neighbourhoods and Regulatory Services shall refuse permission.**

19.2 If a Committee wishes to amend or add conditions to an approval, Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to applicable Development Plan policies, where relevant.

20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED

- 20.1 One complaint that frequently arises, and has been investigated by the Local Government and Social Care Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

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20.2 The principles which can be distilled from Ombudsman cases are as follows:-

- **there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;**
- **the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;**
- **the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:-**
 - insufficient weight has been given to Officers' recommendations and Central Government guidance; and
 - there is a failure to give and record reasons for the authority's change of mind.

20.3 Elected Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

20.4 Therefore:

- **If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval before a vote is taken.**
- **If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.**

21. DEVELOPMENT PROPOSALS SUBMITTED BY OR AFFECTING COUNCILLORS AND OFFICERS

21.1 Proposals to their own authority by serving Elected Members and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

21.2 For planning proposals submitted by [Planning](#) Officers and Elected Members they shall proceed to determination before Planning Committee, subject to the following principles:

- Serving Elected Members and Planning Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.
- Such proposals should be reported to Committee and not dealt with by the Director of Neighbourhoods and Regulatory Services under delegated powers.
- The Council's Monitoring Officer should be informed of such proposals by serving Elected Members, and the Officers report to the Committee will show that the applicant is an Elected Member
- Elected Members and [Planning](#) Officers should never act as agents for people pursuing a planning matter within the Borough.
- The Officer concerned should have no involvement with the determination of the application.

21.3 For proposals submitted by [or on behalf of](#), other Council Officers or close relatives and friends of Officers or Elected Members involved with the development ~~management process~~ [control process](#):

- The Officer concerned will have no involvement with the determination of the application.
- The application, if it accords with the scheme of delegation, shall be determined in consultation with the Chair or Vice Chair of the Planning Committee.

21.4 Where a planning proposal directly affects the property or personal interests of an Elected Member, she/he should play no part in the decision-making process. This would apply, for example if an Elected Member submitted comments, as a neighbour, on a planning application.

21.5 Similarly, a [Planning](#) Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

22. THE COUNCIL'S OWN DEVELOPMENTS

22.1 Proposals for the Council's own development have to be treated in the same way as those by private developers.

- All applications for the Council's own development will be reported to Committee where the application does not accord with the Scheme of Delegation.
- All applications for the Council's own development will be the subject of a written Officer report, as with other applications.

23. THE MEDIA

23.1 The principles of this Code also apply to press contact. Elected Members and Officers when commenting to the media on planning matters should:

- *have regard to the points made in the section on lobbying (Section 8);*
- *ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application ;*
- *and;*

- ***make clear that Elected Members will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;***
- ***for delegated applications, make clear that the Executive Director of Development Neighbourhoods and Regulatory Services or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.***

23.2 Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Director of Neighbourhoods and Regulatory Services or his appointed representative Communications and Marketing Team who will liaise with the appropriate officer for attributable comments.

24. RECORD KEEPING AND COMPLAINTS

24.1 The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be escalated in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- ***The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.***
- ***For delegated applications, a formal note of the main planning considerations is written and kept on file.***
- ***These principles apply equally to enforcement and Development Plan matters.***
- ***All Committee reports and delegated decision reports will be checked and agreed by a suitably qualified person.~~the Planning and Development Manager.~~***
- ***A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.***

~~24.3 Section 14 gives more details on what reports contain.~~

25. TRAINING

25.1 As section 5 above explains, the planning system is a complex mixture of statute and

case law, and of local and national policy, balancing private and public interests. The

declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be accessible to each Elected Member and Officer in the Regeneration and Neighbourhoods Department, including new Elected Members and employees.
- The Council will provide periodic training events for Elected Members on planning, which all Elected Members should endeavour to attend as part of their personal development.
- Elected Members newly elected to the Council without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Planning and Development Manager and will seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

25.2 An Elected Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Elected Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Elected Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Elected Member in carrying out their role properly and effectively.

26. LEARNING FROM PAST DECISIONS

26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented.
~~There will be an annual review by Planning Officers will review decisions where appropriate of a selective number of planning decisions which will be appraised through training and other initiatives, including the visiting of affected sites and so considering where appropriate any complaints in order~~ to learn from experience.

~~26.2 The Council is working towards a more systematic way of learning lessons from a sample of past planning decisions and outcomes.~~

27. GIFTS AND HOSPITALITY

27.1 Elected Members and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.

27.2 Elected Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Elected Members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to provide within 28 days of its

receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

27.3 Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Declarations of receipt of gifts and hospitality will be reviewed regularly by the Council's Monitoring Officer.

27.4 The presumption should be that any gift is normally refused.

28. INAPPROPRIATE AND OFFENSIVE COMMENTS

28.1 When composing a planning representation, we expect comments to comply with the following rules. Comments must not:

- a) Contain any personal names, please use words such as applicant, neighbour, etc.
- b) Contain any personal information such as you're living on your own, you're on holiday next week etc.
- c) Contain any information relating to medical data for yourself or others; this is unlawful for us to process.
- d) Contain any material which is defamatory of any person.
- e) Contain any material which is obscene, offensive, hateful or inflammatory.
- f) Promote sexually explicit material.
- g) Promote violence.
- h) Promote discrimination based on race, sex, religion, nationality, disability, sexuality orientation, or age.
- i) Infringe any copyright, database right or trademark of any other person.
- j) Be likely to deceive any person.
- k) Be made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence.
- l) Promote any illegal activity.
- m) Be threatening, abusive, invasive of another's privacy, or cause harassment or needless anxiety.
- n) Be used to impersonate anyone, or to misrepresent your identity or affiliation with anyone.
- o) Give the impression that they emanate from us, if this is not the case.
- p) Advocate, promote or assist any unlawful act such as (by way of example only), copyright infringement or computer misuse.

28.2 Comments that fail to accord with these rules will not be published where moderation prior to publication is in place and will be removed as soon as practicably possible in all other cases. The decision of officers as to whether to remove a comment is final and will not be subject to debate or discussion. Comments will only be moderated once and will not be subsequently re-moderated.

28.1 The Council will follow the procedures in the RTP1 note "Planning Authorities and Racist Representations". In particular:

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- Letters containing racist comments will be returned to the writer;
- Racist comments will not be referred to in reports to Committees;
- Persistent racist comments will be referred to the Equality and Human Rights Commission or the Police. This is to ensure that the Council abides by Sections 31 and 33 of the Race Relations Act 1976, as amended.

28.2 Any applicants suggesting that they have been affected by racial abuse in whatever form, will have their application considered by Planning Committee and the Monitoring Officer will be advised of the circumstances and representations received.

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APPENDIX 1; OTHER GUIDANCE

FROM HARTLEPOOL BOROUGH COUNCIL

Code of Conduct for Elected Members and Co-opted Members

Code of Conduct for Employees

Council's Constitution

Statement of Community Involvement

FROM OTHER ORGANISATIONS

'Code of Professional Conduct' The Royal Town Planning Institute (RTPI).

'Openness and transparency on personal interests', Department for Communities and Local Government.'

'Probity in Planning', Local Government Association.

'The Role of Elected Members in Plan Making and Development Control'.

'Planning Authorities and Racist Representations', RTPI.

'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England.

'Positive Engagement' – A Guide for Planning Councillors.

'Model Members Planning Code of Good Practice – ACSes

Planning Policy Guidance – DCLG (March 2014)

APPENDIX 2; DUTIES AND ACTIONS

1. **DUTIES OF ELECTED MEMBERS**

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Elected Members do, for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Elected Members of the Local Planning authority have the following duties:-

- (i) Elected Members must at all times act within the law;
- (ii) The overriding duty of Elected Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- (iii) Elected Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- (iv) Elected Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- (v) Elected Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- (vi) Elected Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (vii) Elected Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. ACTIONS AGAINST LOCAL PLANNING AUTHORITIES AND ELECTED MEMBERS

Actions against Local Planning Authorities and Elected Members are necessary because duties without recourse would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Elected Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Elected Members would become subject to the scrutiny of the following external agencies:-

(1) THE AUDIT AND GOVERNANCE COMMITTEE

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This was a statutory framework within which Elected Members should operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of conduct..

The Ethical Framework has the following key elements:

- (1) Codes of Conduct;
- (2) Register of Interests
- (3) Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution).
- (4) A criminal offence provision under Section 34 of the Localism Act, 2011.

The framework is concerned with the proper behaviour of politicians in public life, namely:

- (1) the way in which politicians conduct themselves in decision making;
- (2) their relationships with constituents, officials and outside interests; and
- (3) how conflicts of interest are declared and handled in the decision making environment of a Council.

(2) EXTERNAL AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. The Annual Statement of Accounts therefore contains the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

Extraordinary headings of expenditure which could be raised by the external auditor from decisions of the Planning Committee are:

- (a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;

- (b) costs of litigation and award of costs following an application for Judicial Review;;
- (c) costs of local public inquiries, including possible award of applicants' costs including the possible substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council .

(3) LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

- (a) failure to follow a Council's agreed policies, rules or procedure;
- (b) failure to have proper procedures; bias or unfair discrimination;
- (c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- (d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

(4) JUDICIAL REVIEW

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

- (a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;
- (b) whether the Council has taken into account an irrelevant consideration;
- (c) whether the Council has failed to take into account a relevant consideration;

- (d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;
- (e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

(5) THE "CALL IN" POWERS TO THE SECRETARY OF STATE

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2021~~09~~ and accompanying Circular 02/09 should now be read in conjunction with this power. There are ~~now five~~ broad categories of development a Local Planning Authority must refer, in relevant circumstances, if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development, ~~and~~ flood risk development and commemorative object development. Referral to the Secretary of State may also be required in certain cases involving heritage development and the Health & Safety Executive.

(6) THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

APPENDIX 3;

DRAFT LETTER FOR LOBBYISTS

Dear Sir/Madam

The Role of an Elected Member in a Planning Application

Thank you for seeking my advice as an Elected Member on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as an Elected Member is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on certain planning matters and it is important that applications are dealt with firmly in accordance with those policies, and relevant national guidance, so that decisions are consistent throughout the Borough. ~~In accordance with the National Planning Policy Framework, approving proposals for development, should accord with the development plan. In cases, where the development plan is absent, silent or relevant policies are out of date, there is a presumption in favour of granting sustainable development unless;~~

~~— Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the National Planning Policy Framework, or~~

- ~~- Specific policies in the Framework indicate development should be restricted.~~

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a Elected Member of the Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Neighbourhoods and Regulatory Services and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Planning Code of Practice to maintain my impartiality and integrity and not to attempt or be seen as attempting to influence Planning Officers or fellow Elected Members. I therefore cannot act as an advocate or agent on your behalf.

If I am an Elected Member of Planning Committee I may refer you to another Elected Member who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as an Elected Member in the planning process.

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APPENDIX 4; SCHEME OF DELEGATION

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Scheme of Delegation

As of May 2013 Hartlepool Borough Council has operated a 'committee system', which although had no direct impact on the regulatory activities of its Planning Committee, has led to a review of the Council's Constitution and the way the Council is governed. The functions and responsibilities of Planning Committee are contained within Part 3 of the Constitution, which also contains those matters that can be delegated to officers (see below). In accordance with government guidelines and targets there is a requirement for the delegation of planning applications (unless otherwise stipulated) to officers.

Planning Committee

Planning Committee Membership			
Membership	11 Councillors	Quorum	5 Councillors
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none">• Young (Chair)• Fleming (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none">• S Akers-Belcher, Brewer, Brown, Buchan, James, Lindridge, D Loynes, Stokell and C Richardson.		

No	Planning Committee Function	Delegation to Officer or Committee
1	Exercise the Authority's development control and management functions.	Director of Neighbourhoods and Regulatory Services power to carry out all of the functions of the committee in functions 1-5, subject to the following provisions: (1) Matters which must be referred to Committee for decision: a) Any application which any Elected Member requests in writing should be
2	All functions relating to town and country planning and development control.	
3	Powers relating to the protection of important hedgerows.	
4	Powers relating to the preservation of trees.	
5	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	

No	Planning Committee Function	Delegation to Officer or Committee
		<p>referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee.</p> <p>b) Any application which has received more than two material planning objections from separate addresses.</p> <p>c) Any application with an Officer recommendation to approve which is significantly contrary to current planning policy.</p> <p>(2) Matters which may be refused:</p> <p>a) Any application which is materially contrary to planning policy</p> <p>b) Any application relating to prior notifications.</p> <p>(3) Matters which may be approved in consultation with the Chair of Committee:</p> <p>a) Any application which has</p>

No	Planning Committee Function	Delegation to Officer or Committee
		<p>received two or fewer material planning objections from different addresses.</p> <p>(4) Matters which may be exercised in cases of urgency and to be reported for information to the next available meeting of the Committee</p> <p>a) To require the discontinuance of a use of land</p> <p>b) To serve a stop notice (including a temporary stop notice)</p> <p>c) To issue an enforcement notice</p> <p>d) To apply for an injunction restraining a breach of planning control</p> <p>e) To serve a building preservation notice and related powers</p> <p>f) To issue enforcement notice in relation to demolition of unlisted building in conservation area</p> <p>g) To acquire a listed building in need of repair and to serve a repairs notice</p> <p>h) To apply for an</p>

No	Planning Committee Function	Delegation to Officer or Committee
		<p>injunction in relation to a listed building</p> <p>(5) Matters which may be exercised and to be reported for information to the next available meeting of the Committee:</p> <p>a) To defend Planning Appeals and Enforcement Notice Appeals.</p> <p>Director of Neighbourhoods and Regulatory Services:</p> <p>(17) Power to formulate and issue decision notices following decisions made in principle by the Committee.</p> <p>(18) Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.</p> <p>(19) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way, other than those specifically delegated to the Director of</p>

No	Planning Committee Function	Delegation to Officer or Committee
		<p>Neighbourhoods and Regulatory Services, following discussion of the issues with the Chair of the Committee.</p> <p>(20) In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.</p> <p>(21) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.</p> <p>(22) Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.</p> <p>(23) Power to exercise Section 215 of the Town and Country Planning Act 1990.</p> <p>(24) Power to refer</p>

No	Planning Committee Function	Delegation to Officer or Committee
		<p>disputes with regard to planning application viability to the District Value for impartial assessment.</p> <p>Chief Solicitor power to confirm without modification, unopposed:</p> <p>(25) Creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</p> <p>(26) Footpath and footway conversion orders following the statutory advertising period.</p> <p>(27) Definitive Map Modification Orders following the statutory advertising period.</p>
6	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	None
7	Powers, related to Commons Registration.	None (where modifications are opposed)
8	Functions relating to public rights of way.	None (where modifications are opposed)
9	The licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.	None

No	Planning Committee Function	Delegation to Officer or Committee
10	Functions relating to Town and Village Greens.	None (where modifications are opposed)
11	To comment upon relevant Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's).	Director of Neighbourhoods and Regulatory Services
12	To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.	None
13	To receive reports on the performance of the Development Control and Planning Policy section.	None
14	To consider reports on proposed changes to national planning policy.	None

RESPONSIBILITY FOR FUNCTIONS

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RESPONSIBILITY FOR FUNCTIONS

1. FOREWORD BY THE DIRECTOR OF LEGAL, GOVERNANCE AND HUMAN RESOURCES

- 1.1 Hartlepool Borough Council (the Authority) has adopted a Code of Corporate Governance which describes how the Council will meet and demonstrate its commitment to good Corporate Governance. The Code of Corporate Governance is based on the core principles set out in the SOLACE/CIPFA Good Governance Framework one of which is 'Informed, Transparent Decision Making and Managing Risk.'
- 1.2 Full Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Authority by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an Officer.
- 1.3 Matters delegated to a Committee or Sub-Committee are set out in its terms of reference below. Those terms of reference, together with Arrangements for the Delegation of Functions to Officers, are set out in this Part 3 of the Constitution.

