

APPENDIX 2

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Responsibility for Functions

1. GENERAL

1.2 All of the Council's functions are the responsibility of either : -

- (a) Full Council; or
- (b) The Executive (the Cabinet)

The Council operates a Leader and Council term of Executive, collectively this means references to the Executive means the Leader and Cabinet.

1.3 Functions which are the responsibility of Full Council may be delegated to a Committee, a Sub-Committee, an Officer or another local authority.

1.4 Functions which are the responsibility of the Executive may be delegated to a Committee of the Executive, an individual Member of the Executive (Cabinet), an Officer or another local authority.

1.5 The law provides a framework under which :-

- (a) some functions must be the responsibility of the Executive;
- (b) some functions must not be the responsibility of the Executive; and
- (c) some functions may or may not be the responsibility of the Executive.

The latter are known as 'local choice functions', and it is a requirement that this Constitution sets out in detail who is responsible for them.

1.6 Any reference in this part of the Constitution to any function, and any delegation of power includes all action associated with that function or power and all related enforcement action.

1.7 This part of the Constitution defines the respective responsibilities of the Council and the Executive, and explains the arrangements for delegation of these responsibilities.

2. FUNCTIONS OF THE FULL COUNCIL

2.2 The Council is responsible for determination of

- (a) the budget;
- (b) the policy framework; and
- (c) the constitutional and related functions.

2.3 The Council's Scrutiny Committees have important roles in relation to review and scrutiny of decisions, call in of executive decisions, and best value reviews. These roles, which are set out in the Scrutiny Procedure Rules, include assisting the Council and the Executive in the development of the budget and of the policy framework.

2.4 Functions which involve:

- (a) determining applications for licences, approvals, consents, permissions or registration
- (b) direct regulation of persons or activities
- (c) enforcement action related to the above
- (d) approving the Council's statement of accounts, income and expenditure and balance sheet may not, by law, be the responsibility of the Executive.

The Council delegates these functions to the Planning Applications and Licensing Committees as set out in Schedule 1. Responsibility for local choice functions is set out in 4 below, under which some of these functions are the responsibility of Full Council or a Committee appointed by it.

2.5 Issues related to ethics and conduct are matters for the Standards Committee.

2.6 The Appointment of Chief and Senior Officers is dealt with by the Human Resources Committee, as set out in Schedule 1.

3. **FUNCTIONS OF THE EXECUTIVE**

3.2 All functions of Darlington Borough Council not referred to in paragraph 2 above or delegated to Officers by the Council are the responsibility of the Executive. Such functions are not to be discharged (or delegated) by Full Council.

3.3 The Executive (directly or by delegating its powers as described below) has the following functions and responsibilities :-

- (a) proposing the budget to Full Council, including preparation of estimates and the amount of the proposed precept, and any reconsideration or revision of those estimates and amounts;
- (b) proposing to Full Council new policies (or amendments to existing policies) which fall within the Policy Framework;
- (c) adopting on behalf of the Council any plans or strategies which do not form part of the Policy Framework;
- (d) implementing and delivering the agreed budget and Policy Framework;
- (e) taking all decisions other than those referred to in paragraph 2 above;
- (f) responsibility for local choice functions to the extent indicated in the table below;
- (g) discharging the Council's responsibilities as an employer for health and safety; and
- (h) making appointments to outside bodies in connection with functions which are the responsibility of the Executive.

- 3.4 All plans and strategies falling within the policy framework shall be considered by the Executive, who shall recommend them to Full Council. However, it is for Full Council to :-
- (a) instruct the Executive to reconsider any draft plan or strategy;
 - (b) amend any draft plan or strategy submitted by the Executive;
 - (c) approve for public consultation proposals for alterations to, or the replacement of, the Development Plan;
 - (d) approve any plan or strategy for submission to government (where required); and
 - (e) adopt any plan or strategy with or without modification.

Apart from the above, all functions in relation to developing plans and strategies falling within the policy framework shall be performed by the Executive.

- 3.5 The function of amending, modifying, varying or revoking any plan or strategy falling within the policy framework shall be performed by the Executive :-
- (a) if it is required for giving effect to governmental requirement; or
 - (b) if it was authorised by Full Council when approving or adopting the plan or strategy;
- but otherwise that function shall be performed by the Council.

4. TABLE: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Delegation
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1.	The Chief Executive shall decide which is the most appropriate body as and when the need arises.
2. The determination of an appeal against any decision made by or behalf of the Authority	Human Resource Panel in relation to employee matters. Cabinet in respect of all other matters.
3. The appointment of Review Boards under regulations under sub-section (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998(a).	Council.
4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	The Borough Solicitor.
5. The making of arrangements pursuant to sections 94(1), (1A) and (4) of the Schools Standard and Framework Act 1998	The Borough Solicitor.

Function	Delegation
(admission appeals).	
6. The making of arrangements pursuant to section 95(2) of the Schools Standard and Framework Act 1998 (Children to whom section 87 applies: appeals by governing bodies).	The Borough Solicitor.
7. The making of arrangements Section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	The Director of Corporate Services.
8. The making of appointments under paragraph 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council.
9. The conducting of Best Value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (Best Value Reviews) of the Local Government Act 1999.	Cabinet.
10. Any function relating to contaminated land.	Cabinet or the Director of Development and Environment in accordance with the Officers Scheme of Delegation.
11. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet or the Director of Development and Environment in accordance with the Officers Scheme of Delegation.
12. The service of an abatement notice in respect of a statutory notice.	Director of Development and Environment in accordance with the Officers Scheme of Delegation.
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Cabinet.
14. The inspection of the authority's area to detect any statutory nuisance.	Director of Development and Environment in accordance with the Officers Scheme of Delegation.
15. The investigation of any complaint as to the existence of a statutory nuisance.	Director of Development and Environment in accordance with the Officers Scheme of Delegation.
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Director of Development and Environment in accordance with the Officers Scheme of Delegation.
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Director of Development and Environment in accordance with the Officers Scheme of Delegation.
18. The making of agreements for the	Director of Development and Environment in

Function	Delegation
execution of highways works.	accordance with the Officers Scheme of Delegation.
19. The appointment of any individual - (a) To any office other than an office in which he is employed by the authority. (b) To any body other than - (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.	The Council or Cabinet except insofar as may be determined otherwise as specified in the Scheme relating to outside bodies.
20. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Chief Executive.
21. Any function of a local authority in its capacity as harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule).	Not applicable.

5. DELEGATION OF FUNCTIONS BY THE COUNCIL

- 5.2 The Council delegates to the Planning Applications and Licensing Committees, the Standards Committee, the Appointments Committees/Appointments Panel and the powers set out as the delegated powers of those committees in Schedule 1.
- 5.3 The Council delegates to Officers the non-executive functions which are contained in the Officers Delegation Scheme. Powers delegated to officers by Council show 'Council' in the final column.
- 5.4 The delegation of these powers operates under Section 101 of the Local Government Act 1972 and all other powers enabling the Council.
- 5.5 The non-executive powers delegated to Officers are subject to the general provisions in the Officers Delegation Scheme.
- 5.6 Insofar as the making of appointments to outside bodies is a function of Full Council, the Council agrees that those appointments should be made as set out in Schedule 5.

6. DELEGATION OF FUNCTIONS BY THE EXECUTIVE

6.2 The delegation of functions by the Executive is set out in Schedule 2 to this Part of the Constitution. Delegations of Executive powers are under S15 Local Government Act 2000.

SCHEDULE 1

Council Committees; their membership and their powers.