Hayley Martin
Director of
Legal,
Governance
and Human
Resources

2. INTRODUCTION

- 2.1 This part of the Constitution sets out which bodies and Officers within the Authority are responsible for decision-making in relation to particular functions of the Authority.
- 2.2 The functions are described in more detail in the paragraphs below. Also included in this part of the Constitution are details of the membership of Committees and Forums, information about other bodies (including advisory bodies) and the list of Proper Officer functions. Advisory bodies have no decision-making power but will advise the Authority, Full Council or its Committees or Sub-Committees, about a particular function.

Full Council Functions

- 2.3 These are functions which the law states cannot be the responsibility of a Committee or Sub-Committee or an Officer. For example adopting the annual budget, is a decision which can only be taken at a meeting of the Full Council. In other cases, where this restriction does not apply the responsibility for undertaking a function may be delegated by Full Council to a Committee or Sub-Committee or an Officer or through joint arrangements with other Authorities.

Committee Functions

- 2.4 All other functions that are not required to be taken by Full Council or are specifically retained by Full Council are delegated by Full Council to Committees and Sub-Committees or to Officers. Where a function is discharged through a Committee or Sub-Committee, decisions about these functions will be taken either by a Policy Committee, or through Regulatory and other Committees. The Authority is also able to discharge functions through Joint Arrangements with other Authorities and through Officers.

Other Council and Committee Delegations

- 2.5 Full Council may delegate a function/decision to a Committee or an Officer and a Committee may authorise an Officer to take decisions in relation to matters for which it retains responsibility. In addition, although the Constitution is reviewed annually changes in legislation and new delegations do occasionally arise in-year and therefore for information on any recent in-year changes please refer to Democratic Services for further information.
- 2.6 The delegation arrangements in this Constitution reflect the principles that all matters that have been previously delegated prior to the revision of this Constitution should remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relate to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

3. THE AUTHORITY'S FUNCTIONS AND DELEGATION'S

Full Council

Full Council Membership			
Membership	36 Councillors	Quorum	9 Councillors
Members	All Councillors		

No	Full Council Function
1	<p>Functions relating to the approval or adoption of a Plan or Strategy of a description specified the Local Authorities (Committee System) (England) Regulations 2012 including those plans, policies and strategies contained within the Council's Budget and Policy Framework namely:</p> <p>Community Safety Plan</p> <p>The plans and strategies which together comprise the Local Plan</p> <p>Local Council Tax Support Scheme</p> <p>Medium Term Financial Strategy</p> <p>Licensing Policy and Statement of Licensing Principles (Gambling Act)</p> <p>Annual Library Plan (if required)</p> <p>Youth Justice Plan</p> <p>Local Transport Plan</p>
2	<p>The approval or adoption of a Plan or Strategy for the control of the Local Authority's borrowing, investments or capital expenditure, or for determining the Authority's minimum revenue provision.</p>

No	Full Council Function
3	The approval for the purpose of submission to the Secretary of State or any Minister of the Crown for approval, of any Plan or Strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be so submitted.
4	Approval of Licensing Act 2003 and Gambling Act 2005 policies.
5	Functions relating to name and status of areas and individuals.
6	Power to make, amend, revoke or re-enact byelaws.
7	To approve the appointment of the Head of Paid Service
8	Power to appoint Officers for particular purposes (appointment of "Proper Officers").
9	Duty to designate Officer as the Head of the Authority's Paid Service, and to provide staff, including Statutory Officers.
10	The making of appointments under Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011.
11	<p>The appointment of any individual:</p> <ul style="list-style-type: none"> (a) to any office other than an office in which he/she is employed by the Authority; (b) to any body other than <ul style="list-style-type: none"> (i) the Authority (ii) a joint Committee of two or more Authorities; or (c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.
12	Approving the Member Allowances Scheme following the recommendation of the Independent Remuneration Panel
13	To exercise powers under Part 2 of the Local Government and Public Involvement in Health Act 2007, as amended, regarding a change in the Council's scheme for elections and for providing by order for consequential changes to the years in which ordinary elections of parish Councillors take place.
14	Functions relating to the conduct of Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 including the receipt and validation of a community governance petition, the terms of reference for any review and to formulate, publish and make decisions relating from a community governance review.

No	Full Council Function
15	The function of making a request to the Local Government Boundary Commission for England under Section 57 (requests for single Member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single Member electoral areas.
16	Power to approve the Localised Council Tax Support Scheme.
17	Functions relating to the preparation, approval and subsequent publication of a Pay Policy Statement under Section 38 of the Localism Act 2011.
18	To approve the dismissal of an Officer designated as the Head of the Authority's Paid Service, Section 151 Officer, or Monitoring Officer, before notice of dismissal is given to that person.
19	All other functions reserved to Full Council by law.

POLICY COMMITTEES

The Council has established five Policy Committees aligned with the functions of the Council:

1. Finance and Policy Committee
2. Adult and Community Based Services Committee
3. Children's Services Committee
4. Economic Growth and Regeneration Committee
5. Neighbourhood Services Committee

The Full Council will decide the constitution, membership and terms of reference of each Committee (except for those matters relating to Area Committees which are set out in legislation).

Matters reserved to all Policy Committee's

Responsible for the service areas set out in the functions of the Committee (except for the Development Control element of Planning and Development functions delegated to the Planning Committee) and the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed in the functions of the Committee

Finance and Policy Committee

This Committee has overall responsibility for the financial and other resources of the Council, for developing the Council's strategy and policy based on national government and local priorities, and for the development of partnership working. It also has responsibility for many of the services delivered to residents and customers. Its specific functions are set out in the following paragraphs. It furthermore has responsibility for considering all proposals with corporate budgetary or policy implications referred to it by a Policy Committee.

Finance and Policy Committee Membership			
Membership	11 Councillors	Quorum	3
Members	<p>Committee Members (Cllrs)</p> <ul style="list-style-type: none">• Moore (Chair) Leader of the Council;• Young (Vice Chair) Deputy Leader of the Council and Chair of Economic Growth and Regeneration Committee;• Buchan (Chair of Adult and Community Based Services Committee);• Lindridge (Chair of Children's Services Committee);• Cassidy (Chair of Neighbourhood Services Committee) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none">• Brash, Boddy, Harrison, Little, Martin-Wells and Morley		

No	Finance and Policy Committee Function
1	<p>Responsibility for the financial and other resources of the Authority, for formulating, developing and implementing the Authority's plans and strategies under the budget and policy framework. Additional service area responsibility including:</p> <ul style="list-style-type: none"> - asset management, - strategic procurement, - electoral services, - revenues and benefits, - social welfare and public health under the Health and Social Care Act 2012, including the development of partnership working.
2	<p>The formulation, development and implementation of the policy framework (as detailed below) and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of Council or any other Committee, namely:</p> <p>Policy Frameworks</p> <p>Localised Council Tax Support Scheme (DFID)</p> <p>Medium Term Financial Strategy (DFID)</p> <p>Community Safety Plan (DNRS)</p>
3	<p>The exercise of public health functions of the Authority under Part 5 of the Health and Social Care Act 2012 including partnership arrangements made under Section 75 of the National Health Service Act 2006 and the overall development of partnership working.</p>
4	<p>Responsibility for the functional areas, other Plans and Strategies and service areas:</p> <p>Service Areas</p> <ul style="list-style-type: none"> • Child Poverty (All) • Financial Management (Corporate) (DFID)) • Accountancy (DFID) • Financial Management DFID) • Benefits (incl Fraud and control) and means tested services (DFID) • Revenues collection (DFID) • Payments / Payroll (DFID)

No	Finance and Policy Committee Function
	<ul style="list-style-type: none"> • Insurances (DFID) • Social Fund (DFID) • Legal (DLGHR) • Land Charges (DLGHR) • Members' Services (DLGHR) • Communication and Marketing (MD) • ICT (DFID) • Policy / Performance / Partnerships (MD) • Complaints / Consultation (MD) • Democratic Services (DLGHR) • Human Resources Business Team (DLGHR) • Organisational Development (DLGHR) • Customer Services / Hartlepool Connect (DFID) • Registrars (DFID) • Equality / Diversity (DLGHR) • Health, Safety and Wellbeing (DNRS) • Strategic Procurement and Reprographic (DNRS) • Asset and Property Management (DDNRS) • Facilities Management (Cleaning, Catering and Security) (DDNRS) • Business Continuity (DRN lead but all) • Commissioning public health services (DPH) • Smoking / public health intervention in tobacco control, obesity / nutrition / healthy weight/ physical activity, alcohol, drugs, cancer, cardiovascular disease, breastfeeding, oral health promotion, respiratory disease (DPH) • Public mental health / suicide prevention (DPH) • community safety (domestic violence) (DPH/Sally or Tony) • NHS Health Check programme (DPH & DCJCS) • School nursing (DPH & DCJCS) • Accidental injury prevention (All) • Public health intelligence and epidemiology (DPH) • Joint strategic needs assessments (DPH) • Health equity audits (DPH) • Health impact assessments (DPH) • GP primary prevention programme (DPH)

	<ul style="list-style-type: none"> • Health protection plan and related services including (DPH): • Outbreaks and communicable disease (DPH) • Sexual health (DPH) • Immunisation (DPH) • Screening (DPH), • Seasonal Flu and Mortality (DPH) • Infection control (DPH) • Safer Hartlepool Partnership (DDNRS) • Homelessness and Housing Advice (DCJCS) • Capital Programme Delivery and Monitoring (DFID) • Estates and Asset Management (DDNRS) • Housing Revenue Account (DDNRS) • Business Growth and Engagement (DDNRS)
5	Functions relating to Local Government pensions, etc, except those reserved to the Audit and Governance Committee.
6	Functions relating to Health and Safety at work.
7	Writing-off of debts above £50,000.
8	The approval of new grant-aided schemes subject to specific funding being available subject to compliance with any terms of grant.
9	To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values, value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.
10	To receive and examine reports on any exemptions granted to the Contract Procedure Rules.

Adult and Community Based Services Committee

The Adult and Community Based Services Committee consists of 7 Elected Members. The Committee is responsible for services provided to adults with eligible social care needs and their carers, including adult safeguarding, social work and occupational therapy and care packages that support people in the community. Delivery of preventative and community based services for all Hartlepool residents that support people to live active healthy lives and to participate in their local communities. The Committee is also responsible for Culture and Events, Learning and Skills Conservation, Parks and Countryside functions (including allotments)

Adult and Community Based Services Committee Membership			
Membership	7 Councillors	Quorum	3
Members	<p>Committee Members (Cllrs)</p> <ul style="list-style-type: none"> • Buchan (Chair) • Little (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none"> • Allen, Clayton, Fleming (subject to confirmation), Hall and Young. 		

No	Adult and Community Based Services Committee Function	Delegation to Officer or Committee
1	<p>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:</p> <p>Policy Frameworks</p> <ul style="list-style-type: none"> • Annual Library Plan (if required) (DACBS) <p>Service Areas</p> <ul style="list-style-type: none"> • Child Poverty (DCJCS) • Adult Safeguarding (DACBS) • Housing Related Support (DACBS) • Adult Social Work Support for Older People, People with Mental Health, People with Misuse Issues, People with Learning Difficulties, Physical Disabilities or Sensory Impairment and Carers. (DACBS) • Commissioning of Adult Services (DACBS) • Occupational Therapy (DACBS) • Intermediate Care and Re-ablement (DACBS) • User Property and Finance Performance Management (DACBS) • Community Hubs incorporating a library offer, information and advice; and access to a range of health and employment support (DACBS) • Leisure Centres (DACBS) 	

No	Adult and Community Based Services Committee Function
2	<ul style="list-style-type: none"> • Learn to Swim Programme (DACBS) • Carlton Outdoor Education Centre (DACBS) • Summerhill Outdoor Activity Centre (DACBS) • Sport and Physical Activity Team (DACBS) • Strategy Development and Implementation (Playing Pitch Strategy, Indoor Facilities Strategy) (DACBS) • Culture and Events (DACBS) • Learning and Skills (DACBS) • Conservation Parks and Countryside (including allotments) (DACBS)
3	Accepting, disposing or loaning out objects into the Museum Collection where the value exceeds £100,000.

Children's Services Committee

The Children's Services Committee is made up of 7 Elected Members as well as a number of other Members including school heads, school parent governors and young people. The young people provide the Committee with a fresh perspective on children's services. The Committee is responsible for children's services including child protection of children and young people and exercising the Authority's functions as Local Education Authority.

Children's Services Committee also has a Sub-Committee 'Corporate Parent Forum' which is made up of the members of Children's Services Committee and other non-voting members. The Corporate Parent Forum is responsible for the development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently.

Children's Services Committee Membership			
Membership	7 Councillors	Quorum	3
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none">• Lindridge (Chair)• Cowie (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none">• Boddy, Groves, Harrison, Little and Sharp. <p>Observer</p> <ul style="list-style-type: none">• Chair of Adult Community Based Services Committee <p>Education Representatives (when discharging education functions)</p> <ul style="list-style-type: none">• Mark Tilling (Secondary), David Turner (Primary), Zoe Westley (Special) (term of office 4 years from commencement of Municipal year (term expires 2022)) <p>2x Church Representatives (voting on education matters only)</p> <ul style="list-style-type: none">• Jo Heaton, C of E Diocese and Jo Wilson, RC Diocese representatives (term of office 4 years from commencement of Municipal year (term expires 2022))		

<p>Members</p>	<p>3 x Parent Governor Representatives (voting on educational matters only)</p> <ul style="list-style-type: none"> • Term of office 4 years from commencement of Municipal Year 2018-2022, (1 from each of the following representing: Primary, Secondary and Special Schools within the Borough): 3 vacancies <p>The Committee to co-opt such individuals onto the Committee who would benefit the workings of the Committee on particular themes. Such 'co-option' would be for such period as the Committee determines and the appointments would be at the discretion of the Committee and such co-optees, in the absence of a scheme, would not have voting rights. Such other co-optees as the Committee may appoint for such term of office as the Committee shall determine (non - voting positions).</p> <p>6 x Young Person's Representatives.</p>
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No	Children's Services Committee Function
1	<p>Responsibility for:</p> <p>Children's Services including the care and protection of children and young people.</p> <ul style="list-style-type: none"> - Exercising the Council's functions as Local Education Authority.
2	<p>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:</p> <p>Policy Framework</p> <ul style="list-style-type: none"> • Youth Justice Plan <p>Service Areas</p> <ul style="list-style-type: none"> • Child Safeguarding, Assessment & Support (DCJCS) • Children looked after and leaving care (DCJCS) • Fostering and adoption (DCJCS) • Quality and Review / Independent Reviewing Officers (DCJCS) • Local Safeguarding Children Board (DCJCS) • Children's Strategic Commissioning (DCJCS) • Youth Support Services (DCJCS) • Youth Offending Service (DCJCS) • Early Help including children's centres and 0-19 healthy child programme (DCJCS) • Monitoring of Schools Causing Concern • School Improvement Support & Challenge (DCJCS) • Curriculum development and enrichment (DCJCS) <p>Performance management and self- evaluation (DCJCS)</p> <ul style="list-style-type: none"> • Pupil Referral Unit (DCJCS) • ICT in schools (DCJCS) • Transformation of Learning (DCJCS) • School Capital Programmes (DCJCS) • Social and Educational Inclusion (DCJCS) • School Transformation (DCJCS) • Special Educational Needs and Disabilities (DCJCS) • Educational Psychology (DCJCS) • Early Years Foundation Stage (DCJCS) • School Capital (in partnership with R&N) (DCJCS) <p>School Admissions and School Place Planning (DCJCS)</p>

No	Children's Services Committee Function
3	Power to nominate persons for appointment as Local Authority school governors

Corporate Parent Forum

Corporate Parent Forum Membership			
Membership	7 Councillors	Quorum	3 Councillors
Members	<p>Committee Membership</p> <ul style="list-style-type: none"> The 7 Members of the Children's Services Committee, and <p>Observer</p> <ul style="list-style-type: none"> Chair of Adult Community Based Services Committee <p>Additional Members</p> <ul style="list-style-type: none"> 2 x Children and Young People who are, or have been, looked after 2 x Foster Carers Assistant Director Children's and Families Services 		

No	Corporate Parent Forum Function
1	Responsibility for the formulation, development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently.
2	To advise and make recommendations to the Authority's decision-making bodies and other partner agencies on any issues that affect children and young people who are Looked After by Hartlepool Borough Council.
3	To oversee the exercise of the Authority's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all the Authority's policies and the work of the Children's Strategic Partnership.

Economic Growth and Regeneration Committee

The Economic Growth and Regeneration Committee consists of 7 Elected Members and is responsible for Inward Investment and Economic Growth.

Economic Growth and Regeneration Committee Membership			
Membership	7 Councillors	Quorum	3 Councillors
Members	<div>Committee Membership (Cllrs)</div> <ul style="list-style-type: none">• Young (Chair)• Brown (Vice Chair) <div>Additional Membership (Cllrs)</div> <ul style="list-style-type: none">• Clayton, Feeney, Hargreaves, Lindridge and Loynes.		

No	Economic Growth and Regeneration Committee Function
1	Inward Investment and Economic Growth (DRD)

Neighbourhood Services Committee

The Neighbourhood Services Committee is responsible for a number of service areas including Building Design and Construction, Transport and Highways and Engineering and Environmental Services, Planning and Development Control, Community Safety and Public. The Committee is made up of 7 Elected Members.

Neighbourhood Services Committee Membership			
Membership	7 Councillors	Quorum	3 Councillors
Members	Committee Membership (Cllrs) <ul style="list-style-type: none"> • Cassidy (Chair) • Moore (Vice Chair) Additional Membership (Cllrs) <ul style="list-style-type: none"> • Creevy, Howson, Jackson, Little and Sharp. 		

No	Neighbourhood Services Committee Function
1	<p>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:</p> <p>Policy Framework</p> <ul style="list-style-type: none"> • Local Transport Plan (DDNRS) • The plans and strategies which together comprise the Local Plan (DDNRS). <p>Service Areas</p> <ul style="list-style-type: none"> • Building Design and Construction (DDNRS) • Community Safety and Enforcement (DDNRS) (other than matters relating to the Safer Hartlepool Partnership which is the responsibility of the Finance and Policy Committee) • Environmental Services (DDNRS) • Emergency Planning Unit (DDNRS) • Public Protection (DDNRS) • Transport and Infrastructure (DDNRS) • Planning and Development Control (DNRS) – Development

No	Neighbourhood Services Committee Function
	<p>Control element of planning falls within the functions of the Planning Committee (see below)</p> <ul style="list-style-type: none"> • Building Control (DDNRS) <p>Emergency and Local Resilience Planning and Business Continuity (DDNRS)</p>
2	<p>To introduce Traffic Regulation Orders and Highway Infrastructure improvements where there are no more than 2 material objections to the proposal</p>

Audit and Governance Committee Membership			
Membership	10 Councillors	Quorum	3 Councillors
Members	<p>Chair and Vice-Chair to be an Elected Member not in the majority group and Members must not be on Finance and Policy Committee.</p> <p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none"> • Cook (Chair) • Smith (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none"> • Allen, Cowie, Creevy, Falconer, Feeney, Hall, Loynes and D Nicholson. <p>Further Membership</p> <ul style="list-style-type: none"> • Independent Persons and Parish Council representatives when dealing with standards' functions and one fully co-opted representative from a responsible local policing body during consideration of Crime and Disorder Committee matters 		

No	Audit and Governance Committee Function
1	Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture.
2	Focussing and monitoring the Authority's audit resources by reviewing the plans and reports of the external auditor and the internal audit team to ensure that audit work is co-ordinated. Determining the arrangements for appointment of the External Auditor.
3	Monitoring audit performance by including reporting schedules and action on recommendations.
4	Power to approve Authority's statement of accounts and Annual Governance Statement.
5	To scrutinise the Treasury Management Strategy and resulting Treasury Management solutions thereon and to make such recommendations to Full Council as the Committee shall deem appropriate.

No	Audit and Governance Committee Function
6	Consider the overall effectiveness of the Authority's corporate governance arrangements, risk management and anti- fraud and anti-corruption arrangements and to seek assurance that action is taken on risk related issues identified by internal and external audit.
7	Functions relating to the scrutiny of contracts and the monitoring of contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures under the Authority's Contract Procedure Rules.
8	Making appointments to the Independent Remuneration Panel as established under the provisions of the Local Government Act 2000.
9	Promoting and maintaining high standards of conduct by Elected Members and Co-opted members of the Authority.
10	To delegate to a Hearing Sub-Committee, the conduct of a hearing upon a complaint and to make recommendations and report findings, as appropriate.
11	To assist in making recommendations through the better governance of the Council insofar as it relates to the maintenance and promotion of high ethical standards.
12	To exercise and undertake the statutory health scrutiny functions of the Authority under Part 5 of Chapter 2 of the Health and Social Care Act 2012 and regulations made there under and associated guidance.
13	To undertake the functions of the Authority's Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.
14	Power to determine complaints regarding Elected Members in accordance with the Council's agreed corporate complaints procedures.
15	<p>Monitoring the use of Covert Surveillance (Regulation of Investigatory Powers Act 2000) (RIPA)</p> <ul style="list-style-type: none"> • To receive reports upon the Authority's use of surveillance powers under the Regulation of Investigatory Powers Act 2000 (RIPA) • To examine compliance with the legislation, the Code of Practice and Authority policy in connection to RIPA • To consider whether the Authority policy on RIPA remains fit for purpose and recommend changes where appropriate for the consideration of Finance and Policy Committee.
16	The nomination of members from the Committee to serve on joint bodies formed with neighbouring Authorities for health scrutiny exercises.

Personnel Sub Committee

Personnel Sub Committee Membership			
Membership	3 Councillors	Quorum	3 Councillors
Members	<p>The Personnel Sub Committee membership is 3 Cllrs (selected at the beginning of the municipal year) by the Audit and Governance Committee from its Membership</p> <p>Sub-Committee Membership (Cllrs)</p> <ul style="list-style-type: none"> • Cook (Chair) • Cowie • Creevy 		

No	Personnel Sub Committee Functions
1	<p>Power to consider and determine:</p> <ul style="list-style-type: none"> • Appeals against dismissal • Appeals arising out of Departmental staffing reviews and/or re-structures • Grievances at the final internal stage • Home to School Transport Appeals
2	<p>Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement.</p>

Licensing Committee

Licensing Committee Membership			
Membership	12 Councillors	Quorum	3 Councillors
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none"> • Martin-Wells (Chair) • Fleming (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none"> • Cassidy, Clayton, Cook, Cowie, Feeney, Hall, Jackson, Little, D Nicholson and Thompson. 		

No	Licensing Committee Function
1	<p>Policy Framework</p> <p>The development of the following policies to be referred to Council for adoption:</p> <ul style="list-style-type: none"> • Licensing Act 2003 Policy • Gambling Act 2005 Policy
2	<p>Appointments to the following Sub-Committees:-</p> <ul style="list-style-type: none"> • Licensing Sub-Committees • Regulatory Sub-Committees

Licensing Sub Committee

Licensing Sub Committee Membership			
Membership	3 Councillors	Quorum	3 Councillors
Members	Three Elected Members from the Licensing Committee selected from a fixed rota, (including the designation of the Chair of the Sub-Committee) that has been pre-determined by the Licensing Committee at the beginning of each municipal year.		

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

Regulatory Sub Committee

Regulatory Sub Committee Membership			
Membership	4 Councillors	Quorum	3 Councillors
Members	Four Cllrs from the Licensing Committee selected from a fixed rota, (including the designation of the Chair of the Sub-Committee) that has been pre-determined by the Licensing Committee at the beginning of each municipal year.		

No	Regulatory Sub Committee Function
1	Discharges the Licensing Committee's functions in relation to individual licence matters not assigned to the Licensing Act 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.

Planning Committee

The Planning Committee shall exercise the Authority's Town and Country Planning, and Development Management functions including Commons registration and Village Greens. This includes powers relating to the protection and preservation of important hedgerows and trees.

NB: "Planning application" means applications for planning permission, listed building consent, , advertisement consent and tree preservation order consents.

Planning Committee Membership			
Membership	11 Councillors	Quorum	5 Councillors
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none">• Brown (Chair)• Young (Vice Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none">• Boddy, Feeney, Harrison, Little, Loynes, Martin-Wells, Morley, D Nicholson and V Nicholson.		

No	Planning Committee Function
1	Any Planning application which any Elected Member, or within a parished area the appropriate Parish Council, requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee.
2	Any Planning application which has received three or more material planning objections from separate addresses,
3	Any Planning application with an Officer recommendation to approve which is significantly contrary to current planning policy.
4	Any application made by or on behalf of an Elected Member or HBC planning officer.

No	Planning Committee Function
5	Powers, related to Commons Registration. where applications/modifications are opposed.
6	Functions relating to public rights of way where applications/modifications are opposed..
7	Functions relating to Town and Village Greens where applications/modifications are opposed.
8	To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee.
9	To receive reports on the performance of the Development Control and Planning Policy section.
10	Powers relating to Tree Preservation Orders where three or more objections are received.

Safer Hartlepool Partnership

Safer Hartlepool Partnership Membership			
Membership	See below	Quorum	3 Members (with at least 2 being Responsible Authority Members)
Members	<ul style="list-style-type: none"> • *Two Elected Members, including the Leader of the Council and the Chair of Neighbourhood Services Committee • * Managing Director , Hartlepool Borough Council • *Director of Neighbourhoods and Regulatory Services, Hartlepool Borough Council • *Assistant Director, Regulatory Services, Hartlepool Borough Council • *Superintendent Community Safety, Cleveland Police • *Youth Offending Board - Chair of Management Board • *Director of Place, North East and North Cumbria Integrated Care Board • *Head of Stockton and Hartlepool Probation Delivery Unit • *Cleveland Fire and Rescue Authority - District Manager • Director of Public Health, Hartlepool Borough Council • Office of the Police and Crime Commissioner for Cleveland • Representative of Hartlepool Voluntary and Community Sector– Chief Executive, Safer Communities • Thirteen Group – Head of Community Resilience • Director of Children’s and Joint Commissioning Services, Hartlepool Borough Council • Director of Adult and Community Based Services, Hartlepool Borough Council <p>* indicates Responsible Authority member</p> <ul style="list-style-type: none"> • Non-voting Observer, Representative of Audit and Governance Committee, Hartlepool Borough Council 		

No	Safer Hartlepool Partnership Function
1	A partnership to create confident cohesive and healthy communities by working together to reduce crime, anti-social behaviour, re- offending and substance misuse in Hartlepool
2	The Partnership is responsible for the delivery of the community safety outcomes.
3	<p>Plans & Strategies</p> <ul style="list-style-type: none"> • Anti-Social Behaviour Strategy • Community Safety Plan • Youth Justice Strategic Plan • Drug Treatment Plan • Alcohol Harm Reduction Strategy • Domestic Violence Strategy • Social Behaviour Plan • Prevent Action Plan • Reducing Reoffending Strategy • Community Cohesion Framework • Troubled Families Programme.

Health and Wellbeing Board

Health and Wellbeing Board Membership			
Membership	See below	Quorum	5 prescribed Members with at least 1 rep from each of the 3 prescribed Member organisations
Members	<p>Prescribed Members:</p> <ul style="list-style-type: none"> • Representatives of Hartlepool Borough Council*, including the Leader of the Council (4); • Representatives of Hartlepool and Stockton-on-Tees Integrated Care Board (2)**; • Director of Public Health, Hartlepool Borough Council; • Director of Children's and Joint Commissioning Services, Hartlepool Borough Council • Executive Director of Adult and Community Based Services, Hartlepool Borough Council; • Representatives of Healthwatch (2). <p>Other Members:</p> <ul style="list-style-type: none"> • Managing Director, Hartlepool Borough Council; • Executive Director of Development, Neighbourhoods and Regulatory Services, Hartlepool Borough Council; • Assistant Director, Joint Commissioning, Hartlepool Borough Council; • Representative of NHS England • Representatives of Hartlepool Voluntary & Community Sector (2); • Representative of Tees Esk & Wear Valley NHS Trust; • Representative of North Tees and Hartlepool NHS Trust; • Representative of Cleveland Police; • Representative of GP Federation; • Representative of Head Teachers; • Observer – Representative of Audit and Governance Committee, Hartlepool Borough Council • Observer – Representative of North East Culture Partnership <p>* The Chair will be the Leader of Hartlepool Borough Council or their substitute. ** The Vice-Chair will be a representative of the Integrated Care Board</p>		

No	Health and Wellbeing Board Function
1	Responsibility for the preparation and implementation of a Health and Wellbeing Strategy for the Borough.
2	Responsibility for ensuring the development and use of a comprehensive evidence based Joint Strategic Needs Assessment (JSNA) for Hartlepool and that a pharmaceutical needs assessment is undertaken.
3	Responsibility for ensuring consistency between the commissioning priorities of partners and the Health and Wellbeing Strategy and JSNA. Having strategic influence over commissioning and investment decisions across health, public health and social care services to ensure integration and joint commissioning particularly for those services being commissioned and provided to the most vulnerable people.

Appointments Panel

Appointments Panel Membership			
Membership	8 Councillors	Quorum	3 Councillors
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none"> • Cowie (Chair of Council/Ceremonial Mayor) • Moore (Leader of the Council) (Chair) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none"> • Brash, Cook, Harrison, Lindridge, Little and Thompson. 		

No	Appointments Panel Function
1	To exercise those functions as set out within the Officer Employment Procedure Rules at Part 4 of the Constitution

Constitution Committee

Constitution Committee Membership			
Membership	9 Councillors	Quorum	3 Councillors
Members	<p>Committee Membership (Cllrs)</p> <ul style="list-style-type: none">• Moore (Leader of Council) (Chair)• Cowie (Chair of Council/Ceremonial Mayor) <p>Additional Membership (Cllrs)</p> <ul style="list-style-type: none">• Allen, Brown, Cook, Howson, Little, Morley & Vacancy		

No	Constitution Committee Function
1	To review, monitor, and where necessary, recommend changes to the Constitution to full Council, so that the aims and principles of the Council's Constitution are given full effect.

Civic Honours Committee

Civic Honours Committee Membership			
Membership	5 Councillors 1 Co-opted member	Quorum	3 Councillors
Members	Committee Membership (Cllrs) <ul style="list-style-type: none">• Brash, Cowie, Harrison, Jackson and Moore Co-Opted Member:		

No	Civic Honours Committee Function
1	Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations
2	Consider nominations for Honorary Alderman and Honorary Alderwoman and make recommendations to the Council thereon.
3	Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours.

Independent Advisory Committee

Independent Advisory Committee			
Membership	3	Quorum	2
Other Members	<p>Committee Membership (Cllrs)</p> <p>Co-Opted Member:</p> <p>Persons appointed by the Council as an Independent Person, pursuant to S.28(7) of the Localism Act 2011</p> <p>In the event of insufficient numbers to make a quorum, Independent Persons from other Local Authorities (from the Tees Valley or region) may be invited to sit on the Panel</p>		

No	Independent Advisory Committee Function
1	To act as an advisory panel to the Council in respect of any recommendation that is made to dismiss an officer designated as the Council's Head of Paid Service, the Section 151 Officer or Monitoring Officer (the Statutory Officers).