1. Planning Applications Committee
2. General Licensing Committee
3. General Act 2003 Licensing Committee
4. Licensing Sub-Committee
5. Standards Committee
6. Audit Committee
7. Human Resources Committee
8. Human Resources Chief Officers Appointments Panel (Sub-Committee)
9. Human Resources Panel (sitting as an Appointments Panel) (Sub-Committee)
10. Human Resources Panel (Sitting as JCC and Appeals Committee) (Sub-Committee)
11. Tendering Panel
12. Rights of Way Panel
13. LEA Governors Appointments Panel
14. Education Service Review Forum
15. Town Centre Forum
16. Darlington Transport Forum
17. Public Protection Forum
18. Darlington Environmental Forum
19. Darlington Planning Forum
20. Appraisal Sub-Group
21. Corporate Parenting Panel

FULL COUNCIL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL All 53 Members of the Council	
OTHER MEMBERS	
TOTAL MEMBERSHIP –	53
QUORUM –	13

FUNCTIONS

Only the Full Council will exercise the following functions :-

adopting and changing the Constitution;

approving or adopting the policy framework upon recommendations from Cabinet, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

approving the strategic financing of the Council, including :-

- determination of the Financial Strategy
- approval of the Revenue Budget
- approval of the Capital Programme
- setting the Council Tax Base
- setting the Council Tax
- determination of fees, charges and rents
- utilisation of reserves; and
- approval of the Council's Statement of Accounts

subject to the urgency procedure, contained in the Access to Information Procedure Rules, as set out in Part 4 of this Constitution, making decisions about any matter in the discharge of a

Cabinet function, which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

appointing the Leader, Deputy Leader and Members of the Cabinet;

agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;

receiving reports from the Cabinet and the Scrutiny Committees;

appointing representatives to outside bodies, unless the appointment is a Cabinet function;

adopting the Members' Allowances Scheme under Part 6 of this Constitution;

changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;

confirming and terminating the appointment of the Head of Paid Service;

making, amending, revoking, re-enacting or adopting Byelaws and promoting or opposing the making of local legislation or personal bills;

election functions, including electoral, boundary and parish issues;

all local choice functions, as set out in Part 2 of this Constitution, which the Council decides should be undertaken by itself rather than the Cabinet;

all other matters which, by law, must be reserved to Full Council, such as the Code of Conduct for Members and Co-opted Members;

maintaining the tables, as set out in Part 2 of this Constitution, setting out the responsibilities for those functions of the Council, which are not the responsibility of the Cabinet.

PROTOCOLS

The Mayor will be elected by the Council annually and will have the following responsibilities :-

to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members, who are not on the Cabinet or hold Committee Chairs, are able to hold the Cabinet and Committee Chairs to account;

to promote public involvement in the Council's activities;

to be the conscience of the Council and to uphold high standards of ethics and probity within the work of the Council; and

to attend such civic and ceremonial functions as the Council and he/she determines appropriate and to participate in activities and events that promote the Borough and benefit the status and traditions of the role.

PLANNING APPLICATIONS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 3 Conservative Group Members, 1 Liberal Democrat Group Member and 1 Independent Member	7 x 3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	12
QUORUM –	3

PROTOCOLS

The Cabinet Member with responsibility covering Development Plans shall be a Member of the Planning Applications Committee.

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Planning Applications Committee.

TERMS OF REFERENCE

To exercise functions relating to Town and Country Planning and Development Control (as set out in Part A, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853, as amended).

GENERAL LICENSING COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 2 Liberal Democrat Group Members	7 x 4 x 2
OTHER MEMBERS	
TOTAL MEMBERSHIP –	13
QUORUM –	3

PROTOCOLS

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Licensing Committee

TERMS OF REFERENCE

To exercise functions relating to Licensing and registration functions (as set out in Part B, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853), as amended.

GENERAL ACT 2003 LICENSING COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 2 Liberal Democrat Group Members	7 x 4 x 2
OTHER MEMBERS	
TOTAL MEMBERSHIP –	13
QUORUM –	3

PROTOCOLS

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Licensing Committee

TERMS OF REFERENCE

To exercise Licensing functions (operating under the Licensing Act 2003).

LICENSING SUB-COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 to be nominated from another political Group	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	3

PROTOCOLS

Members are drawn from the Membership of the Licensing Act 2003 Committee

TERMS OF REFERENCE

To deal with all contested applications.

STANDARDS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 1 Labour Group Member and 1 Conservative Group Member	1 x 1
OTHER MEMBERS 2 Parish Councillors and 3 Independent Members	2 x 3
TOTAL MEMBERSHIP –	7
QUORUM –	3 (An independent Member must be in attendance for a quorum and will be entitled to vote at meetings).

PROTOCOLS

A Member of the Cabinet may not Chair the Standards Committee.

A Parish representative will be entitled to vote and must be present when matters relating to those Parish Councils or their members are being considered.

The Committee has certain powers to discipline Members who may be in breach of the Code of Conduct for Members and Co-opted Members.

The Standards Committee does not have an investigatory role. Investigations carried out locally will be conducted by the Monitoring Officer.

The Committee receives guidance and support from the Monitoring Officer and may raise issues direct with that Officer.

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

- (a) to be responsible for establishing and maintaining the highest standards of integrity within the Council at all levels of decision-making;

- (b) to formulate and recommend a Code of Conduct for Members and Co-opted Members;
- (c) to formulate advice to Members on declarations of interest and to review the arrangements for recording interests and to monitor interests recorded under the arrangements;
- (d) to review any lapses of standards and to make any recommendations;
- (e) to recommend a Code of Conduct for Employees and Confidential Reporting Policy and to review its operation;
- (f) to review arrangements for designating politically restricted posts;
- (g) to recommend a Protocol of Member/Officer Relations and to review its operation;
- (h) to review induction training and other Member training provided for Members in relation to propriety issues;
- (i) to establish complaints procedures and to review their operation;
- (j) to monitor the operation of the Council's Procedure Rules, Contracts Procedure Rules and Financial Procedure Rules;
- (k) to formulate a Code of Practice about public access to information, confidentiality arrangements and arrangements for data protection;
- (l) to continually review developments in best practice relating to the decision-making processes of the Council;
- (m) to monitor Members' attendances at training courses and to take or suggest appropriate sanctions against any Member failing to honour their written undertaking to attend a minimum of five training events per year; and
- (n) to consider applications for dispensations from Members and Co-opted Members of the Borough Council and Members of Parish Councils.

AUDIT COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS One Officer from another Local Authority	1
TOTAL MEMBERSHIP –	4
QUORUM –	2

PROTOCOLS

The membership of the Audit Committee shall be restricted to one Member from the Executive (Cabinet) and Scrutiny and the Chair shall not be a Member of the Executive (Cabinet).

One Officer from another Local Authority shall be appointed as a non-voting member.

TERMS OF REFERENCE

In relation to Audit Activity :-

To consider the Head of Internal Audits annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission over the appointment of the Council's external auditor.

To commission work from internal and external audit

Regulatory Framework

To maintain an overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.

To review any issue referred to it by the Chief Executive or a director, or any council body.

To monitor the effective development and operation of risk management and corporate governance in the council.

To monitor council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the council's complaints process.

To oversee the production of, and approve, the Authority's Statement on Internal Control.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

Accounts

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Annual Report

The Committee will report annually to Full Council on its workings.

HUMAN RESOURCES COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member	7 x 4 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	12
QUORUM –	4

PROTOCOLS

The membership shall include :-

Leader of the Council
Deputy Leader of the Council
Cabinet Member with Resource Management Portfolio
Cabinet Member with Highways and Transport Portfolio
Cabinet Member with Children's Services Portfolio
Chair of Resources Scrutiny Committee
Vice-Chair of Resources Scrutiny Committee

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To undertake the interview and appoint process for the Chief Executive (Head of Paid Service) and to make recommendation to Full Council thereon.

HUMAN RESOURCES CHIEF OFFICERS APPOINTMENTS PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 5 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member	5 x 2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	8
QUORUM –	3

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resource Management Portfolio
Chair of Resources Scrutiny Committee
Leader of the Council

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To interview and appoint to all statutory posts (the Director of Corporate Services and the Director of Children's Services) and all non-statutory posts (all other Directors, the Assistant Chief Executive, the Borough Solicitor and the Head of Human Resource Management).

The Panel shall only make or approve the appointment where no well founded objection from any Members of the Cabinet have been received.

HUMAN RESOURCES PANEL (SITTING AS AN APPOINTMENTS PANEL)

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member	3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	3

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resource Management Portfolio
2 relevant Cabinet Members

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To interview and appoint to Head of Service posts

The Panel shall only make or approve the appointment where no well founded objection from any Members of the Cabinet have been received.