Managing Director, Executive Directors, Directors and all Chief Officers

- 4.1 The Managing Director, Executive Directors, Directors and all Chief Officers are authorised to exercise the functions listed below:

No	Delegation
GD1	To carry out those functions of the Authority delegated to them as set out in this scheme.
GD2	Where the Managing Director, Executive Directors, Directors or a Chief Officer hold statutory or proper officer positions (as set in section 5 of the scheme), to exercise those statutory duties and responsibilities assigned to the positions by law.
GD3	To take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas.
GD4	To serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licenses in the exercise of any discretionary power or in complying with any duty of the Authority delegated to them.
GD5	To seek any formal regulatory approval which may be required for a project, scheme or programme which has been approved by the Council, Committee or any officer acting under delegated powers.
GD6	In consultation with the Director of Legal, Governance and Human Resources and the Director of Finance, IT and Digital to make payments or provide benefits in cases of maladministration under section 92 of the Local Government Act 2000.
GD7	To procure goods, works and services and undertake other associated functions in accordance with the duties and responsibilities laid down in Contract Procedure Rules.
GD8	In consultation with the Director of Legal, Governance and Human Resources to submit tenders to other public bodies, as defined by the Local Authorities Goods and Services Act 1970, for work falling within the capability of the Authority and if successful to authorise the Director of Legal, Governance and Human Resources to complete the appropriate contract documents.
GD9	In consultation with the Director of Finance, IT and Digital and the Executive Director of Development, Neighbourhoods and Regulatory Services to authorise expenditure without recourse to the provisions of Financial Procedure Rules and/or Contract Procedure Rules in accordance with the Authority's business continuity and emergency planning policies and procedures.

No	Delegation
GD10	In consultation with the Chair of the relevant Committee, the setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply.
GD11	To exercise the functions, duties and responsibilities relating to the financial management of their service areas as set out in Financial Procedure Rules.
GD12	To ensure that all staff in their service area are aware of the existence and content of the Financial Procedure Rules.
GD13	To award grants to voluntary and community organisations and individuals in accordance with financial regulations, delegated budgets and Authority policy.
GD14	To appoint (below the level of Chief Officer and as set out in the Officer Employment Rules), dismiss and deploy staff and deal with other employment matters in accordance with human resources policy, procedure and guidelines, subject to their actions being within their approved budget.
GD15	To represent the Authority at meetings, as appropriate, of any organisations where the Authority has an involvement or interest subject to: (a) a record being kept when a representation is likely to be for a significant period; and (b) consultation with the Director of Legal, Governance and Human Resources in respect of any formal indemnification that may be necessary.
GD16	To enter into partnership agreements/arrangements with other bodies to work collectively to achieve joint objective(s). When entering into partnership agreements/arrangements Chief Officers will ensure the appropriate policies and procedures are followed including the Constitution, and the other provisions of the Officer Delegation Scheme, Contract Procedure Rules and Financial Procedure Rules.
GD17	To monitor the effectiveness of partnerships.
GD18	To appoint officers as authorised officers of the Authority and to sign warrant and authorisation cards enabling staff to undertake their duties and enter land and premises pursuant to statute.
GD19	Strictly in exceptional circumstances, such as a global pandemic, where Officers with the requisite delegations are incapacitated or absent, functions may be exercised by any Officer within the Council with suitable experience and seniority who has been appropriately briefed and has sufficient understanding of the matter to be decided
GD20	Power to determine and implement a programme of promotional activities and events, including appropriate hospitality, within budget provision.

No	Delegation
GD21	Power to determine attendance of Officers in his/her division at events not on the Approved List of Conferences, Seminars and Meetings in accordance with the Council' scheme of guidance.
GD22	Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact, where changes are necessary to ensure compliance with the law, Ministerial Direction or Government Guidance.
GD23	Approval of Departmental service plans.
GD24	Strategic service level financial and performance monitoring.
GD25	In consultation with Chair of Committee, setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply.
GD26	Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.
GD27	Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.
GD28	Improvement plans and other key reports.
GD29	External Audit and other inspection reports on service and non-strategic corporate matters.
GD30	Allocations, scheme designs and specifications within agreed programmes of works.
GD31	Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee
GD32	Powers for a variety of transactions within £100,000 in capital value and £50,000 in rental value (annual figure). The powers are to approve land and property disposals and acquisitions, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters.

5. SENIOR MANAGEMENT STRUCTURE

INSERT UPDATED STRUCTURE

6. MANAGING DIRECTOR

- 6.1 The Managing Director leads, manages and directs the **senior leadership team** to promote a corporate, co-ordinated, cross-functional approach towards strategy and policy development and the delivery of services for Hartlepool. The Managing Director is responsible and accountable to the Authority and provides clear leadership in order to maintain and achieve sustained improvement in Authority performance, efficiency and service delivery. The Managing Director represents the Authority within the local community and at a regional and national level to promote the social, economic and environmental wellbeing of Hartlepool.
- 6.2 In addition to the general delegations set out in section 6 of the scheme, the Managing Director is authorised to exercise the following specific functions:

No	Delegation
General	
MD1	To exercise any function delegated to the Executive Directors, Directors and Chief Officers, provided s/he is not prohibited from doing so by any other legal or constitutional requirement.
MD2	To approve and make necessary in-term changes to the plans and strategies included in the Policy Framework following sign-off by Full Council unless the change would: have a budgetary impact outside of the financial regulations framework; have an impact on other strategic plans; and / or, involve the insertion or deletion of a key objective from the plan.
MD3	To determine attendance by Elected Members at non-local events either not included in the approved list of conferences, seminars and meetings, or where the Elected Member is not specified on the approved list, together with any reasonable associated costs.
MD4	To determine attendance of Executive Directors, Directors and Chief Officers at events not on the approved list of conferences, seminars and meetings.
MD5	To determine any requests in connection with the use of office accommodation within any of the Authority's establishments, together with matters relating to Bank Holiday and other closures of the Civic Centre and other administrative buildings.
MD6	To determine all matters relevant to the discharge of the Authority's civic and ceremonial functions, including the replacement of civic vehicles and the provision of appropriate hospitality which may be necessary to facilitate the efficient discharge of the Authority's functions in this area

No	Delegation
MD7	To act as the Authority's representative on Joint Committees and Partnership Boards and to exercise all decision making powers in consultation with the Leader of the Council, as required under the Authority's governance arrangements.
MD9	<p>In consultation with the Leader (or in his absence the Deputy Leader), Chair of the relevant Committee (or in his absence Vice Chair) Monitoring Officer and Section 151 Officer, the Managing Director (or in his/her absence the authorised Executive Director) may take a decision normally reserved to Full Council or a Committee where:</p> <p>(a) Failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public.</p> <p>(b) The decision is so urgent that it cannot wait until the next meeting of the Committee at which the decision would normally be taken</p> <p>The decision together with the reason as to why it was determined urgent must be recorded on an Officer Decision Record. The record of urgent decisions will be held by the Democratic Services team and will be made available for inspection.</p> <p>Following the decision, it be reported to the next meeting of the relevant committee explaining:</p> <ul style="list-style-type: none"> • the decision; • the reasons for it; and • the reasons why the decision was treated as a matter of urgency.
MD9a	In exceptional circumstances, such as a global pandemic, the Managing Director in consultation with the Leader and the Ceremonial Mayor may postpone convened meetings of Full Council (including Committee Meetings).

No	Delegation
MD10	<p>In consultation with the Chair of Finance and Policy Committee and authorised Executive Director, the Monitoring Officer and Section 151 Officer may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by Full Council, if the decision is a matter of urgency.</p> <p>However, the decision may only be taken:</p> <p>(a) if it is not practical to convene a quorate meeting of the Full Council; and</p> <p>(b) if the Ceremonial Mayor acting as Chair of the Council, in consultation with the Monitoring Officer agrees that the decision is a matter of urgency. In the absence of the Chair of the Council the approval of the Vice-Chair of Council, will be sufficient.</p> <p>The decision together with the reason as to why it was determined urgent must be recorded on an Officer Decision Record. The record of urgent decisions will be held by the Democratic Services team and will be made available for inspection. Following the decision, it be reported to the next meeting of the relevant committee explaining:</p> <ul style="list-style-type: none"> • the decision; • the reasons for it; and • the reason why the decision was treated as a matter of urgency.
MD11	<p>The appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer (excluding political assistants).</p>
MD12	<p>Ensure that all staff are aware of the existence and content of the Officer Delegation Scheme and they comply at all times with the general principles set out in section 4.</p>
MD13	<p>In consultation with the Director of Legal, Governance and Human Resources, to take decisions on managing access to the Authority in the event of unacceptable behaviour in accordance with Authority's Managing Unreasonable Behaviour Policy.</p>

No	Delegation
MD14	<p>Make decisions on a robust and self funded business case as set out in the Financial Procedure Rules, ensuring they comply with the Principles of Decision Making as set out in the Articles, and is in accordance with the Budget and the plans and strategies in the Policy Framework, if relevant, and does not add a recurring financial commitment to the General Fund budget. This delegation shall be exercised by the Managing Director, with agreement from:</p> <ul style="list-style-type: none"> • Director of Finance, IT and Digital and; • Director of Legal, Governance and Human Resources <p>In consultation with:</p> <ul style="list-style-type: none"> • Chair of Finance and Policy Committee, and; • Chair of the relevant Committee responsible for service area <p>This delegation will also apply where revisions are needed to existing business cases (whether delegated or approved at the relevant committee) but where such revisions still meet the objectives of the original business case and the tests above are satisfied.</p> <p>Details of business cases approved, or amendments to previously approved business cases, shall be reported to the next scheduled meeting of the Finance and Policy Committee for information.</p>
MD15	<p>To determine requests to hold open-air services of a religious or similar nature, except for marriages, should such a request be of a controversial nature.</p>
MD16	<p>The final decision, post consultation, on any staffing proposals requiring compulsory redundancy of one or more staff (excluding statutory officers).</p>
MD17	<p>Functions relating to elections with the exceptions of the Statutory Powers reserved for Full Council:</p> <ul style="list-style-type: none"> (a) Power to assign Officers in relation to requisitions of the Electoral Registration Officer (b) Duty to provide assistance at European Parliamentary Elections (c) Power to divide electoral divisions into polling districts at Local Government elections (d) Powers in respect of holding elections (e) Power to pay expenses properly incurred by Electoral Registration Officers (f) Duty to declare vacancy in office in certain cases

No	Delegation
	<p>(g) Duty to give public notice of a casual vacancy</p> <p>(h) Power to make temporary appointments to Parish Councils</p> <p>(i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.</p> <p>(j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</p>
MD18	Severance payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, in consultation with the Leader/Chair of Finance and Policy Committee, s151 Officer and Monitoring officer.
MD19	Power to make agreements with other Local Authorities for the placing of staff at the disposal of those other Local Authorities.
MD20	In consultation with the Chair of Finance and Policy Committee and the Chair of the Committee responsible for the relevant service area along with that Director, the determination of Departmental staffing proposals, where service areas are being amalgamated or disaggregated or service area is created, modified or deleted due to changes in grant/external funding

8. DIRECTOR OF FINANCE, IT AND DIGITAL

- 8.1 The Director of Resources and Development provides senior leadership on: issues of effective resource allocation; financial planning and management; maximising income for the Authority through effective Council Tax and Business Rates collection; and ensuring that services are corporate, integrated and provided in accordance with Authority policy and any relevant statutory duties.
- 8.2 The Director of Finance, IT and Digital is the Council's 'Responsible Financial Officer' (sometimes known as the 'Chief Finance Officer' or 'Section 151 Officer'). The responsibilities and powers of this officer derive from statute (Section 151 of the Local Government Act 1972), which provide that every local authority shall appoint one officer who has an overall duty to "make arrangements for the proper administration of [the Council's] financial affairs". The Director of Finance, IT and Digital is thus 'head of profession' for the financial arrangements of the Council, and has a managerial and professional responsibility in this regard.
- 8.3 The Director of Finance, IT and Digital is responsible for the following services:
- Corporate Services
 - Finance and Customer Services
 - Accountancy
 - Financial Management
 - IT
 - Digital
- 8.4 In addition to the general delegations set out in the scheme, the Director of Finance, IT and Digital is authorised to exercise the following specific functions:

No	Delegation
General	
DFID1	Determination and, where necessary, adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases.
DFID2	The arrangement of insurance cover and settling of claims
DFID3	To administer the billing and collection of Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992.
DFID4	To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council.
DFID5	To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council.

No	Delegation
DFID6	To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988.
DFID7	To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal.
DFID8	To take Court proceedings for the recovery of, Council Tax, Non- Domestic Rates and Sundry Debts.
DFID9	To write off irrecoverable Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect, within the approved limit of £50,000.
DFID10	To manage the borrowing, financing and investment requirements of the Council in accordance with approved council policy.
DFID11	To make all necessary banking arrangements on behalf of the Council.
DFID12	To administer and grant Housing and Council Tax Support (for pensioners and any other excepted categories) under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
DFID13	To administer and grant Council Tax support to working age adults under the approved Localised Council Tax Support Scheme.
DFID14	To determine sanctions in fraudulent benefit cases in accordance with the Social Security Administration Act 1992.
DFID15	To disburse monies from funds and accounts of the Authority as required for the lawful discharge of the Authority's functions.
DFID16	To enter into Treasury Management transactions in the name of the Authority as may be required to meet the needs of both revenue and capital accounts subject to any statutory limitations, the provisions of the Treasury Management Strategy or the provisions of the Authority's Budget and Policy Framework.
DFID17	To negotiate and enter into leasing agreements as a means of financing capital expenditure.
DFID18	To vary the mortgage interest rate under section 110 of the Housing Act 1980 as directed by the Secretary of State.

No	Delegation
DFID19	To vary the mortgage interest rate on pre 3rd October 1980 mortgages as directed by circular 20/64.
DFID20	<p>The arrangement of insurance cover and settling of claims and in consultation with the Managing Director:</p> <p>(a) Authority to deal with the settlement of insurance claims on risks being carried by the Authority's Insurance Fund with the exception of all contract guarantee claims; and</p> <p>(b) to take all decisions in order to balance the risks included in the Insurance Fund.</p>
DFID21	To receive, investigate and pay the Coroner's accounts, fee and related expenses and to take any other action in relation to those items.
DFID22	To determine the Authority's pension discretions pursuant to Regulations
DFID23	To consider and determine, applications made by employees who are members of the Local Government Pension Scheme who seek the application of the Authority's pension discretions under the relevant Pension Scheme Regulations.
DFID24	To serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Authority to collect or enforce the payment of the National Non-Domestic Rate and the Council Tax from those persons liable.
DFID25	On the Authority's behalf, to prosecute or defend or to appear in any proceedings before a Magistrates Court and to conduct any such proceedings in respect of unpaid Council Tax or National Non-Domestic Rate payable to the Authority and to discontinue such proceedings if considered necessary.
DFID26	<p>In relation to the recovery of general debts and overpaid housing benefits:</p> <p>(a) to issue County Court summonses;</p> <p>(b) to deal with all matters arising from the issue of County Court summonses;</p> <p>(c) to seek Judgement Orders in cases where the summons is undefended;</p> <p>(d) to issue enforcement proceedings in relation to cases where a judgement has been made but the order not complied with; and</p> <p>(e) in cases where the debt is no greater than £5,000 (or the applicable limit at any given time for cases which can be pursued through the small claims court) and a defence is submitted, to attend small claims arbitration hearings on behalf of the Authority.</p>

No	Delegation
DFID27	To deal with all matters relating to the issues of Completion Notices for Council Tax and National Non-Domestic Rating purposes and the administration of appeals against any such notices.
DFID28	To determine all applications for the apportionment of rateable value of partly occupied hereditaments under section 44A of the Local Government Finance Act 1988.
DFID29	To deal with all matters relating to Housing Benefit, Universal Credit elements relevant to the local authority and the Localised Council Tax Support scheme as set out in the relevant regulations.
DFID30	To administer any Council Tax transition scheme and to determine any appeals submitted under the provisions of any such scheme.
DFID31	To determine applications for any form of discretionary rate relief which meet the relevant legislative requirements and satisfies the criteria set out in the Authority's policy for dealing with such applications.
DFID32	In consultation with the relevant Chief Officers, to review the Authority's policy on the granting of discretionary relief of business rates and to implement any changes to policy.
DFID33	To delegate to the relevant Chief Officers, as required under section 16 of the Local Government Finance Act 1992, to appear before and conduct proceedings at any Valuation tribunal on any appeal relating to Council Tax or Local Council Tax Support.
DFID34	To delegate to the relevant Chief Officers, to act on the Authority's behalf as required by section 223 of the LGFA 1992 in respect of the collection and recovery of any Council Tax or National Non Domestic Rate payable to the Authority. To prosecute or defend, or to appear in a Magistrates Court or to conduct any such proceedings in respect of Council Tax and National Non Domestic Rates payable to the Authority.
DFID35	To institute possession proceedings in cases of mortgage arrears.
DFID36	To provide an adequate and effective system of internal audit.
DFID37	Power to deal with all local and national taxation matters arising under the terms of the Local Government and Rating Act 1967, the Local Government Finance Act 1988, and the Local Government Finance Act 1992, as amended and any future relevant legislation, including the power to represent the Council in any court proceedings.
DFID38	Power to deal with allotment rent arrears and the recovery procedure.
DFID48	Power to deal with outstanding sundry debtor accounts.