HUMAN RESOURCES PANEL (SITTING AS A JCC AND APPEALS COMMITTEE)

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member</p>	<p>3 x 1 x 1</p>
<p>OTHER MEMBERS</p>	<p>When meeting to consider employee consultation issues with Trade Unions the membership shall include :-</p> <p>Employees – One representative per recognised Trade Union (i.e. UNISON, G.M.B., U.C.A.T.T., AMICUS, T. and G.W.U./ACTS.B.E.C.T.U., A.T.L., N.A.H.T., N.A.S.W.U.T., N.U.T., S.H.A., P.A.T.) for each 300 members or part thereof and the Chair of the Safety Representatives Co-ordinating Committee.</p> <p>Officers – Head of Human Resource Management; and a Chief Officer (or his/her representative) from each of the Council’s Department.</p>
<p>TOTAL MEMBERSHIP –</p>	<p>5</p>
<p>QUORUM –</p>	<p>One quarter of the membership</p>

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resource Management Portfolio
 Chair of the Resources Scrutiny Committee
 Vice-Chair of the Resources Scrutiny Committee

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

When sitting as a Joint Consultative Committee, the Chair shall alternate on an annual basis between the Union Side and the Council.

TERMS OF REFERENCE

To consider appeals from employees in relation to human resource issues

In so far as it is specifically delegated appropriate employee consultations with recognised Trade Unions.

TENDERING PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	2

PROTOCOLS

The membership shall include the Cabinet Member with Resource Management Portfolio and the Deputy Leader

TERMS OF REFERENCE

To open and receive tenders.
To award contracts
To approve tenders by the Council.

RIGHTS OF WAY PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	2

PROTOCOLS

TERMS OF REFERENCE

To carry out the powers and duties of the Council in relation to Definitive Map Modifications Orders.

LEA GOVERNORS APPOINTMENTS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member	3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	2

PROTOCOLS

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To appoint and dismiss Governors.

EDUCATION SERVICE REVIEW FORUM

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	2

PROTOCOLS

Membership shall include the Cabinet Member with the Children's Services Portfolio, the Chair of the Lifelong Learning Scrutiny Committee and a Member of the Lifelong Learning Scrutiny Committee.

TERMS OF REFERENCE

- (a) To consider, evaluate and advise on issues arising from OFSTED reports following inspections of schools, other institutions of the Authority and the Authority itself.
- (b) To advise on the review of the Education Development Plan and other service specific plans.
- (c) To monitor and review the delivery and performance of services within the Education Department and to advise on service development, quality and standards.
- (d) To monitor and advise on the operation of complaints procedures for matters within the purview of the Council.
- (e) To receive reports on their operations from agencies working with and providing services for young people and the community.
- (f) To consider other relevant matters referred to it.

TOWN CENTRE FORUM

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>6 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member</p>	<p>6 x 2 x 1</p>
<p>OTHER MEMBERS</p>	<p>Interested Parties from the Public and Private Sector</p>
<p>TOTAL MEMBERSHIP –</p>	<p>9</p>
<p>QUORUM –</p>	<p>2</p>

PROTOCOLS

Membership shall include the Leader of the Council, the Cabinet Member with Regeneration and Planning Portfolio, the Chair of the Environment Scrutiny Committee, one Central Ward Member, one Opposition Group Member, one Minority Group Member, and private, public and voluntary/community sector representatives with a relevant interest in the Town Centre.

TERMS OF REFERENCE

Provision of a forum of private, public and community/voluntary sector representatives and the Council to:

- (a) Receive the Town Centre Business Plan.
- (b) Consider proposals from the Town Centre Board, relating to the development and future of the Town Centre;
- (c) Provide a source of ideas for Town Centre development, improvement and promotion;
- (d) Monitor and review the progress of the Town Centre Board in line with the Town Centre Business Plan.

DARLINGTON TRANSPORT FORUM

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 4 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member	4 x 2 x 1
OTHER MEMBERS	Interested Parties from the Public and Private Sector
TOTAL MEMBERSHIP –	7
QUORUM –	2

PROTOCOLS

Membership shall include the Chair and the Vice-Chair of the Environment Scrutiny Committee, and the Cabinet Members with the Highways and Transport and the Consumer and Environmental Services Portfolios.

TERMS OF REFERENCE

- (a) to consult and involve the public, users and providers in transport matters;
- (b) to consider sustainable transport strategies in line with those agreed as part of the Local Agenda 21 process and to encourage initiatives;
- (c) to consider highways and transportation policies and proposals and put forward ideas, suggestions and proposals regarding Darlington Borough Council's policies;
- (d) to raise awareness of public transport issues and seek improvements including those for disabled people;
- (e) to promote and facilitate walking and cycling as forms of transport; and
- (f) to improve and promote public awareness of road safety.

PUBLIC PROTECTION FORUM

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 5 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member	5 x 2 x 1
OTHER MEMBERS	Interested Parties from the Public and Private Sector
TOTAL MEMBERSHIP –	8
QUORUM –	2

PROTOCOLS

Membership shall include the Chair and Vice-Chair of the Public Protection and Community Partnerships Scrutiny Committee, the Chair and Vice-Chair of the Licensing Committee and the Cabinet Member with the Consumer and Environmental Services Portfolio.

TERMS OF REFERENCE

- (a) Environmental health matters;
- (b) Home and leisure safety issues;
- (c) Indoor and outdoor markets;
- (d) Trading Standards and Fair Trading services;
- (e) Licences and Permits issued by the Public Protection Division, Department of Development and Environment;
- (f) Attendants/Stewards Registration Scheme;
- (g) Licences issued under the Licensing Act 2003; and
- (h) Crime and Disorder.

DARLINGTON ENVIRONMENTAL FORUM

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 6 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member	6 x 2 x 1
OTHER MEMBERS	Interested Parties from Public and Private Sector
TOTAL MEMBERSHIP –	9
QUORUM –	2

PROTOCOLS

Membership shall include the Chair and Vice-Chair of the Environment Scrutiny Committee, Cabinet Members with the Regeneration and Planning and Consumer and Environmental Services Portfolios and the Vice-Chair of the Public Protection and Community Partnerships Scrutiny Committee.

TERMS OF REFERENCE

Provides a forum for environmental groups and the Council to consider, promote and initiate proposals on environmental issues and consider the Council's environmental policies and issues.

DARLINGTON PLANNING FORUM

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 4 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member	4 x 1 x 1
OTHER MEMBERS	Interested Parties from the Public and Private Sector
TOTAL MEMBERSHIP –	6
QUORUM –	2

PROTOCOLS

Membership shall include the Chair of the Environment Scrutiny Committee, the Chair of the Planning Committee and the Cabinet Members with the Regeneration and Planning and the Highways and Transport Portfolios.

TERMS OF REFERENCE

- (a) to consult and involve the public, service providers and other interested local groups and organisations in planning policy matters;
- (b) to consider and debate options and emerging strategies and policies for the new Local Development Framework;
- (c) to put forward ideas, suggestions and proposals regarding Darlington Borough Council's new Local Development Framework; and
- (d) to raise awareness of planning policy issues and seek improvements to how we involve all sections of the community.

APPRAISAL SUB-GROUP

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 4 Labour Group Members and 1 Conservative Group Member	4 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	2

PROTOCOLS

TERMS OF REFERENCE

To undertake the Chief Executive's appraisal

CORPORATE PARENTING PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 1 Labour Group Member x 1 Conservative Group Member	1 x 1
OTHER MEMBERS Chief Executive, Darlington Borough Council & Director of Children's Services, Darlington Borough Council	2
TOTAL MEMBERSHIP –	4
QUORUM –	3, one of that number must be a Councillor

PROTOCOLS

Membership shall include the Cabinet Member with the Portfolio for Children's Services; Member of the Opposition; Chief Executive; and the Director of Children's Services.

(Assistant Director of Children's Services and the Children's Development Officer be invited to attend as required by the Chair)

TERMS OF REFERENCE

To address the requirements of the Climbie recommendations; to further Corporate parenting responsibilities; and to increase the accountability of Members and senior officers in respect of Child Protection Services and services for Looked After Children, through the consideration of the following: -

- (a) Scrutiny of Children and Families Duty Team through issues as reported by Members' quarterly checks (not Members of this Panel).
- (b) Performance reports about Duty Team activity: Number of referrals, child protection activity, and performance as measured by National and Local PI's
- (c) Educational attainment and school attendance issues in relation to Looked After Children and that departments are working jointly to ensure maximum attendance and attainment for looked after children

- (d) That systems are adequately resourced for Child Protection and Looked After Children
- (e) Care Leavers; Adoption Performance; Health of Children Looked After and Equality of access for Black Minority Ethnic Children/Children with Disabilities.