No	Delegation
DFID39	Power to implement changes in standard national rate and local average rate of interest in respect of mortgage advances.
DFID40	Power to vire expenditure in case of emergency, from one estimate head to another, after consultation with the Chair of the relevant Committee and the relevant Director.
DFID41	Power in accordance with the provisions of Section 151 of the Local Government Act 1972 to make all arrangements for the proper administration of the Council's financial affairs including power to negotiate and manage all loans to the Council and to make any investment required for day to day cash management and borrowing and leasing arrangements. Power to amend the approved Treasury Management Strategy in emergencies.
DFID42	Rights of audience to pursue debts through the small claims procedure.
DFID43	Power to administer Housing, and Council Tax benefits (and any other appropriate local tax) in accordance with regulations.
DFID44	Power to determine the charge to the public for the Abstract of Accounts and where cheques have been returned to the Council endorsed "refer to drawer".
DFID45	Power to exercise the Council's statutory powers and duties under the Local Government Finance Act 1988, in particular Section 114.
DFID46	Power to settle claims against the Council arising from the use of the Direct Debit Scheme operated in conjunction with participating banks.
DFID47	Power to exercise the Council's statutory powers and duties under the Accounts and Audit Regulations 1996 in relation to Internal Audit.
DFID48	Power under the Insolvency Act 1986 to vote in any meeting of creditors in relation to either corporate liquidation, creditors' voluntary arrangements, or personal bankruptcy matters.
DFID49	Power to institute prosecution in detected fraud cases in consultation with the Managing Director and the Director of Legal, Governance and Human Resources
DFID50	Power to levy reasonable costs for court action in relation to all debts due to the Council and subject to legal recovery proceedings in consultation with the Director of Legal, Governance and Human Resources.

No	Delegation
DFID51	<p>Power to deal with and approve car purchase advances which comply with the approved scheme including reviewing and determining</p> <p>(i) the maximum amount of loan that can be advanced,</p> <p>(ii) the percentage rule for calculating the applicants ability to repay.</p>
DFID52	<p>Power under Section 15 of the Social Security Administration Fraud Act 1997 to levy penalties as an alternative to prosecution in cases of detected fraudulent Housing Benefit.</p>
DFID53	<p>Power to determine any charge of the letting of rooms in the Civic Suite, up to and including the maximum as determined by the Council.</p>
DFID54	<p>Power to approve and implement energy savings projects in accordance with agreed criteria and within approved budgets.</p>
DFID55	<p>Individual early retirement decisions within the scheme with the agreement of the Managing Director Officer and/or in consultation with the appropriate Director</p>

9. DIRECTOR OF LEGAL, GOVERNANCE AND HUMAN RESOURCES

9.1 The Director of Legal, Governance and Human Resources is responsible for all legal services required by the Council. The managed team is staffed by solicitors and legal executives with relevant qualifications and experience; being directly responsible, for example, for child and adult safeguarding cases, all land transactions – sales and purchases of land and property, preparation of contracts for goods and services required by the Council, the preparation of statutory orders, such as traffic regulation orders, tree preservation orders and byelaws, and litigation in the Magistrates and other courts, Employment Tribunals etc. The Director of Legal, Governance and Human Resources is responsible for the following services:

- Legal Services
- Elections
- Land Charges
- Members' Services
- Statutory Scrutiny
- Democratic Services
- Human Resources
- PA's/Executive Support

9.2 In addition to the general delegations set out in section 6 of the scheme, the Director of Legal, Governance and Human Resources is authorised to exercise the following specific functions:

No	Delegation
General	
DLGH1	Power to seek Counsel's opinion on any matter affecting the Council's affairs and instruct Counsel as necessary in the Council's interests.
DLGH2	Power to institute, withdraw from, compromise or participate in any legal proceedings (including prospective legal proceedings) involving the Council. In accordance with the Statutory Guidance on Special Severance Payments the Director of Legal, Governance and Human Resources can approve payments up to £20,000
DLGH3	Power to take any legal action necessary to give effect to a decision of the Council.
DLGH4	To authorise the relevant officers of the Authority for the purposes of any matter coming within appropriate legislation, bye-laws, regulations and orders.
DLGH5	To authorise staff pursuant to section 223 of the Local Government Act 1972 to appear on behalf of the Authority in proceedings before a Magistrates Court where those staff members would otherwise not have rights of audience before the Court.

DLGH6	To receive and record declarations of hospitality received from Elected Members.
DLGH7	To maintain a register of Elected Member Interests.
DLGH8	<p>Power to confirm without modification the Creation, diversion or extinguishment of Orders in respect of:</p> <ul style="list-style-type: none"> - Public Rights of Way, following the statutory advertising period. - Footpath and footway conversion orders following the statutory advertising period. - Definitive Map Modification Orders following the statutory advertising period. - Where two or less objections have been received.
DLGH9	<p>Power to confirm the creation, diversion or extinguishment of Orders in respect of the following where two or less number of objections received:</p> <ul style="list-style-type: none"> - Public Rights of Way, following the statutory advertising period. - Footpath and footway conversion orders following the statutory advertising period. - Definitive Map Modification Orders following the statutory advertising period.
DLGH10	To appoint panels of persons from whom Education Appeals Panel can be constituted and to constitute and to act as Clerk to Education Appeals Panels.
DLGH11	To consider admission appeals and exclusion reviews in accordance with the School Standards and Framework Act 1998 and the Education Act 2002 as amended.
DLGH12	To make requests for information relating to land use and ownership under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.
DLGH13	To serve notices under section 146 of the Law and Property Act 1925 (notice before forfeiture requiring breach of covenant to be remedied).
DLGH14	To act as the Proper Officer to receive and acknowledge receipt of complaints of failure to comply with the Code of Conduct for Members and Co-opted Members in accordance with the Authority's adopted arrangements.

No	Delegation
DLGH15	<p>To review complaints received in respect of any alleged breach by any elected or co-opted Member of the Council of the Code of Conduct for Members and Co-opted Members and determine, in consultation with the Independent Person:</p> <p>(a) whether the allegation, if proven, would constitute a failure to observe the Code of Conduct; and</p> <p>(b) if it would constitute such a failure, determine (applying the Authority's adopted assessment criteria), whether the complaint should be investigated or referred for local resolution, and following such determination to refer the complaint for either purpose.</p>
DLGH16	<p>To refer the review of any such complaint received to the Audit and Governance Committee where the Monitoring Officer considers it inappropriate for him/her to take the decision as to whether a complaint should be accepted as a complaint and/or investigated or referred for informal resolution.</p>
DLGH17	<p>To determine requests for anonymity received from a complainant in relation to a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members.</p>
DLGH18	<p>Where a request for anonymity has been granted, to determine when the identity of the complainant will be provided to a Member who is the subject of a complaint that he/she has failed to comply with the Code of Conduct for Members and Co-opted Members.</p>
DLGH19	<p>To undertake informal/local resolution with respect to complaints that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members, in consultation with the Independent Person and/or the Chair Audit and Governance Committee as appropriate in accordance with the Authority's adopted arrangements.</p>
DLGH20	<p>To appoint an Investigating Officer to investigate a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members.</p>
DLGH21	<p>To provide reports to the Audit and Governance Committee in relation to the number and nature of complaints received, advice on the progress of any investigations and to advise the committee of matters where training or other action may lead to the promotion or maintenance of high standards of conduct by the Authority's elected or co-opted Members.</p>

No	Delegation
DLGH22	To undertake any other necessary or appropriate actions to facilitate the administration of the Authority's adopted arrangements in relation to the Code of Conduct for Members and Co-opted Member.
DLGH23	To refer the report of the Investigating Officer which identifies a breach of the Code of Conduct, where informal/local resolution of a complaint is unsuccessful, to the Audit and Governance Committee for a formal hearing and determination.
DLGH24	To act as the Authority's Senior Responsible Officer under the Regulation of Investigatory Powers Act (RIPA) 2000 and be responsible for maintaining effective procedures on behalf of the Authority under this Act. Such procedures to include the appointment of authorising officers, the maintenance of a list of authorising officers, the maintenance of a register of authorisations and ensuring appropriate training provision. A report to be submitted to Audit and Governance Committee annually on the operation of a RIPA policy.
DLGH25	Assisting Elected Members and Co-opted members to observe the requirements of the Council's Code of Conduct
DLGH26	To advise and offer guidance to Elected Members and Co-opted members on the adoption or revision of the Code of Conduct
DLGH27	To grant dispensations to Elected Members and Co-opted members (including Parish Council representatives) from requirements relating to interests as set out within the relevant Code of Conduct.
DLGH28	Power to ensure that all Council policies and practices, and all legislation, with regard to personnel matters be adhered to.
DLGH29	Power to institute payment of honoraria in accordance with the Council's scheme.
DLGH30	Power to implement all national and local conditions of service.
DLGH31	Power to determine car allowances in accordance with the Council's provisions.
DLGH32	Power to authorise payment of appropriate Officers professional subscriptions where a legal requirement exists.
DLGH33	Power to consult, negotiate and reach agreements with the Trade Unions on corporate staffing/employment matters within the overall policy and financial framework determined by Elected Members, and in consultation with the Managing Director, Directors/Chief Officers as appropriate

10. EXECUTIVE DIRECTOR OF ADULT AND COMMUNITY BASED SERVICES

10.1 The Executive Director of Adult and Community Based Services is responsible for the services which support vulnerable people to maintain their independence and exercise choice and control about how their needs are met, whilst also ensuring that they are safeguarded, including:

- Older people
- People with mental health needs
- People with substance misuse issues
- People with learning disabilities physical disabilities or sensory
- Impairment, carers.

10.2 Further to this the Preventative and Community Based Services support people to live active, healthy lives and to participate in their local communities including:

- Community Hubs incorporating a library offer; information and advice; and access to a range of health and employment support.
- Leisure Centres (Mill House Leisure Centre, Brierton Sports Centre, Headland Sports Hall and Grayfields Recreation Ground);
- Culture and Events
- Learning and Skills
- Conservation, Parks and Countryside functions (including allotments)

10.3 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Adult and Community Based Services is authorised to exercise the following specific functions:

No	Delegation
General	
EDACBS1	Exercise responsibilities and duties in order to promote and safeguard the interests and wellbeing of adults, for whom the Local Authority has a social services function.
EDACBS2	Exercise the authority to institute legal proceedings and action in relation to vulnerable adults and to accept on behalf of the Local Authority, Court and other legal orders, in relation to those vulnerable adults including the power to authorise the deprivation of liberty of persons under the Mental Capacity Act 2005.
EDACBS3	Agree adult care packages, service responses and expenditure for care and accommodation of individuals for whom the Council has a social services function and to do so within the Care Act 2014 eligibility criteria and exceptionally outside of eligibility criteria where necessary on the grounds of urgency, vulnerability or legal directive.

No	Delegation
EDACBS4	Determine contracts and arrangements for social care services relating to adults in accordance with the commissioning strategy and approved contract process and in relation to independent sector providers, with other Local Authorities and with health bodies.
EDACBS5	Exercise duties as Responsible Individual and matters relating to registration and operation of social care services in connection with adults.
EDACBS6	Power to exercise discretion in the waiving of charges when considered appropriate.
EDACBS7	Power to complete and submit applications to the Government and other bodies in respect of monies available through specific grant or other funds.
EDACBS8	To agree to the letting of any leisure and community facilities.
EDACBS9	To approve the closure of libraries in cases of emergency.
EDACBS10	To determine issues relating to the management and control of libraries including the purchase, hire, sale and disposal of books and other material.
EDACBS11	Provide protection of property of persons referred to in sections 47 and 48 of the National Assistance Act 1948 to prevent loss or damage to it if no arrangements have been made to protect it and recover any reasonable expenses incurred.
EDACBS12	To approve applications for disabled facilities grants.
EDACBS13	To approve adaptation schemes for the improvement of houses for persons suffering from disability and in this connection to approve schemes up to a maximum cost of £30,000.
EDACBS14	To agree to the cost of social work services provided to Hartlepool residents who choose to live in residential or nursing care homes in other parts of the country to be undertaken by those authorities on behalf of Hartlepool.
EDACBS15	To act in all cases of emergency and in all cases to make suitable arrangements for the provision of accommodation and assistance for persons for whom the Authority is under a duty to provide such accommodation and assistance under the provisions of any of the Acts specified in Schedule 1 to the Local Authority Social Services Act 1970 and to exercise discretion with any emergency admission case where a person is an owner/occupier and is to be admitted into a Residential Home and leaves a relative in the property.

No	Delegation
EDACBS16	To nominate appropriate officers for appointment by the NHS (or such other body as may be authorised by the Secretary of State for Health) to a Continuing Care Review Panel operated by the NHS to review decisions about assessment of patients continuing care needs and application of eligibility criteria.
EDACBS17	The Director or his/her duly authorised nominee to sign individual placement agreements called the Residents Agreement made under pre- placement or block contracts for residential care for any individual with an eligible social care need requiring residential care.
EDACBS18	The Director or his/her duly authorised nominee to sign individual placement agreements called the 'Individual Service Agreement' made under pre-placement or block contracts for domiciliary care packages and other community based support.
EDACBS19	To act in relation to the duty to co-operate with the NHS in accordance with section 22 of the National Health Service Act 1977 and amended by section 27 of the Health Act 1999 and to enter into agreements with the NHS to provide services under section 256 of the NHS Act 2006 as amended by section 75 of the NHS Act 2006, subject to such agreements being reported to Adult and Community Bases Services Committee.
EDACBS20	With respect to the cost of residential care to take such action which is deemed necessary to ensure that agreements in relation to agreed "top up" payments are carried out and to recover any debt which may arise through the failure to make such payments.
EDACBS21	To enter into a Deferred Payments Agreement under section 55 of the Health and Social Care Act 2001 in respect of a resident who is willing to pay their assessed charge but who, following an assessment of resources has insufficient income and capital (that is below the upper capital limit) excluding their property to meet their care homes fees.
EDACBS22	To create a charge against properties under sections 34-36 of the Care Act 2014 and the Care and Support (Deferred Payment) Regulations 2014.
EDACBS23	To agree the standard rate for accommodation in homes not managed by the local authority but provided under contract with the independent and voluntary sectors. (National Assistance Act 1948, section 26(2).)
EDACBS24	To sign agreements to allow the recovery of payments made under the Charging for Residential Accommodation Guidance (CRAG) and section 55 of the Health and Social Care Act 2001, requiring local authorities to make available deferred payments.

No	Delegation
EDACBS25	To agree to register a legal charge against a property owned by an individual, under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, in those circumstances where an individual fails to pay an assessed charge.
EDACBS26	To receive patients into guardianship under the provisions of section 7 and 37 the Mental Health Act 1983.
EDACBS27	To appoint and approve Approved Mental Health Professionals under section 114 of the Mental Health Act 1983 to carry out statutory functions under the Act, such appointments to be made within the criteria contained in Directions issued from time to time by the Secretary of State for Social Services under the said section.
EDACBS28	To deal with all matters not otherwise delegated connected with the Mental Health Act 1983 in respect of section 25 agreements, section 117 and section 27 nearest relative and the Mental Capacity Act 2005.
EDACBS29	To identify suitable officers who will make decisions and where appropriate authorise a Deprivation of Liberty under the terms of the Mental Capacity Act 2005.
EDACBS30	To determine the Authority's response to the recommendations of Complaints Review Panels under the Authority's social services complaints procedure in accordance with the Local Authority Social Services Complaints (England) Regulations 2006.
Cultural Services	
EDACBS31	In consultation with the Chair of Adult and Community Based Services Committee, accepting, disposing or loaning out objects where the value is less than £100,000.
Learning and Skills	
EDACBS32	Power to deal with the development and dissemination of road safety in relation to schools education, training programmes and safety audits
EDACBS33	Ensuring the provision of relevant and accurate information to the public on services
EDACBS34	Power to implement programme and activities relating to education and raising public awareness about environmental matters.

No	Delegation
Heritage and Countryside	
EDACBS35	Power to approve minor landscaping works up to a value of £1,000.
EDACBS36	Power to act as the Council's Liaison Officer with the Ordnance Survey, to authorise the annual payment of Ordnance Survey Copyright fees and to maintain and distribute digital data in accordance with requirements of the Service Level Agreement.
EDACBS37	Power to take appropriate action under Section 4(3) of the Wildlife and Countryside Act 1981.
EDACBS38	In consultation with the Chair of Adult and Community Based Services Committee, to approve Conservation Grants

11. EXECUTIVE DIRECTOR OF CHILDREN'S AND JOINT COMMISSIONING SERVICES

- 11.1 The Executive Director of Children's and Joint Commissioning Services is responsible for, with the Director of Public Health (outlined specifically in section 13), driving the development of the Joint Strategic Needs Assessment, strategic commissioning for children's and adult services and joint health and wellbeing strategy.
- 11.2 The Executive Director of Children's and Joint Commissioning Services is further responsible for Children Services, with the aim to support and help children, young people and their families to lead happy, safe and healthy lives. This is undertaken by working closely with children, young people and their families to build on their unique strengths, skills and resources, supporting and helping them to be the best they can.
- 11.3 The Executive Director of Children's and Joint Commissioning Services is further responsible for Education, with the aim to ensure all children and young people in Hartlepool enjoy their childhood, attend a good school and are well equipped to enter adulthood with the education and skills necessary for them to live happy and fulfilled lives.
- 11.4 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Children's and Joint Commissioning Services is authorised to exercise the following specific functions:

No	Delegation
General	
Children's Social Services	
EDCJCS1	Research into matters relating to local authority welfare services. Health Visiting and Social Work (Training) Act 1962
EDCJCS2	Care and other treatment of children and young persons through court proceedings Children and Young Persons Act 1969
EDCJCS3	To ensure the provision for services for transition for children to adult care and support in England. Chronically Sick and Disabled Persons Act 1970 and Care Act 2014
DECJCS4	Functions exercisable under the Adoption and Children Act 2002
EDCJCS5	To discharge all of the functions of the local authority as contained in the <u>Children Act 1989</u> .

No	Delegation
EDCJCS6	Local offer for care leavers Children and Social Work Act 2016
EDCJCS7	To discharge any functions exercisable by the authority under the National Health Service Act 2006 on behalf of an NHS body insofar as those functions relate to children
EDCJCS8	To discharge the functions conferred on the authority under Part 1 of the Childcare Act 2006 and any function conferred on the authority under section 2 of the Childcare Act 2016
EDCJCS9	The Protection of the young in relation to criminal and summary proceedings; children appearing before court as in need of care, protection or control; committal of children to approved school or care of fit person, etc. Remand homes, approved schools and children in care of fit persons Children and Young Persons Act 1933
EDCJCS10	To ensure appropriate commissioning for social care services relating to children and adults in accordance with the commissioning strategy and approved contract process.
Youth Offending	
EDCJCS11	To determine and implement any response necessary to meet the needs of young people in the youth justice system as required by the courts or the national standards for the Youth Offending Service.
EDCJCS12	To exercise the duties and responsibilities contained within the Crime and Disorder Act 1998 and the Criminal Justice Act 2003 insofar as they relate to youth justice.
EDCJCS13	To establish youth offender panels and all other requirements contained within Powers of Criminal Courts (Sentencing) Act 2000
EDCJCS14	To exercise powers relating to young persons in need of care, protection or control; further provisions for protection of the young in relation to criminal proceedings Children and Young Persons Act 1963
Education	
EDCJCS15	To discharge all education functions conferred on or exercisable by the authority Children Act 2004
EDCJCS16	To exercise the powers of the Authority as Local Education Authority under the Schools Standards and Framework Act 1998 and other relevant legislation and any steps required under direction issued by the Secretary of State for Education.
EDCJCS17	To ensure sufficiency of places in early years, schools and colleges.

No	Delegation
EDCJCS18	To comply with the local authorities duty to children with special education needs including the identification and assessment of children with special education needs, the provision of education to those children and all other associated duties Children and Families Act 2014
EDCJCS19	To appoint Parent Governor Representatives to local authority committees dealing with education; Education Act 1996
EDCJCS20	To ensure that each maintained school has a governing body, instrument of governance and all otherwise complied with all other requirements of the Education Act 2002.
EDCJCS21	In consultation with the Chair of the relevant Committee, to authorise works where an emergency (e.g. risk of school closure) or a significant risk of health and safety is likely
EDCJCS22	Approve grants and awards to pupils and students in further or higher education in accordance with nationally or locally agreed schemes or provisions, or as a special case outside such provisions, in either case in accordance with regulations and advice issued by the Secretary of State for Education.
EDCJCS23	To make arrangements to establish the identities of children residing in the area who are not receiving suitable Education Act 1996
EDCJCS24	To discharge all functions of the authority as contained within the Education Act 2005 relating to the performance and inspection of schools
Housing	
EDCJCS25	To grant Discretionary Housing Payments to Housing Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
EDCJCS26	To administer and grant Local Welfare Support grant payments.
EDCJCS27	To discharge the functions of the authority insofar as they are relevant and in accordance with the Housing Act 1996.
Child Poverty	
EDCJCS28	To make arrangements to promote co-operation between the Council and its partner Authorities and other persons or bodies to reduce and mitigate the effects of child poverty in the Council's area under Section 21 of the Child Poverty Act 2010.
Miscellaneous	
EDCJCS29	To consider licence applications for children to take part in performance or take part in paid sports or paid modelling work.

12. DIRECTOR OF PUBLIC HEALTH

- 12.1 The Director of Public Health is responsible for the teams which aim to improve the health of the population, protect the health of the population and ensure the population has good healthcare.
- 12.2 In addition to the general delegations set out in section 6 of the scheme, the Director of Public Health is authorised to exercise the following specific functions:

No	Delegation
DPH1	To oversee public health to deliver better health outcomes and to reduce health inequalities within the Borough.
DPH2	To liaise with Local Authorities, communities and voluntary groups, public health services and clinical commissioning groups to deliver effective public health interventions.
DPH3	To prepare an Annual Report on the health of the local population and for the Council to publish that report.
DPH4	Responsibility relating to pharmaceutical needs assessment and consultation requirements thereon (including but not limited to the preparation, maintenance and publication of required pharmaceutical and other lists and arrangements for applications in respect thereof).

13. EXECUTIVE DIRECTOR OF DEVELOPMENT, NEIGHBOURHOODS AND REGULATORY SERVICES

13.1 The Executive Director of Development, Neighbourhoods and Regulatory Services is responsible for the teams which are committed to growing our economy, help businesses, facilitate the creation of new and diverse jobs and inward investment and to arm residents with the right skills to take advantage of this growth. Further to this to regenerate the Borough through delivering key regeneration projects and delivering new housing, services and infrastructure including roads, schools, shops and services to develop and grow the Borough by supporting and encouraging sustainable development and inward investment. The Executive Director of Development, Neighbourhoods and Regulatory Services is responsible for the following services:

- Planning and Development
- Environmental Services
- Public Protection – does this include licensing and housing?
- Community Safety
- Building Design and Construction
- Highways and Infrastructure
- Emergency Planning
- Facilities Management
- Economic Growth
- Strategic Asset Management
- Regeneration

13.2 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Neighbourhoods and Regulatory Services is authorised to exercise the following specific functions:

No	Delegation
Planning and Development	
EDDNR1	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land
EDDNR2	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
EDDNR3	To determine in consultation with the Chair all forms of planning and other applications/notifications and certificates under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation (General Permitted Development Order etc.) except those reserved to the Planning Committee.

No	Delegation
EDDNR4	<p>Matters which will be exercised by the Director and to be reported for information to the next available meeting of the Committee:</p> <ul style="list-style-type: none"> a) To serve a Tree Preservation Order. b) To serve a hedgerow retention notice. c) To require the discontinuance of a use of land d) To serve a stop notice (including a temporary stop notice) e) To issue an enforcement notice f) To apply for an injunction restraining a breach of planning control g) To serve a building preservation notice and related powers h) To issue enforcement notice in relation to demolition of unlisted building in conservation area i) To acquire a listed building in need of repair and to serve a repairs notice j) To apply for an injunction in relation to a listed building k) To defend Planning enforcement Appeals l) To exercise Section 215 of the Town and Country Planning Act 1990 m) To take any enforcement action under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation.
EDDNR5	Power to formulate and issue decision notices following decisions made in principle by the Committee.
EDDNR6	Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.
EDDNR7	In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.
EDDNR8	Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.
EDDNR9	Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.

No	Delegation
EDDNR10	Power to refer disputes with regard to planning application viability to the District Valuer for impartial assessment.
EDDNR11	Power to determine the designated Officer having power of entry to premises under the provisions of the Planning Acts.
EDDNR12	To consider reports on proposed changes to national planning policy in consultation with the Chair.
EDDNR13	To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee.
Environmental Services	
EDDNR6	To exercise the functions of the Authority in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
EDDNR7	To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
EDDNR8	Power to make Tender Bids for Works and Services, subject to relevant legal requirements.
EDDNR9	Power to seek out competitive tenders for the supply of goods and services, in response to the changes in the market economy
EDDNR10	Power to purchase plant and vehicles subject to the usual tendering arrangements in line with Council procurement rules
EDDNR11	Power to implement programmes and activities relating to education and raising public awareness about environmental matters.
EDDNR13	Power to name, rename, number and renumber streets under the conditions of relevant Acts and in consultation with the Neighbourhood Services committee.
EDDNR14	Power to deal with applications in relation to the Concessionary Fares Scheme
EDDNR15	Power to determine applications under the Blue Badge scheme and deal with any subsequent action required.
EDDNR16	Power to allocate staff car park places to individuals subject to payment of the approved charges.

No	Delegation
EDDNR17	Power to approve or reject plans submitted under and in accordance with the provision of byelaws relating to new streets.
EDDNR18	Power to approve changes to subsidised bus services and charges within the existing budgetary provision
EDDNR19	Power to exercise directly or by his/her nominated representative, power of entry and inspection under Section 11 of the Safety of Sports Ground Act 1975.
EDDNR20	Power to exercise directly or by his/her nominated representative power of entry and inspection under Section 35 of the Fire Safety and Safety of Places of Sport Act 1987
EDDNR21	Power to serve notices, take default action and authorise legal action under the provision of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.
EDDNR22	Power to serve notices where appropriate under the Local Government (Miscellaneous Provisions) Act 1976 requiring the removal of trees, or such parts thereof, as may be required to secure the protection of the public, and/or the unimpeded movement of vehicles.
EDDNR23	Be authorised to determine which Officers are "Suitably Qualified" in relation to the appropriate authorisations.
EDDNR24	Power to institute proceedings for obstruction of an Inspector in exercising his/her powers under Section 20 of the Health and Safety at Work Act 1974.
EDDNR25	Power to take any necessary action on behalf or acting as the Hartlepool Port Health Authority.
EDDNR26	Power to implement schemes for remediation and after-care of closed landfill sites and institute measures to minimise the environmental impact of leachate and landfill gas, as required by the Environment Agency.
EDDNR27	Power to enter into arrangements with regard to the River Tees Port Health Authority
EDDNR28	To agree the transfer or assignment of premises between the Health and Safety Executive and the Authority under the Health and Safety (Enforcing Authority) Regulations 1998.
EDDNR29	In consultation with the Director of Legal, Governance and Human Resources to serve notices and institute proceedings under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Provision of Sanitary Appliances at Places of Entertainment).

No	Delegation
EDDNR30	After consultation with the Director of Legal, Governance and Human Resources discretion as to whether or not to commence proceedings under the Health and Safety at Work etc. Act 1974.
EDDNR31	To arrange for the restoration of water supplies to premises where it has been discontinued because of the absence or defective state of any apparatus by the carrying out of works of renewal and repair and the recovery of expenses up to £200.
EDDNR32	To select and purchase vehicles, plant and workshop equipment in accordance with the Authority's procurement rules.
EDDNR33	To provide driver training and the assessment of driving standards of Authority employees who operate vehicles and plant belonging or on hire to the Authority.
EDDNR34	To deal with dangerous trees under the provisions of section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in cases of emergency.
EDDNR35	To take all necessary action with regard to the service of notices and the execution of works and the recovery of costs under legislation relating to injurious weeds.
EDDNR36	To designate "Appointed Officers" in accordance with the Dutch Elm Disease (Local Authorities) Order 1984.
EDDNR37	To be responsible for the control, management, inspection and letting of allotments including the authority to issue and sign allotment agreements.
EDDNR38	To serve Notices to Quit in relation to breaches of allotment rules.
EDDNR39	To sign orders with public utilities.
Public Protection	
EDDNR40	To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
EDDNR41	To exercise those functions and responsibilities in relation to the seizure of stray dogs under Part VIII of the Environmental Protection Act 1990 and such other ancillary and related powers under the Act.
EDDNR42	To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.

No	Delegation
EDDNR43	Power to grant and suspend all Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences and Private Hire Operators Licences, Hackney Carriage Drivers Licences and Private Hire Drivers Licences.
EDDNR44	Power to issue licences under the Game Act 1831.
EDDNR45	Power to carry out any necessary action or functions under the County of Cleveland Act 1987 and subsequent Regulations made thereunder.
EDDNR46	Power to serve notices, give consent or take action in default including legal proceedings in respect of Control of Pollution Act 1974.
EDDNR47	Power to issue notices, take default action and authorise legal action under the Slaughterhouses Act 1974.
EDDNR48	Power to act on behalf of the Council in respect of:- <ul style="list-style-type: none"> • The Food and Environment Protection Act 1985, Part III as amended by the Pesticides (Fees and Enforcement) Act 1989 • The Control of Pesticides Regulations 1986
EDDNR49	Power to serve notices, take default action and authorise any necessary legal action in relation to contraventions of the Public Health Acts delegated to the Regeneration Board.
EDDNR50	Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required.
EDDNR51	Power to serve notices and take action in default, including legal proceedings, in respect of Sections 80 and 81 of the Environmental Protection Act 1990 to statutory nuisance.
EDDNR52	Power to authorise any necessary legal action for; contravention of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
EDDNR53	Power to issue but not refuse registration of food premises under the regulations made under Section 19 of the Food Safety Act 1990

No	Delegation
EDDNR54	Power to enforce the provisions of the 'Products of Animal Origin (Import and Export) Regulations 1992.
EDDNR55	Power to approve Plans submitted under Section 4 of the Clean Air Act 1993 and submissions under Section 7 of the Clean Air Act 1993.
EDDNR56	Power to enforce the provision of the Clean Air Act 1993 and any Regulations made thereunder including authorisation of work in default and legal proceedings.
EDDNR57	Power to approve Chimney Heights submitted under Sections 14 and 15 of the Clean Air Act 1993.
EDDNR58	Exercise all powers of the Council (other than those reserved to Committee) under the relevant Acts and subsequent Regulations, Byelaws and Orders, including but not limited to, enforcement, institution of proceedings, approval, certification, designation, variation, consenting, granting or renewal relevant to the responsibilities and service areas assigned to the post.
	Licensing
EDDNR59	Power to carry out all of the functions of the Licensing Act Sub-Committee and the Regulatory Sub-Committee
EDDNR60	Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required.
EDDNR61	Power to control and manage public open markets.
EDDNR62	Power to appoint a Chief Inspector of Weights and Measures.
EDDNR63	Power to appoint alternative Proper Officers, Nominated Medical Practitioners and Authorised Officers as set out in the Public Health (Control of Diseases) Act 1984 and the National Assistance Act 1948 (as amended in 1951).