SCHEDULE 2

THE EXECUTIVE

The Executive's Terms of Reference

Executive Portfolios

Delegation of Executive Functions

Executive Members Scheme of Delegation

CABINET

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 9 Labour Group Members	
OTHER MEMBERS	
TOTAL MEMBERSHIP –	9
QUORUM –	3

ROLE –

The Cabinet will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, whether by law or under this Constitution.~

Form and Composition -

The Cabinet consists of the Leader, together with eight other Councillors, appointed to the Cabinet by the Council, one of whom shall be designated 'Deputy Leader' and be allocated one of the portfolios below.

The following Cabinet Portfolios will be allocated, by the Leader, to each cabinet Member following the Annual General Meeting :-

- Community and Public Protection;
- Resource Management;
- Adult Services;
- Consumer and Environmental Services;
- Children's Services;
- Leisure Services;
- Regeneration and Planning; and
- Highways and Transport.

Membership Protocols -

Cabinet Members cannot serve on Scrutiny Committees.

Cabinet Members cannot be the Mayor or Deputy Mayor.

The Cabinet Member with responsibility covering Development Plans shall be a Member of the Planning Applications Committee.

Cabinet Members cannot be appointed as Chairs or Vice-Chairs on the Planning Applications or the Licensing Committees.

Roles and Responsibilities –

The Cabinet exercises its responsibilities collectively, as set out in the Cabinet Procedure Rules in Part 4 of this Constitution.

Leader –

The Leader will be a Councillor, elected to the position of Leader at the Annual Council Meeting. The Leader will hold office until :-

he/she resigns from the Office; or
he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume at the end of the period of suspension); or
he/she is no longer a Councillor;
a six months' absence from Council duties has occurred, where such absence is not approved by the Council for the purpose of Section 85 of the Local Government Act 1972; or
the date of the Annual Council meeting immediately following the cycle of all out elections, save that the Council may remove the Leader from Office at an earlier date, but only in the event of a change in political control of the Council.

Deputy Leader -

The Deputy Leader will be a Councillor, elected to the position of Deputy Leader at the Annual Council Meeting. The Deputy Leader will hold office until :-

he/she resigns from the Office; or
he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume at the end of the period of suspension); or
he/she is no longer a Councillor;
a six months' absence from Council duties has occurred, where such absence is not approved by the Council for the purpose of Section 85 of the Local Government Act 1972; or
the date of the Annual Council meeting immediately following the cycle of all out elections, save that the Council may remove the Deputy Leader from Office at an earlier date, but only in the event of a change in political control of the Council.

Other Cabinet Members –

Other Cabinet Members shall hold Office until :-

the Annual Meeting of the Council following their appointment; or
they resign from Office;
they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume at the end of the period of suspension); or
they are no longer Councillors;
a six months' absence from Council duties has occurred, where such absence is not approved by the Council for the purpose of Section 85 of the Local Government Act 1972; or
they are removed from Office by resolution of the Council.

The Cabinet is made up of the Leader and eight other Members. It has nine functional portfolios.

PORTFOLIO	RESPONSIBILITY
Leader	<ol style="list-style-type: none"> 1. To lead on the development and implementation of corporate policies and strategies relating to the principal objectives of the Council and its priorities. 2. To ensure that the objectives of the Council’s Vision Statement are actively and positively pursued. 3. To keep under review and be responsible for the implementation of significant new legislation which is not specifically dealt with under another portfolio or under Council. 4. To oversee the allocation of resources required to implement the Council’s corporate budgetary and strategic objectives with specific reference to :- <ol style="list-style-type: none"> (a) the annual budget and capital programme. (b) major issues involving capital expenditure. (c) major bids for external funding. 5. To advise the Council on its Constitution. 6. To exercise overall responsibility for the management of the Town Centre Market Place and policies affecting it. 7. To oversee the Council’s management process to ensure its effective contribution to the provision of efficient, high quality services; including the need for new services or changes in services where appropriate. 8. To ensure the efficient corporate management of the Council and the delivery of quality and cost effective services to the public. 9. To ensure effective financial and management audit arrangements are in place. 10. To promote and oversee the development and implementation of corporate projects. 11. To ensure that all of the Council’s services represent Best Value. 12. To nominate the Council’s representatives on outside bodies

PORTFOLIO	RESPONSIBILITY
	<p>(except in cases where the responsibility is specifically dealt with by another body).</p> <ol style="list-style-type: none"> 13. To maintain a strategic overview of Community Safety and related issues. 14. To co-ordinate this Council's responsibility in respect of Corporate Parenting. 15. To oversee the Council's media relations. 16. To allocate Cabinet Portfolio's to each Cabinet Member.
Deputy Leader	<p>To have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. To assist the Leader with his responsibilities. 2. To deputise for the Leader in his absence. 3. To be a member of the Drug and Alcohol Action Team. 4. To be the Council's Representative on the Police Authority. 5. To have responsibility for the Council's relationship with the Police, Probation Service and Magistrates.
Consumer and Environmental Services	<ol style="list-style-type: none"> 1. Public and environmental health services including animal diseases and the quality and content of fertilisers and feeding stuff. 2. Waste Management (collection, disposal and recycling). 3. Local Agenda 21 issues. 4. Responsibility for Community Partnerships and the co-ordination and promotion of neighbourhood renewal. 5. Land drainage, animal welfare, recycling, dog control, pest control, waste disposal, naming and numbering of streets, unauthorised campers, Sunday trading, health education and health and safety at work. 6. Consumer safety; fair trading; and meteorology services. 7. The Fire Service. 8. Energy conservation. 9. The Open and Covered Markets and peripheral shops, cattle

PORTFOLIO	RESPONSIBILITY
	<p>market and other markets within the Borough.</p> <p>10. Street trading and perambulation (excluding Licensing).</p> <p>11. Cremation, cemeteries and burial grounds.</p> <p>12. Dangers associated with the transportation of hazardous substances and other freight.</p>
Regeneration and Planning	<p>Except where specifically delegated to the Planning Applications Committee, to have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. The control, management and development of land belonging to the Council and allocated in the development plan or acquired for such purposes. 2. The acquisition, management and disposal of land held or acquired for the benefit, improvement or development of the Borough, where the purposes of the Council's interest is to promote economic development. 3. Structure planning in the Tees Valley. 4. Making representations and objections to other Local Planning Authorities on their development plans. 5. Building control legislation and enforcement. 6. Designating conservation areas and providing schemes for their enhancement under the Planning (Listed Buildings and Conservation Areas) Act 1990. 7. Assisting in the establishment and support of new and existing industries and businesses to stimulate employment and provide training opportunities. 8. The Regeneration strategies for the Borough and Tees Valley. 9. The allocation and distribution of available funds to firms in support of Regeneration objectives. 10. Promoting and advertising the Borough in connection with economic development and tourism. 11. Town-twinning activities. 12. The reclamation of derelict land. 13. Countryside Management.

PORTFOLIO	RESPONSIBILITY
	14. Champion for the Historic Environment and for Design.
Children's Services	<p>To have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. The role of the Council as the Local Education Authority. 2. Developing policies, in so far as they are the responsibility of the LEA, in relation to the curriculum, special educational needs, admissions, religious education, grants, discretionary awards and transport. 3. Developing policies, procedures and strategies to support schools in raising levels of achievement, including support for improving behaviour and attendance in schools. 4. Subject to Statutory Procedures, determining the pattern and development of educational services and provision in the Borough with particular reference to matters in relation to the establishment, discontinuance, enlargement, alteration of schools and other changes pertinent to all educational institutions. 5. Fostering and developing partnership arrangements where appropriate with other service providers. 6. Determining and implementing a scheme for Fair Funding of Schools. 7. The arrangements for the determination of complaints and appeals by parents, pupils or governors under the relevant Education Acts that are from time to time in force. 8. Preparing a Children's Services Plan and developing review procedures for services. 9. Education, Early Years and Childcare Development including Sure Start and Kids & Co. 10. The Appointment of representatives to Management Committees of other institutions falling within the purview of Council and to other organisations and bodies on which the Local Education Authority is to be represented. 11. Assessment and provision of services to families and children in need and children with mental health difficulties. 12. Management of children's services, foster carers and adoption.