No	Delegation
EDDNR64	Power to issue, refuse and revoke licences to premises under the provisions of the Food Safety (General Food Hygiene) (Butchers Shops) Amendments Regulations 2000.
EDDNR65	Power to appoint alternative Proper Officers, Nominated Medical Practitioners and Authorised Officers as set out in the Public Health (Control of Diseases) Act 1984 and the National Assistance Act 1948 (as amended in 1951).
EDDNR66	Power to nominate Authorised Officers and others to exercise statutory powers of entry under Section 108 of the Environment Act 1995.
EDDNR67	Be authorised in accordance with the provisions of Section 19(1)(c) of the Food and Environment Protection Act 1985 as amended by the Pesticides (Fees and Enforcement) Act 1989.
EDDNR68	Power to Serve Notice under Section 51 of the Clean Air Act 1993.
EDDNR69	Appoint Proper Officer of the Authority under the Public Health (Control of Diseases) Act 1984.
EDDNR70	To exercise all powers and duties under the provisions of the Public Health (Control of Diseases) Act 1984.
EDDNR71	To serve abatement notices where the Authority is satisfied that a statutory nuisance exists or is likely to occur or re-occur.
EDDNR72	To implement, administer and deal with all ancillary matters, including the appeals process associated with the Food Standards Agency national Food Hygiene Rating Scheme.
EDDNR73	To undertake those functions under any of the „relevant statutory provisions“ within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that these functions are discharged otherwise than in the Authority's capacity as an employer.
EDDNR74	To exercise all powers and duties under the relevant requirements of the Working Time Regulations 1998.
EDDNR75	To deal with applications for the registration of persons and premises relating to the practice of acupuncture, tattooing, skin piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.

No	Delegation
EDDNR76	To issue, under Section 19 (2) of the Criminal Justice and Police Act 2001, a Closure Notice to premises when satisfied that the premises are being, or have been within the last 24 hours, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.
EDDNR77	In consultation with the Chair of the relevant Committee the setting fees for licences/consents/registrations and similar.
EDDNR78	To determine applications for licences under the Authority's scheme for licensing pleasure craft under section 94 of the Public Health Acts Amendment Act, 1907 subject to appeals against any refusal being referred to the Licensing Committee.
EDDNR79	To determine transfers, variations, provisional statements and variations of designated premises supervisors under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in Hartlepool.
EDDNR80	To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936.
EDDNR81	To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936.
EDDNR82	To serve notices under sections 60 and 61 of the Control of Pollution Act 1974 (Prevention of Noise) and 79 and 80 of the Environmental Protection Act 1990.
EDDNR83	The inspection of premises and the taking of all necessary action in connection with furnaces and fuel and to deal with the control of chimney heights under the clean air legislation.
EDDNR84	To consider and decide upon applications under section 61 of the Control of Pollution Act 1974 (consent to work on construction sites).
EDDNR85	To determine whether abatement notices should be fixed to vehicles, machinery or plant contravening the Noise and Statutory Nuisance Act 1993.
EDDNR86	To determine applications for permits for the operation of loud speakers in streets or roads in accordance with the Noise and Statutory Nuisance Act 1993.
EDDNR87	To determine the validity of an application for deemed consent under the Planning (Hazardous Substances) Act 1990.
EDDNR88	To serve notices under section 85 of the Water Industry Act 1991.
EDDNR89	To inspect, determine, consult and remediate contaminated land within Hartlepool under section 57 of the Environment Act 1995 and Part 2A of the Environmental Protection Act 1990.

No	Delegation
EDDNR90	To enable powers of entry, work to be carried out in default and to seize equipment under section 81(3) of the Environmental Protection Act 1990 and section 10 of the Noise Act 1996.
EDDNR91	To enforce the prohibition of dark smoke from any chimney, prohibition of dark smoke from industrial or trade premises under sections 1 and 2 respectively of the Clean Air Act 1993 and enforce the prohibition of smoke in smoke control areas and the acquisition and sale of unauthorised fuel and all other pollution issues referred to under the Clean Air Act 1993.
EDDNR92	To control noise on construction sites by service and enforcement of section 60 notices under Control of Pollution Act 1974.
EDDNR93	To enable the monitoring, review and assessment of air quality under Part IV of the Environment Act 1995 and the consultation and declaration of areas as Air Quality Management Areas.
EDDNR94	To take action under the Noise Act 1996 to abate and control noise complaints from domestic and licensed premises.
EDDNR95	To designate alarm notification areas under sections 69-72 of the Clean Neighbourhoods and Environment Act 2005.
EDDNR96	To take action as necessary under the Clean Neighbourhoods and Environment Act 2005 in relation to audible intruder alarms including powers of entry to abate the sounding of alarms and service of fixed penalty notices.
EDDNR97	To undertake the duties of the Authority as Weights and Measures Authority including the appointment of the Chief Inspector of Weights and measures, approving the Annual Report of the Chief Inspector of Weights and Measures and all legislative requirements that apply to the Authority in that capacity including any functions performed under the Licensing Act 2003 and the Violent Crime Reduction Act 2006.
EDDNR98	To determine applications for consent to permit loading and unloading at large shops before 9.00 am on Sunday mornings within a loading control area under Schedule 3 of the Sunday Trading Act 1994, subject to such conditions considered appropriate.
EDDNR99	To appoint appropriate Officers of the trading standards section as inspectors under the provisions of the Sunday Trading Act 1994.
EDDNR100	To renew arrangements to secure the provision of the trading standards metrology laboratory services, subject to their being no material changes to the arrangement agreed in May 2007.

No	Delegation
EDDNR101	To determine applications relating to sites for circuses and caravan rallies.
EDDNR102	To take all necessary action, including issuing any instructions for prosecution, in connection with those sections of the Clean Neighbourhoods and Environment Act 2005 and associated regulations which relate to highways, nuisance and/or abandoned vehicles, fly- posting, transport of waste materials, noise nuisance and abandoned shopping trolleys.
EDDNR103	To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.
EDDNR104	To determine applications for licences to display goods in accordance with section 20 Schedule 5, of the Local Government (Miscellaneous Provisions) Act 1982.
Community Safety	
EDDNR105	To undertake the Authority's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.
EDDNR106	Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998
EDDNR107	Power to apply for an Injunction to Prevent Nuisance and Annoyance (IPNA) and Criminal Behaviour Orders (CBOs) under Parts 1 and 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
EDDNR108	To respond to any Police consultation in respect of the making by the Police of a Dispersal Order under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
EDDNR109	Exercise responsibilities in consultation with the Director of Legal, Governance and Human Resources in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.
EDDNR110	Where applicable the power to designate an area as a Public Space Protection Order and to undertake such consultation in respect thereof under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
EDDNR111	Power to take action to deal with anti-social behaviour under the provisions of the Crime and Disorder Act 1998.
EDDNR112	Power to deal with all Fly tipping and to take any necessary action against offenders in consultation with the Director of Legal, Governance and Human Resources

No	Delegation
EDDNR113	Power to deal with abandoned vehicles recovered under the Refuse Disposal (Amenity) Act 1978 procedures after due process of law and in accordance with Standing Orders.
EDDNR114	Power to endorse or take any necessary action to implement any agreed transfer of enforcement responsibility as set out in Regulation 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
EDDNR115	Power to nominate Authorised Officers within his/her Department who shall have powers to collect and deal with stray and dangerous dogs under the Dangerous Dogs Act 1991 and the Road Traffic Act 1988.
EDDNR116	<p>Anti-Social Behaviour, Crime and Policing Act 2014:</p> <ul style="list-style-type: none"> a) To issue a Closure Notice under section 76 of the Anti- Social Behaviour, Crime and Policing Act 2014. b) To issue a Cancellation Notice under section 78 of the Anti-Social Behaviour, Crime and Policing Act 2014. c) To authorise Officers to enter premises for which a Closure Order is in force and/or to do anything necessary to secure the premises against entry. d) To issue a Community Protection Notice under section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014. e) To issue Fixed Penalty Notices under sections 52 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 for failure to comply with a Community Protection Notice or Public Spaces Protection Order. f) To delegate authorised Officers to utilise the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to issuing and enforcement of community protection orders and Fixed Penalty Notices. g) To authorise Officers to take enforcement action and enter premises for which a Community Protection Notice Order is in force and/or to do anything necessary to secure the premises against entry. <p>To discharge all other functions under the Anti-Social Behaviour, Crime and Policing Act 2014 except those not capable of delegation.</p>
EDDNR117	To issue, under section 22 of the Criminal Justice and Police Act 2001, a certificate that a need for a closure order has ceased.
EDDNR118	To authorise Officers to act in accordance with section 25 of the Criminal Justice and Police Act 2001 and to enter premises and do all that is reasonably necessary for the purpose of securing compliance with a closure order.

No	Delegation
EDDNR119	To investigate complaints and offences and provide instructions to the Director of Legal, Governance and Human Resources to consider commencing legal proceedings.
EDDNR120	Permit the authorisation of Officers to enforce legislation relating to idling offences under Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002.
EDDNR121	To enforce, and with the Director of Legal, Governance and Human Resources to institute proceedings, in relation to the sale of combat knives and offensive weapons under the Criminal Justice Act 1988, Part XI and any subsidiary legislation made thereunder.
EDDNR122	To dispose of redundant vehicles, plant and workshop equipment in accordance with the Authority's Financial Regulations.
EDDNR123	To consider and respond to requests from Cleveland Police in respect of the designation of dispersal areas under the provisions of the Anti-Social Behaviour Act 2000.
EDDNR124	To issue penalty and fixed penalty notices, penalty charge notices and fixed monetary penalties for all offences under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Dog Byelaws, The Dogs (Fouling of Land) Act 1996, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenity) Act 1978, Noise Act 1996 and Housing Act 2004 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 made under the Energy Act 2013 and any amendments under those Orders.
EDDNR125	To act as the Proper Officer under section 149(1) of the Environmental Protection Act 1990 for the purpose of discharging the Authority's functions for dealing with stray dogs.
EDDNR126	To take all necessary action with regard to unauthorised dumping under section 33 of the Environmental Protection Act 1990.

No	Delegation
EDDNR127	To manage the use and enforcement of on and off street parking, waiting and loading restrictions, bus lane enforcement and other items under the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) 2007 and the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No 3) Order 2007, the 2015 Deregulation Bill and any subsequent amending legislation or further legislation regarding parking contraventions.
EDDNR128	To decide upon applications for the issue of parking permits for the parking of vehicles in "permit holders only" parking places established by the Authority under the Road Traffic Regulation Act.
EDDNR129	To arrange for the removal of vehicles under section 3 of Refuse Disposal (Amenity) Act 1978, section 99 of the Road Traffic Regulation Act 1984, Part II of the Removal and Disposal of Vehicles Regulations 1986 and section 11 of Clean Neighbourhoods and Environment Act 2005 that are illegally, obstructively or dangerously parked, abandoned or broken down on a road and the removal and disposal of abandoned vehicles generally.
Building Design and Construction	
EDDNR130	To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2010 and related legislation.
EDDNR131	Power to approve condition or reject applications submitted under the Building Regulations 1991 (as amended) and other related legislation.
EDDNR132	Power to accept and process Building Notices given under and in accordance with the provisions of the Building Regulations 1991 (as amended).
EDDNR133	Power to accept or reject Initial notices and subsequent certificates under and in accordance with the provisions of the Building (Approved Inspectors etc.) (Amendment) Regulations 1995.

No	Delegation
EDDNR134	Power to pass or reject applications for relaxation or dispensation of the Building Regulations 1991 (as amended).
EDDNR135	Power to serve Enforcement notices under the Building Act 1984 and power to authorise proceedings and take action under Sections 35 and 36 of the Building Act 1984.
EDDNR136	Power to exercise all of the duties and powers under the Building Act 1984.
EDDNR137	Power to respond to consultations made by outside bodies or agencies to the Council in their capacity as a Building Control Regulation Authority.
EDDNR138	Power to accept and process applications for Regularisation Certificates under and in accordance with the provisions of the Building Regulations.
EDDNR139	Power to authorise the charging of fees in accordance with the provisions of the Building (Local Authority Charges) Regulation 1998.
EDDNR140	Power to deal with agreements to provide sewers under buildings in accordance with the provisions of the Building Act 1984 and through the Agency with Northumbrian Water Ltd.
EDDNR141	Power to maintain and improve existing watercourses and to construct new works under Section 14(2), 14(3) and 15 of the Land Drainage Act, 1991.
EDDNR141	Power to apply to DEFRA for grant aid for works to watercourses under Section 59 of the Land Drainage Act 1991.
EDDNR142	Power to secure and maintain a proper flow in a watercourse by service of notice under Section 25 of the Land Drainage Act 1991.
EDDNR143	Power to require and to give approval to a developer to fill, partially fill, cover over, or culvert any ditch or watercourse (excluding main river) that runs through or abuts land to be developed, under Section 262 and 263 of the Public Health Act 1936.
EDDNR144	Power to require a landowner to repair, maintain and cleanse culverts and watercourses in, on or under their land under Section 264 of the Public Health Act 1936.

No	Delegation
EDDNR145	Power to authorise the undertaking of drainage work to prevent flooding under the Land Drainage Act 1991.
EDDNR146	Power to authorise the preparation of any programme and implementation of any works and dealing with any other matters under the Water Act 1973.
EDDNR147	To deal with applications for relaxation of Building Regulations made under section 8 of the Building Act 1984 and current Building Regulations.
EDDNR148	To exercise the powers of the Authority under section 81 of the Building Act 1984 in respect of notification of intended demolitions or to ensure the proper execution of demolition work.
EDDNR149	To exercise the powers of the Authority under section 78 of the Building Act 1984 with regard to emergency measures in respect of dangerous buildings.
EDDNR150	To serve notice under section 77 of the Buildings Act 1984 with respect to executing works to potentially dangerous buildings/structures.
EDDNR151	To execute and enforce breaches of the current Building Regulations in accordance with section 35 and 36 of the Building Act 1984.
EDDNR152	To execute and enforce the powers of the Authority under section 72 of the Building Act 1984 in relation to buildings with inadequate means of escape in case of fire.
Highways and Infrastructure	
EDDNR153	Power to arrange the execution of works in connection with highway cleansing through the Control of Pollution Act 1974 and the Environment Protection Act 1990.
EDDNR154	Power to authorise unscheduled and scheduled maintenance in respect of the adopted highway network and under the Local Transport Plan in accordance with the approved budget.
EDDNR155	Power to issue permits for abnormal load movements throughout the Borough under S.21 of the Road Traffic Regulations Act 1984.
EDDNR156	Power to authorise the use of three/four way temporary traffic signals in the public highway.

No	Delegation
EDDNR157	Power to act on behalf of the Highways Authority in respect of the conditions of the New Roads and Street Works Act 1991 including, but not limited to, licensing and enforcement issues
EDDNR158	Power to authorise and determine the conditions for the temporary closure of the public highway for 'thronging's' in accordance with the requirements of the Town Police Clauses Act 1847.
EDDNR159	Power to deal with matters relating to compensation claims against the Council concerned with defects in the highway.
EDDNR160	Power to deal with the establishment and management of schemes for off street parking
EDDNR161	Power to authorise the advertisement of proposed Traffic Regulation Orders.
EDDNR162	Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act.
EDDNR163	
EDDNR164	Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act.
EDDNR166	To make requests for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.
EDDNR167	To approve the making of temporary and permanent Traffic Regulation Orders and the issue of temporary and permanent Traffic Regulation Notices.
EDDNR168	To approve applications for permission to place public kiosks, feeder pillars, electric pillars, clocks and any other similar structures on or over public highways.
EDDNR169	To determine requests for the repositioning of street furniture to allow access to private premises.
EDDNR170	To object where necessary on behalf of the Authority as Highway Authority to the granting or renewal of a vehicle operators' licence and to authorise the appropriate Officer, to appear before the Licensing Authority to support such objection if considered necessary.
EDDNR171	To carry out minor traffic management measures not requiring Traffic Regulation Orders and costing less than £10,000 subject to the necessary finance being available in the approved budget.