PORTFOLIO	RESPONSIBILITY
	13. Liaison and support for voluntary sector services for children. 14. Co-ordination and promotion of services for young people.
Highways and Transport	To have overall responsibility for :- 1. The Council's duties as a Highway Authority and highways maintenance. 2. Traffic management, traffic control, residents' parking schemes, safer routes to schools and parking of vehicles within the Borough. 3. Street lighting and furniture. 4. Controlling and managing on and off-street vehicle parks. 5. Public passenger transport including road, rail and airports. 6. The siting, repair and maintenance of bus shelters. 7. Concessionary fares. 8. Hackney carriages and private hire vehicles, excluding the licensing of such vehicles.
Community and Public Protection	To have overall responsibility for : 1. The Youth Offending Team. 2. Prevention of drugs and substance mis-use. 3. Neighbour nuisance enforcement. 4. Litter enforcement. 5. Community Safety and Community Warden Service. 6. CCTV. 7. The Council's responsibilities as a Housing Authority, including the development of a Housing Policy. 8. The provision of Council housing and the housing of homeless persons. 9. Housing and Council Tax benefits. 10. Dealing with renovation and other grants and mortgage loans;

PORTFOLIO	RESPONSIBILITY
	<p>houses unfit for human habitation; and houses in multiple occupation.</p> <ol style="list-style-type: none"> 11. Submissions in respect of proposals for housing investment. 12. Promoting and enabling housing schemes by the private sector and housing associations. 13. Housing estate shops, garages and housing open spaces. 14. Accommodation issues in relation to asylum seekers.
Leisure Services	<p>To have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. The provision and operation of sports and recreational facilities within the Borough. 2. Sports and Arts development. 3. Leisure Management. 4. The provision and operation of Arts facilities within the Borough. 5. The promotion and development of public art, festivals and major events. 6. The museums and archives service. 7. Children's play. 8. The development and maintenance of parks and open spaces for leisure purposes. 9. Village Greens (subject to certain limitations in the registration of common land and town and/or village areas). 10. Fishing rights. 11. Co-ordinating and Promoting Services for Young People. 12. The Library Services.
Adult Services	<p>To have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. The assessment and provision of community care services. 2. The assessment and provision of services for adults with mental health difficulties.

PORTFOLIO	RESPONSIBILITY
	<ol style="list-style-type: none"> 3. Liaison with and support for voluntary sector services. 4. Complaints and evaluation for Adult Services. 5. Partnerships and pooled budgets for Adult Services. 6. User and carer representation for Adult Services. 7. Adult protection. 8. Joint Working with Health for Adult Services (guided by National Service Frameworks (NSF's) and Government Guidance). 9. Development Policy for Adult Education and work-based learning. 10. Warden Call Services.
Resource Management	<p>To have overall responsibility for :-</p> <ol style="list-style-type: none"> 1. Financial procedures and rules. 2. Reviewing and monitoring approved capital and revenue budgets. 3. Making arrangements for the levying, collecting, amending, altering and enforcing payment of all local taxes, rates and other money due to the Council. 4. Borrowing and investing money. 5. The appointment of Bankers and Auditors to the Council. 6. The insurance of risks falling on the Council. 7. Arranging for the auditing of the Council's systems and finances. 8. Financial assistance to voluntary organisations (where it is not the direct responsibility within another portfolio). 9. All Human Resource, Health and Safety for employees and Industrial Relations activities of the Council. 10. Acquiring, monitoring and management of land and buildings (other than those held for economic development) and to co-ordinate and negotiate the provision of land requirements.

PORTFOLIO	RESPONSIBILITY
	<ul style="list-style-type: none"> <li data-bbox="568 248 1433 394">11. Dealing with the disposal of any interest in land and buildings (other than Council house tenancies and when the Council's interest is to promote economic development) that are surplus to requirements. <li data-bbox="568 434 1433 539">12. Managing the repair and maintenance and having budgetary control over all non-housing operational properties in Council ownership. <li data-bbox="568 580 783 613">13. Allotments. <li data-bbox="568 654 1398 725">14. Liaising with the voluntary sector, including the CVS, over their funding and related issues. <li data-bbox="568 766 1262 799">15. Project and Commissioning for Building Design. <li data-bbox="568 840 975 873">16. E-Government Champion. <li data-bbox="568 913 1442 985">17. Corporate Risk Management and Corporate Risk Management Champion.

Delegation of Executive Functions

The Executive has delegated some of its functions to an individual Cabinet Member and Officers

1. Individual Cabinet Member

- 1.1 The Council's Executive Cabinet has delegated to the Cabinet Member with Resource Management Portfolio the Executive function as set out in the Executive Members Delegation Scheme.
- 1.2 Before taking decisions within his delegated authority, the individual Cabinet Member will seek advice from relevant officers.
- 1.3 The Individual Cabinet Member exercising decision making powers will ensure that proper records are kept of all decisions they take, in accordance with legal requirements.
- 1.4 Where the individual Cabinet Member has a prejudicial interest (as defined in the Members' Code of Conduct) in relation to any decision, he will not take that decision, but will ask the relevant Officer to refer the matter to the Cabinet for determination.

2. Officers

- 2.1 The Council's Cabinet has delegated to Officers, the Executive functions which are contained in the Officers Delegation Scheme which are shown to be Executive by the first column of the scheme. This column is to distinguish executive and non-executive functions in the Officers Delegation Scheme.
- 2.2 The delegation of these powers operates under Section 15 of the Local Government Act 2000 and all other powers enabling the Executive.
- 2.3 The Executive powers delegated to Officers are subject to the general provisions in the Officer Delegation Scheme.

3. Outside Body Appointments

- 3.1 Insofar as the making of appointments to outside bodies is an executive function, the Executive agrees that those appointments should be made as set out in Schedule 5.

Executive Members Delegation Scheme

The Executive (Cabinet) have delegated to the Cabinet Member with Resource Management Portfolio the authority to make decisions on applications for Community Grants, subject to criteria.

SCHEDULE 3

The following pages set out the membership of the Council's Scrutiny Committees.

1. Resources Scrutiny Committee
2. Public Protection and Community Partnerships Scrutiny Committee
3. Social Affairs and Health Scrutiny Committee
4. Lifelong Learning Scrutiny Committee
5. Environment Scrutiny Committee
6. Tees Valley Joint Health Scrutiny Committee
7. Monitoring and Co-ordination Group

RESOURCES SCRUTINY COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 6 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member	6 x 4 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	11
QUORUM –	3

PROTOCOLS

The Scrutiny Committee cannot include any Member of Cabinet in its membership.

The Chair/Vice-Chair of a Scrutiny Committee cannot be the Chair/Vice-Chair of the Licensing or Planning Applications Committees.

Non-voting co-optees are only permitted to serve on Review Groups or Task and Finish reviews.

TERMS OF REFERENCE

To consider cross-functional issues relating to Human Resource Management, Financial Management (including Corporate Budgeting issues) and land and property management, including Best Value Reviews for those Reviews within its remit.

To consider relevant issues which may come under the Collective Cabinet Portfolio and the portfolios of the Leader and Resource Management. This does not exclude the possibility of the other Cabinet portfolios being relevant if the issue under consideration by the Committee is of relevance to that portfolio.

General Role -

Within its terms of reference, the Scrutiny Committee will :-

review and/or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of Cabinet (see Call-in procedures as set out in the Scrutiny Procedure Rules in Part 4 of this Constitution)

make reports or recommendations to the Council or Cabinet, with respect to the discharge of any functions which are the responsibility of Cabinet;

review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet; and

make reports or recommendations to the Council, or Cabinet, with respect to the discharge of any functions which are not the responsibility of Cabinet on matters which affect the Authority's area or the inhabitants of that area.

Policy Development -

Within its terms of reference, the Scrutiny Committee will :-

assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

conduct research, community and other consultation in the analysis of policy issues and possible options;

consider and implement mechanisms to encourage and enhance community participations in the development of policy options;

questions Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and

liaise with other external organizations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Review -

The Scrutiny Committee may :-

review and scrutinise the decisions made by and the performance of the Cabinet, Committees and Council Officers, both in relation to individual decision, and over time;

review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

question Members of the Cabinet, Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

question and gather evidence from any other person (with their consent):

make recommendations to the cabinet, appropriate Committees or Council arising from the outcome of the scrutiny process; and

review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance.

In deciding what reviews are to be undertaken, Members will take the following into account :-

will the outcome make a difference;

discussions with Chief Officers/Departments on reviews which can be undertaken to assist with the workload of that Department; and

local views and priorities (what the community would want scrutiny to get involved in to improve service delivery).

NOTES –

Officer Support -

Each Scrutiny Committee has a Lead Officer to support it, and, in the main, these Officers are from the relevant service delivery area.

Scrutiny Committee have access to any Officer or Member, who they feel may be able to assist in the review of any issue. They also receive support which is justifiable and is sufficient to provide both the administrative support and information required.

Role of the Chair -

The Chair will ensure that Scrutiny is Member-led and is focused on improving service delivery.

Finance -

The Scrutiny Committee has no responsibility for the finances made available to them, the Monitoring and Co-ordination Group recommend resource allocation to the Director of Corporate Services.

Annual Report -

The Scrutiny Committee must report annually to Full Council on its workings and make recommendations to the Monitoring and Co-ordination Group for future work programmes and amended working methods if appropriate. These Annual reports are monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve service delivery.

**PUBLIC PROTECTION AND COMMUNITY PARTNERSHIPS
SCRUTINY COMMITTEE**

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>6 Labour Group Members, 5 Conservative Group Members and 1 Liberal Democrat Group Member</p>	<p>6 x 5 x 1</p>
<p>OTHER MEMBERS</p>	
<p>TOTAL MEMBERSHIP –</p>	<p>12</p>
<p>QUORUM –</p>	<p>3</p>

PROTOCOLS

The Scrutiny Committee cannot include any Member of Cabinet in its membership.

The Chair/Vice-Chair of a Scrutiny Committee cannot be the Chair/Vice-Chair of the Licensing or Planning Applications Committees.

Non-voting co-optees are only permitted to serve on Review Groups or Task and Finish reviews.

TERMS OF REFERENCE

To consider cross-functional issues relating to Public Protection, Local Agenda 21, Community Safety and Home Office Services, Emergency Planning, Litter, Licensing, Waste Management and Recycling and Community Partnerships, especially in relation to those Partnerships put in place by this Council, including Best Value Reviews for those Reviews within its remit.

To consider relevant issues which may come under the Collective Cabinet Portfolio and the portfolios of the Leader and Consumer and Environmental Services. This does not exclude the possibility of the other Cabinet portfolios being relevant if the issue under consideration by the Committee is of relevance to that portfolio.

General Role -

Within its terms of reference, the Scrutiny Committee will :-

review and/or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of Cabinet (see Call-in procedures as set out in the Scrutiny Procedure Rules in Part 4 of this Constitution)

make reports or recommendations to the Council or Cabinet, with respect to the discharge of any functions which are the responsibility of Cabinet;

review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet; and

make reports or recommendations to the Council, or Cabinet, with respect to the discharge of any functions which are not the responsibility of Cabinet on matters which affect the Authority's area or the inhabitants of that area.

Policy Development -

Within its terms of reference, the Scrutiny Committee will :-

assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

conduct research, community and other consultation in the analysis of policy issues and possible options;

consider and implement mechanisms to encourage and enhance community participations in the development of policy options;

question Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and

liaise with other external organizations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Review -

The Scrutiny Committee may :-

review and scrutinise the decisions made by and the performance of the Cabinet, Committees and Council Officers, both in relation to individual decision, and over time;

review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

question Members of the Cabinet, Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

question and gather evidence from any other person (with their consent):

make recommendations to the cabinet, appropriate Committees or Council arising from the outcome of the scrutiny process; and

review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their

activities and performance.

In deciding what reviews are to be undertaken, Members will take the following into account :-

will the outcome make a difference;

discussions with Chief Officers/Departments on reviews which can be undertaken to assist with the workload of that Department; and

local views and priorities (what the community would want scrutiny to get involved in to improve service delivery).

NOTES –

Officer Support -

Each Scrutiny Committee has a Lead Officer to support it, and, in the main, these Officers are from the relevant service delivery area.

Scrutiny Committee have access to any Officer or Member, who they feel may be able to assist in the review of any issue. They also receive support which is justifiable and is sufficient to provide both the administrative support and information required.

Role of the Chair -

The Chair will ensure that Scrutiny is Member-led and is focused on improving service delivery.

Finance -

The Scrutiny Committee has no responsibility for the finances made available to them, the Monitoring and Co-ordination Group recommend resource allocation to the Director of Corporate Services.

Annual Report -

The Scrutiny Committee must report annually to Full Council on its workings and make recommendations to the Monitoring and Co-ordination Group for future work programmes and amended working methods if appropriate. These Annual reports are monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve service delivery.

SOCIAL AFFAIRS AND HEALTH SCRUTINY COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 6 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member	6 x 4 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	11
QUORUM –	3

PROTOCOLS

The Scrutiny Committee cannot include any Member of Cabinet in its membership.

The Chair/Vice-Chair of a Scrutiny Committee cannot be the Chair/Vice-Chair of the Licensing or Planning Applications Committees.

Non-voting co-optees are only permitted to serve on Review Groups or Task and Finish reviews.

TERMS OF REFERENCE

To consider cross-functional issues relating to Social Services, Housing and Social Exclusion, including Best Value Reviews for those Reviews within its remit.

To exercise the powers in relation to the Overview and Scrutiny of Health (in line with the Health and Social Care Act 2001) in considering the provision of health services that affect the local area, and in responding to consultations of NHS Bodies on proposed service variations.

To consider relevant issues which may come under the Collective Cabinet Portfolio and the portfolios of the Leader, Adult Services and Community and Public Protection. This does not exclude the possibility of the other Cabinet portfolios being relevant if the issue under consideration by the Committee is of relevance to that portfolio.

General Role -

Within its terms of reference, the Scrutiny Committee will :-

review and/or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of Cabinet (see Call-in procedures

as set out in the Scrutiny Procedure Rules in Part 4 of this Constitution)

make reports or recommendations to the Council or Cabinet, with respect to the discharge of any functions which are the responsibility of Cabinet;

review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet; and

make reports or recommendations to the Council, or Cabinet, with respect to the discharge of any functions which are not the responsibility of Cabinet on matters which affect the Authority's area or the inhabitants of that area.

Policy Development -

Within its terms of reference, the Scrutiny Committee will :-

assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

conduct research, community and other consultation in the analysis of policy issues and possible options;

consider and implement mechanisms to encourage and enhance community participations in the development of policy options;

question Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and

liaise with other external organizations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Review -

The Scrutiny Committee may :-

review and scrutinise the decisions made by and the performance of the Cabinet, Committees and Council Officers, both in relation to individual decision, and over time;

review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

question Members of the Cabinet, Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

question and gather evidence from any other person (with their consent):

make recommendations to the cabinet, appropriate Committees or Council arising from the outcome of the scrutiny process; and

review and scrutinise the performance of other public bodies in the area and invite reports from

them by requesting them to address the Scrutiny Committee and local people about their activities and performance.

In deciding what reviews are to be undertaken, Members will take the following into account :-

will the outcome make a difference;

discussions with Chief Officers/Departments on reviews which can be undertaken to assist with the workload of that Department; and

local views and priorities (what the community would want scrutiny to get involved in to improve service delivery).

NOTES –

Officer Support -

Each Scrutiny Committee has a Lead Officer to support it, and, in the main, these Officers are from the relevant service delivery area.

Scrutiny Committee have access to any Officer or Member, who they feel may be able to assist in the review of any issue. They also receive support which is justifiable and is sufficient to provide both the administrative support and information required.

Role of the Chair -

The Chair will ensure that Scrutiny is Member-led and is focused on improving service delivery.

Finance -

The Scrutiny Committee has no responsibility for the finances made available to them, the Monitoring and Co-ordination Group recommend resource allocation to the Director of Corporate Services.

Annual Report -

The Scrutiny Committee must report annually to Full Council on its workings and make recommendations to the Monitoring and Co-ordination Group for future work programmes and amended working methods if appropriate. These Annual reports are monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve service delivery.

LIFELONG LEARNING SCRUTINY COMMITTEE

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>6 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member</p>	6 x 4 x 1
<p>OTHER MEMBERS</p> <p>Voting Members</p> <p>Non-voting Members</p>	<p>1 Church of England Diocese representative 1 Roman Catholic Diocese representative 3 Parent Governor representatives</p> <p>1 representative of the Darlington Association of Governors 2 Community Representatives 1 Secondary Head Teacher Representative 1 Secondary Classroom Teacher 1 Representative from the Darlington College of Technology 1 Primary Head Teacher Representative 1 Representative from the Queen Elizabeth Sixth-Form College 1 Primary Classroom Teacher 2 Representatives from the Darlington Partnership</p>
TOTAL MEMBERSHIP –	11
QUORUM –	3

PROTOCOLS

The Scrutiny Committee cannot include any Member of Cabinet in its membership.