No	Delegation
EDDNR172	To serve notices under section 112 of the Road Traffic Regulation Act 1984 on registered keepers of vehicles requiring them to notify the Authority of the name and address of the driver.
EDDNR173	To grant Street Works Licences under section 50 of the New Roads and Street Works Act 1991.
EDDNR174	To determine the priority for the surfacing of roads.
EDDNR175	Alteration to existing highways and adoption of new streets as highways repairable at the public expense in accordance with the Highways Act 1980 (and amendment).
EDDNR176	To make application to the Department for Transport in respect of the closure or diversion of a highway that is consequential of planning permission for development in accordance with section 247 of the Town and Country Planning Act 1990.
EDDNR177	To deal with all matters in relation to the closure of highways as a consequence of planning permission for development in accordance with section 257 of the Town and Country Planning Act 1990.
EDDNR178	To make all necessary arrangements to convert a footway to a cycle track with a right of way on foot under sections 65 and 66 of the Highways Act 1980.
EDDNR179	To make all necessary arrangements in respect of Orders under section 3 of the Cycle Tracks Act 1984 for the conversion of all or any part of a footpath to a Cycle Track.
Emergency Planning	
EDDNR180	To discharge the Authority's responsibilities as a category 1 responder under the Civil Contingencies Act 2004.
EDDNR181	To act as the Proper Officer for civil emergencies.
EDDNR182	To approve and maintain emergency planning arrangements and procedures on behalf of the Authority under the statutory guidance of the Civil Contingencies Act 2004, such procedure to include, amongst other matters, the appointment of appropriate Officers involved in the process.
EDDNR183	To act as the Proper Officer for business continuity management.

No	Delegation
EDDNR184	As the Proper Officer for business continuity management to approve and maintain an effective business continuity management procedure on behalf of the Authority under the statutory guidance set out in the Civil Contingencies Act 2004, including the appointment of appropriate Officers involved in the process.
Facilities Management	
EDDNR185	Determine and implement a Joint Waste Strategy developed by the constituent Authorities.
EDDNR186	Power to approve private functions, sponsored walks etc. in public open spaces, subject to the approval of the Director of Finance, IT and Digital Services for insurance purposes and in consultation with the Strategic Asset Manager.
EDDNR187	Power to negotiate the terms of contracts concerning the disposal, recycling, re-use and minimisation of wastes
EDDNR188	Power to manage the Household Waste Recycling Centre and implement and expand schemes for the recycling, re-use and minimisation of waste.
EDDNR189	Power to deal with proposals and their implementation for the provision of new and improvement of existing street lighting and client responsibilities for the maintenance of street lighting.
EDDNR190	Power to agree a reduced notification period under Section 6 of the Control of Asbestos at Work Regulations 20067 and Section 5 of the Asbestos (Licensing) Regulations 1983.
EDDNR191	To determine applications received from persons suffering a learning difficulty or physical disability for a reduced cost of admission to leisure facilities.
EDDNR192	To determine applications from voluntary and charitable organisations, for reduced charges for leisure facilities for fund raising events.
EDDNR193	To hire transport from outside sources for use by service areas.
EDDNR194	To issue permits under section 19 of the Transport Act 1985 and the section 19 Permit Regulations 2009 (or any amended Section 19 Permit Regulations) in relation to minibuses.

No	Delegation
EDDNR195	To submit on behalf of the Authority observations on traffic regulation conditions in relation to bus service registrations made under the Transport Act 1985.
EDDNR196	To inspect premises for the assessment of charges for refuse collection and waste disposal, in accordance with the Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Controlled Waste (England and Wales) Regulations 2012.
EDDNR197	To determine waste disposal licences and resolutions under the Waste Disposal Regulations, section 34 of the Environmental Protection Act 1990.
EDDNR198	To extend the provision of Authority services into new developments within the Borough, as required by the Control of Pollution Act (COPA) 1974, and section 46 of the Environmental Protection Act 1990.
EDDNR199	To make arrangements for the separate collection of recyclable waste under the Household Waste recycling Act 2003, and Waste (England and Wales) (Amendment) Regulations 2012.
EDDNR200	To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990.
EDDNR201	Power to authorise officers to carry out any functions required to be carried out by the Authority under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (including subsequent regulations/amendments including the issuing of prohibition notices.
EDDNR202	Power to design and implement the public Christmas decorations in accordance with the approved budget.
EDDNR203	Power to approve applications for permission to site mobile exhibitions in the Council's Car Parks.
EDDNR204	To determine applications received for permission to display temporary advertisements on selected street lighting columns within the Authority's policy of permitting such advertising for charitable and suitable non- commercial events.
Economic Growth and Regeneration	
EDDRD205	To manage, operate and develop Economic Growth and Regeneration policies and projects.
EDDRD206	Power to take all formal steps necessary under Section 35 of the Local Government and Housing Act 1989 to enable the powers to be exercised in respect of Economic Development related activities.

No	Delegation
EDDRD207	Power to approve financial assistance and award grants to companies within approved guidelines and budget provision.
EDDRD208	Power to implement an Economic Growth and Regeneration Strategy for the Borough.
EDDRD209	Power to prepare and implement an annual programme of corporate hospitality for the purpose of Economic Growth and/or Regeneration.
EDDRD210	On behalf of the Economic Growth and Regeneration Committee, power to enforce the provisions of any Act or Statutory Instrument relevant to the post and which has been delegated by the Council to a Board or Panel.
EDDRD211	In relation to all projects and programmes, to authorise the entering into of agreements with other funding organisations where the purpose of the agreement is to enable that organisation to provide funding support for projects within any of the programmes delivered or managed by the Authority.
EDDRD212	To develop and submit expressions of interest for funding programmes and opportunities that will assist the delivery of Authority's priorities.
EDDRD213	Power to enter into informal negotiations with prospective landlords, tenants, purchasers or vendors, reporting any terms of agreement possible back to the relevant Chair of Committee.
EDDRD214	Power to deal with any proceedings in respect of any breach of tenancy conditions and to take any subsequent action necessary.
EDDRD215	Power to instruct the Director of Legal, Governance and Human Resources to take any action necessary for the legal implementation of any matter related to Strategic Asset Management.
EDDRD216	Power to employ auctioneers to sell property at auction and to authorise the auctioneer to sign contracts on behalf of the Council at auction, where the Council appraisals agreed
EDDRD217	Power to agree the terms of purchase of houses in advance of proposed or agree clearance areas, reporting to the appropriate Board/Committee for information all subject to appropriate budgetary provision being available in consultation with the Director of Finance, IT and Digital and relevant Committee Chair.
EDDRD218	Power to settle compensation claims from Council house tenants to a maximum of £500.

No	Delegation
EDDRD219	Power to consider and approve requests for conveyance of additional strips of land comprised in Council house premises, subject to the 'Right to Buy' provisions where the tenant of the adjoining property has no objection and the Council's interests are not prejudiced thereby.
Strategic Assets Management / Housing	
EDDRD220	Power to accept subject to contract the highest tender received by the Borough Council for property advertised for sale or to let by way of lease or licence upon the open market and to report back to the appropriate Committee/Board for information.
EDDRD221	Power to approve land and property disposals, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as set out in the Finance and Policy committee arrangements.
EDDRD222	Power to re-advertise property where no tender has been received as a result of previous marketing.
EDDND223	Power to grant early entry under licence onto land or into buildings for which authority to sell or lease has previously been granted.
EDDRD224	Power to review rents, and review existing leases, of all properties and land, except Council Houses and to serve all relevant notices upon the lease and power to respond to all notices served upon the Council in this respect.
EDDRD225	Power to re-let property, other than Council houses, upon the open market, which has previously been let and which is not required for the Council's immediate statutory purposes.
EDDRD226	Power to agree terms for, and authorize the granting of wayleaves, easements and licences over Borough Council land and to allow early entry onto relevant Borough Council land.
EDDRD227	Subject to budgetary availability power to agree terms and authorise the taking of wayleaves and easements over land owned by a third party where such easements and wayleaves are required for benefit of Borough Council property holdings and power to allow early entry.
EDDRD228	Power to give consent to building or development of land or to the alterations of buildings where such consent is required pursuant to a covenant contained in a conveyance or lease of the land or building, and to determine applications for variation of user clauses or restrictive covenants from leaseholders or freeholders of Council owned or previously Council owned land or property

No	Delegation
EDDRD229	Power to consent to alterations to shop premises under the terms of lease and to authorise landlord's repairs.
EDDRD230	Power to terminate business leases at appropriate premises.
EDDRD231	Power to approve the institution of proceedings for the recovery of property held under lease
EDDRD232	Power to determine eligibility for assistance and approve claims for repurchase in appropriate cases under the provision of the Housing Act 1985.
EDDRD233	Power to allocate tenancies to approved applicants and tenants of houses in confirmed Clearance Areas or Closing and Demolition Orders and to pensioners in future Clearance Areas where the property has been purchased by the Council and other approved cases in proposed Clearance Areas.
EDDRD234	Power to nominate tenants to Registered Provider's properties.
EDDRD235	Power to allocate Council tenancies in accordance with the Council's allocations policy.
EDDRD236	Power to order repairs to Council dwellings and garages.
EDDRD237	Power to approve within the guidelines laid down by the Council applications for sale of Council dwellings.
EDDRD238	Power to approve exchanges between Council tenants or Council tenants and private tenants (including Housing Associations).
EDDRD239	Power to approve letting a Council tenancy to persons with former tenant arrears or recharges debt under £500.
EDDRD240	Power to transfer tenancies on death, remarriage or in cases of legal and mutual separation and similar special cases.
EDDRD241	Power to provide move on' accommodation from supported or emergency accommodation.
EDDRD242	Power to allocate garage tenancies.
EDDRD243	Power to award decoration vouchers to tenants of properties which have been re-let and left in a poor state of decoration or properties which are proving difficult to let by virtue of the poor standard of decoration.
EDDRD243	Power to reduce charges for tenant's liability for repairs on grounds of financial hardship, age or condition of the appliance to be replaced and to waive charges where there is reasonable doubt as to the extent of liability.

No	Delegation
EDDRD246	Power to take all action necessary up to and including application to County Court for Possession Orders in respect of rent arrears cases.
EDDRD247	Power to serve notice upon the tenant or tenants of a Council dwelling house in respect of any breach of tenancy condition and/or any breach of the grounds set out in Schedule 2 of the Housing Act 1985 (as amended) and to take any subsequent action necessary including authorising application to the County Court for Possession Orders subject to prior consultation with the Director of Legal, Governance and Human Resources.
EDDRD248	Power to take action to recover possession of any Council owned dwelling or garage occupied by an unauthorised occupier.
EDDRD249	Power to instruct the Director of Legal, Governance and Human Resources to take possession action for recovery of premises in appropriate cases where a breach of the tenancy agreement has taken place.
EDDRD250	Power, in consultation with the Chair of Finance and Policy Committee, to accept offers to sell houses to the Council upon terms agreed with the Strategic Asset Manager, in advance of proposed or agreed clearance areas and to report to the relevant Committee for information.
EDDRD251	Power to authorise appropriate treatment of party walls exposed by demolition of adjoining clearance area properties.
EDDRD252	Power, in consultation with the Director of Finance, IT and Digital, to write off former tenancy arrears which do not exceed £50,000, after all appropriate recovery procedures have been attempted.
EDDRD253	To exercise the Authority's powers under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to ensure the continuation or restoration of water, gas or electricity to private residential dwellings where the failure of the landlord to pay the bills results in the threat of or the actual disconnection of supplies and to recover the costs incurred and interest accrued in taking any such action.
EDDRD254	To approve applications for grants relating to private sector housing which comply with the provisions of the Housing Acts, Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 within the scheme laid down by the Authority.

No	Delegation
EDDRD255	To approve in whole or in part the removal of the conditions imposed by an Improvement Grant under the Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 where there is a repayment of an amount which reflects that proportion of the condition period remaining unexpired plus compound interest.
EDDRD256	To serve notices under the provisions of Part 1 of the Housing Act 2004 in connection with housing disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works.
EDDRD257	To carry out inspections and submit reports in connection with the provisions of the Housing Acts so far as they relate to houses in accordance with the provisions relating to repair, the closing and demolition of houses unfit for human habitation and the abatement of overcrowding.
EDDRD258	To serve all necessary notices under the Housing Act 2004 to ensure that houses in multiple occupation are provided with adequate means of escape from fire and adequate other fire precautions and in consultation with the Director of Finance, Legal and Governance to exercise discretion to take action to ensure that such notices are complied with either by the institution of any court proceedings or the acceptance of undertakings on behalf of the Authority under the Housing Act 2004.
EDDRD259	In respect of grants relating to private sector housing improvement to determine when a contractor other than one whose estimate accompanied the application be allowed to undertake the work and the circumstances when grant shall be paid direct to any applicant in preference to the contractor.
EDDRD260	To exercise all powers and duties of the Authority under the provisions of the Housing Act 2004 and associated regulations with respect to housing conditions (Part 1), licensing of houses in multiple occupancy (Part 2), selective licensing of other residential accommodation (Part 3), additional control provisions in relation to residential accommodation (Part 4), miscellaneous provisions (Part 6) and supplementary and final provisions (Part 7).

No	Delegation
EDDRD261	<p>The management of all matters required to ensure the Authority carries out its statutory duties as a local housing authority as prescribed in:</p> <ul style="list-style-type: none"> • Housing Act 1985 • Housing Act 1996 • Housing Act 2004 • Local Government and Housing Act 1989 and <p>Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.</p>
EDDRD262	<p>To take any decisions on the selection of property appropriate for affordable rent.</p>
EDDRD263	<p>Exercising the management of functions of the Authority in relation to dwellings owned by the Authority but not held under Part IV of the Housing Act 1985.</p>
EDDRD264	<p>Authorising the allocation and granting of tenancies and licenses in accordance with the Authority's allocation scheme:</p> <ul style="list-style-type: none"> (a) approving rents in specific cases; (b) serving notices, to quit, of termination or seeking possession; (c) maintaining properties and estates; (d) granting consent or otherwise to the assignment of a tenancy where statute allows and in line with the Authority's policy; (e) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985; (f) granting consent or otherwise to tenants' requests to carry out improvements or alterations; (g) granting consent or otherwise in any other matter where the Authority's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee; (h) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100); (i) settling any claims by tenants for disrepair; (j) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti Social Behaviour Act 2003 and Housing Act 2004; (k) taking action to secure the eviction of trespassers; (l) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and (m) authorise the granting of licences for the use of garages, reviewing licence conditions and subsequent termination of licences where necessary.

No	Delegation
EDDRD265	<p>Carry out the Authority's statutory responsibilities under Part V of the Housing Act 1985 (Right To Buy).</p> <ul style="list-style-type: none"> • Authorising service of statutory notices, admitting/denying the right to buy, withdrawing or requiring completion. • Authorising sales of freehold or otherwise granting of long leases <p>In consultation with the Director of Legal, Governance and Human Resources, with regard to freeholds, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole.</p> <p>Leasehold:</p> <ul style="list-style-type: none"> • Agreeing variations to the terms of individual leases. • Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord, e.g. requests to sublet whole. <p>In consultation with the Director of Legal, Governance and Human Resources authorising action on breaches of covenants.</p>
EDDRD266	<p>To ensure compliance with all Authority policies relating to the provision and management of Council owned residential properties. Authority to make changes to all such policies where provision of service would be improved or necessity arises or to recommend such changes to the appropriate committee where appropriate.</p>
EDDRD267	<p>To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys and newsletters</p>
EDDRD268	<p>To consider any matters relating to the Housing Act 1985 (as amended) in respect of Right to Buy including the repayment of discount and right of first refusal.</p>
EDDRD269	<p>In consultation with the Head of Finance, write off Credit balances associated with untraceable former tenants in compliance with the Authority's write off policy.</p>