The Chair/Vice-Chair of a Scrutiny Committee cannot be the Chair/Vice-Chair of the Licensing or Planning Applications Committees.

The voting representatives shall always be included in the membership.

TERMS OF REFERENCE

To consider cross-functional issues relating to Educational issues including libraries and Best Value Reviews for those Reviews within its remit.

To consider relevant issues which may come under the Collective Cabinet Portfolio and the portfolios of the Leader and Children's Services.

This does not exclude the possibility of the other Cabinet portfolios being relevant if the issue under consideration by the Committee is of relevance to that portfolio.

General Role -

Within its terms of reference, the Scrutiny Committee will :-

review and/or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of Cabinet (see Call-in procedures as set out in the Scrutiny Procedure Rules in Part 4 of this Constitution)

make reports or recommendations to the Council or Cabinet, with respect to the discharge of any functions which are the responsibility of Cabinet;

review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet; and

make reports or recommendations to the Council, or Cabinet, with respect to the discharge of any functions which are not the responsibility of Cabinet on matters which affect the Authority's area or the inhabitants of that area.

Policy Development -

Within its terms of reference, the Scrutiny Committee will :-

assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

conduct research, community and other consultation in the analysis of policy issues and possible options;

consider and implement mechanisms to encourage and enhance community participations in the development of policy options;

questions Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and

liaise with other external organizations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Review -

The Scrutiny Committee may :-

review and scrutinise the decisions made by and the performance of the Cabinet, Committees and Council Officers, both in relation to individual decision, and over time;

review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

question Members of the Cabinet, Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

question and gather evidence from any other person (with their consent):

make recommendations to the cabinet, appropriate Committees or Council arising from the outcome of the scrutiny process; and

review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance.

In deciding what reviews are to be undertaken, Members will take the following into account :-

will the outcome make a difference;

discussions with Chief Officers/Departments on reviews which can be undertaken to assist with the workload of that Department; and

local views and priorities (what the community would want scrutiny to get involved in to improve service delivery).

NOTES –

Officer Support -

Each Scrutiny Committee has a Lead Officer to support it, and, in the main, these Officers are from the relevant service delivery area.

Scrutiny Committee have access to any Officer or Member, who they feel may be able to assist in the review of any issue. They also receive support which is justifiable and is sufficient to provide both the administrative support and information required.

Role of the Chair -

The Chair will ensure that Scrutiny is Member-led and is focused on improving service delivery.

Finance -

The Scrutiny Committee has no responsibility for the finances made available to them, the Monitoring and Co-ordination Group recommend resource allocation to the Director of Corporate Services.

Annual Report -

The Scrutiny Committee must report annually to Full Council on its workings and make recommendations to the Monitoring and Co-ordination Group for future work programmes and amended working methods if appropriate. These Annual reports are monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve service delivery.

ENVIRONMENT SCRUTINY COMMITTEE

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>6 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member</p>	<p>6 x 4 x 1</p>
<p>OTHER MEMBERS</p>	
<p>TOTAL MEMBERSHIP –</p>	<p>11</p>
<p>QUORUM –</p>	<p>3</p>

PROTOCOLS

The Scrutiny Committee cannot include any Member of Cabinet in its membership.

The Chair/Vice-Chair of a Scrutiny Committee cannot be the Chair/Vice-Chair of the Licensing or Planning Applications Committees.

Non-voting co-optees are only permitted to serve on Review Groups or Task and Finish reviews.

TERMS OF REFERENCE

To consider cross-functional issues relating to Planning (except where specifically dealt with elsewhere), transport, highways, economic development, tourism, leisure and the Town Centre, including Best Value Reviews for those Reviews within its remit.

To consider relevant issues which may come under the Collective Cabinet Portfolio and the portfolios of the Leader and Regeneration and Planning, Leisure Services and Highways and Transport.

This does not exclude the possibility of other Cabinet portfolios being relevant if the issue under consideration by the Committee is of relevance to that portfolio.

General Role -

Within its terms of reference, the Scrutiny Committee will :-

review and/or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of Cabinet (see Call-in procedures as set out in the Scrutiny Procedure Rules in Part 4 of this Constitution)

make reports or recommendations to the Council or Cabinet, with respect to the discharge of any functions which are the responsibility of Cabinet;

review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet; and

make reports or recommendations to the Council, or Cabinet, with respect to the discharge of any functions which are not the responsibility of Cabinet on matters which affect the Authority's area or the inhabitants of that area.

Policy Development -

Within its terms of reference, the Scrutiny Committee will :-

assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

conduct research, community and other consultation in the analysis of policy issues and possible options;

consider and implement mechanisms to encourage and enhance community participations in the development of policy options;

question Members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and

liaise with other external organizations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Review -

The Scrutiny Committee may :-

review and scrutinise the decisions made by and the performance of the Cabinet, Committees and Council Officers, both in relation to individual decision, and over time;

review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

question Members of the Cabinet, Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

question and gather evidence from any other person (with their consent):

make recommendations to the cabinet, appropriate Committees or Council arising from the outcome of the scrutiny process; and

review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their

activities and performance.

In deciding what reviews are to be undertaken, Members will take the following into account :-

will the outcome make a difference;

discussions with Chief Officers/Departments on reviews which can be undertaken to assist with the workload of that Department; and

local views and priorities (what the community would want scrutiny to get involved in to improve service delivery).

NOTES –

Officer Support -

Each Scrutiny Committee has a Lead Officer to support it, and, in the main, these Officers are from the relevant service delivery area.

Scrutiny Committee have access to any Officer or Member, who they feel may be able to assist in the review of any issue. They also receive support which is justifiable and is sufficient to provide both the administrative support and information required.

Role of the Chair -

The Chair will ensure that Scrutiny is Member-led and is focused on improving service delivery.

Finance -

The Scrutiny Committee has no responsibility for the finances made available to them, the Monitoring and Co-ordination Group recommend resource allocation to the Director of Corporate Services.

Annual Report -

The Scrutiny Committee must report annually to Full Council on its workings and make recommendations to the Monitoring and Co-ordination Group for future work programmes and amended working methods if appropriate. These Annual reports are monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve service delivery.

MONITORING AND CO-ORDINATION GROUP

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	
Chairs of the Council's Scrutiny Committees	5
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	Not applicable

PROTOCOLS

Vice-Chairs of Scrutiny Committees are invited to attend all meetings.

It has no decision making powers.

TERMS OF REFERENCE

To be responsible for the scrutiny of Social Inclusion.

To propose an annual overview and scrutiny work programme, based on proposals from each Scrutiny Committee, to ensure that there is efficient use of the Committee's time, and that the potential for duplication of effort is minimised.

Ensure that each Committee works to a guideline of not more than two reviews per year and that the balance of reviews overall is manageable with the resources of the Council and potential call on external organisations and agencies.

Where matters fall within the remit of more than one Scrutiny Committee, determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between Scrutiny Committees.

To receive requests from cabinet and/or Full Council for reports from Scrutiny Committees and to allocate to them, if appropriate, to one or more Scrutiny Committee.

To put in place and maintain a system to ensure that referrals from Scrutiny Committees to Cabinet, either by way of report or for reconsiderations, are managed efficiently and do not exceed the limits as set out in the Constitution.

At the request of Cabinet, make decisions about the priority of referrals made if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.

Recommend resource allocation to Scrutiny Committees to the Director of Corporate Services.

Receive quarterly reports from each of the Scrutiny Committees on their reviews and workings in the previous quarter.

SCHEDULE 4

Scheme of Delegation to Officers – General Principles

1. The Chief Executive and Directors are authorised to act on behalf of the Council in relation to any matters within the service area for which they are responsible, as set out in Article 12 of the Council's Constitution, including spending decisions, subject to the following overriding provision :-
 - (a) Any action by the Chief Executive or Directors under delegated powers shall be in accordance with :-
 - (i) the overall policies approved by the Council or Cabinet;
 - (ii) Council Procedure Rules (including Contracts Procedure Rules);
 - (iii) Financial Procedure Rules;
 - (iv) HR Policies and Procedures;
 - (v) Approved capital and revenue budget estimates where expenditure or a reduction in income is involved; and
 - (vi) the requirements of the relevant legislation.
2. Without prejudice to these delegations the Chief Executive and Directors are expected in appropriate cases to :-
 - (a) maintain a close liaison with the appropriate Cabinet Member (or in their absence the Leader or another Cabinet Member);
 - (b) ensure that the Ward Councillor(s) is consulted on or advised of the exercise of delegated powers;
 - (c) ensure that the Chief Executive, Director of Corporate Services and Borough Solicitor are consulted and advised of any decisions as necessary.

NB Before exercising any delegated power the Chief Executive and Directors must consider whether the decision to be made is of such a nature that it ought to be referred for decision to Cabinet. Where the Ward Councillor(s) consulted under (b) above requests, the matter shall be referred to Cabinet for decision.
3. Any power conferred upon the Chief Executive and Directors, which they authorise another officer to exercise, will be contained in a register to be maintained by the Borough Solicitor in his role as Monitoring Officer, to be available for public inspection and to be reviewed by the Chief Executive, Directors and Borough Solicitor at least annually.
4. The Cabinet Member responsible following consultation with the relevant Director/Chief Executive may at any time require a particular issue or any aspect of delegated powers to be referred to Cabinet for its decision.

5. Delegated decisions shall not involve the adoption of a new policy or a major extension of an existing policy of the Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that the Council or Cabinet should take responsibility for a decision.
6. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.
7. Those decisions to be formally recorded are included within the delegated powers on the following pages.
8. The decisions will be formally reported and will be available electronically.

NB Certain powers and duties are delegated by statute to individual post holders. These posts are known as Statutory Chief Officers. These powers cannot be withdrawn by Council or Cabinet, however the exercise of the powers must be in accordance with the Council's budget, its Procedure Rules, in particular those relating to finance and contracting, and all other rules relating to the exercise of the powers set out in the Constitution and elsewhere.

The list of Statutory Posts are:

Chief Executive	Powers and duties under s4 Local Government and Housing Act 1989
Director of Corporate Services	Powers under s151 Local Government and Finance Act 1972
Borough Solicitor	Powers under s5 Local Government and Housing Act and Part III of the Local Government 2000
Director of Children's Services	Powers and duties specified in the Children Act 2004 including those under the Social Services Act 1970 relating to Children
Director of Community Services – (in relation to Adult Services)	Powers and duties under the Social Services Act 1970 relating to adults.

Proposed Delegations to be Formally Reported

CHIEF EXECUTIVE AND DIRECTORS, OR IN THEIR ABSENCE THEIR NOMINATED OFFICER, HAVE DELEGATED POWERS TO :-

Delegated Power	Formally Reported	Council/ Cabinet Delegation
(A) Financial Matters		
1. engage consultants to act on the Council's behalf, or prepare a report on the feasibility of projects, up to £15,000 per project;		Cabinet
2. authorise expenditure on feasibility work up to £10,000;		Cabinet
3. accept tenders for contracts valued up to £75,000;		Cabinet
4. vary expenditure on capital expenditure contracts up to 10 per cent or £50,000, whichever is the lower, of the accepted tender in accordance with the Financial Procedure Rules, as set out in Part 4 of this Constitution;		Cabinet
5. make 'ex gratia' payments (e.g. for the loss of personal equipment) up to £1,000;		Cabinet
6. approve capital expenditure above an approved budget level up to £35,000 where items are urgent or would have a cost benefit (subject to approval by the Chief Executive and the Director of Corporate Services);	✓	Cabinet
7. make and maintain adequate arrangements for the following, in conjunction with the Director of Corporate Services :- (a) the financial organisation, accounting and book-keeping necessary to ensure the proper recording of all sums due to the Council; and (b) the collection, control, disposal and prompt and proper accounting for all cash in all Council departments, including sums due to the Council in respect of sponsorship; and		Cabinet
8. Directors, in consultation with the Director of Corporate Services, be given delegated powers for capital spending under the Prudential Code, where the total capital cost is less than £100,000 in any one financial year and where the annual financing costs can be made within departmental resource allocations; and		Cabinet
9. Directors, in consultation with the Director of Corporate Services, be given delegated powers for capital spending under the Prudential Code, where the assets can currently be acquired via operation lease and annual financing costs can be met within departmental resource allocations.		Cabinet
(B) Budgetary Matters		
1. enter into operating leases; and		Cabinet
2. manage budgets within the total allocated to them by the Council.		Cabinet

Delegated Power	Formally Reported	Council/ Cabinet Delegation
(C) Employee Matters :-		
1. vary the establishment as necessary within the overall resource allocation;		Council
2. serve the appropriate notice on employees to be made redundant;	✓	Council
3. approve requests for special leave;		Council
4. approve honoraria within the approved scheme;		Council
5. approve applications for ill-health retirement (in consultation with the Head of Human Resource Management);	✓	Council
6. approve applications for early retirement/voluntary redundancy (in consultation with the Head of Human Resource Management and one other Director);	✓	Council
7. grant essential car allowances and car loans (subject to the approval of the Head of Human Resource Management);		Council
8. approve paid attendance of Shop Stewards on Trade Union organised courses;		Council
9. approve overtime of Officers graded SO1 and above at plain-time rate;		Council
10. undertake shortlistings and appoint employees to all posts other than those designated posts to be appointed by Members; and		Council
11. approve emergency call-out payments in accordance within an approved scheme; and		Council
(D) General Matters :-		
1. dispose of obsolete, redundant or worn-out equipment;		Cabinet
2. determine the attendance of Members (in consultation with the relevant Cabinet Member) at conferences, seminars, launches and similar meetings and official and courtesy visits and manage the expenditure within the approved budgets (in liaison with the Director of Corporate Services);		Cabinet
3. determine the attendance of Officers at conferences, seminars, launches, and similar meetings and official and courtesy visits and manage the expenditure within the approved budget;		Council
4. submit statutory plans and statutory responses to consultation documents to the relevant body where the deadline for submission occurs prior to the date of the relevant meeting of the Council/Cabinet; and	✓	Cabinet
5. submit bids for funding to the relevant body where the deadline occurs prior to the date of the next meeting of the Cabinet/any relevant committee.	✓	Cabinet

Proposed Delegations to be Formally Reported

CHIEF EXECUTIVE

The Chief Executive has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
(1) except where otherwise provided by Statute, undertake, in cases of emergency, the functions of the Council or Cabinet currently delegated to a particular Officer (or an Officer who is able to exercise that power) when that Officer(s) is/are incapacitated or not contactable;		Council and Cabinet
(2) authorise Officers and/or appoint Inspectors in conjunction with the Borough Solicitor (either may sign such authority or other certificate of appointment as may, by law, be required, pursuant to Section 101 of the Local Government Act 1972 and the various statutory and other powers of the Council);		Council
(3) determine appeals against final written warnings; and		Council
(4) determine applications for financial assistance via the Tees Valley Development Company (in conjunction with the Director of Development and Environment and in consultation with the Leader of the Council and the Cabinet Member with the Regeneration and Planning Portfolio).		Cabinet

DIRECTOR OF CORPORATE SERVICES

The Director of Corporate Services, or in his/her absence the nominated Officer, has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
(A) Financial Matters :-		
1. write-off sums less than £500 on debts for which he/she considers that court action would be inappropriate after all appropriate recovery procedures have been attempted;	✓	Cabinet
2. write-off any surplus or deficiencies in respect of any one item of stock on a report of the Chief Officer concerned;	✓ above £500	Cabinet
3. negotiate and raise loans to the Council, for the management and subsequent repayment and for maintaining records of all borrowing of money by the Council;		Cabinet
4. negotiate and manage leasing arrangements where expenditure has been authorised by the Cabinet;		Cabinet
5. invest any temporary surplus of monies until such monies are required;		Cabinet
6. pay, at suitable frequencies, all accounts which he/she is satisfied are in order;		Cabinet
7. pay all salaries, wages and other emoluments to Council employees;		Cabinet
8. sign (in manuscript or facsimile) all cheques drawn on behalf of the Council (or authorise another Officer to sign);		Cabinet
9. appoint specialist consultants to review and advise on the Council's external borrowings;	✓	Cabinet
10. sanction, in conjunction with the Chief Executive, capital expenditure above a department's approved budget level, where items are urgent or would have a cost benefit, up to £35,000;	✓	Cabinet
11. effect all necessary insurances in consultation with Directors;		Cabinet
12. settle all insurance claims on the Council's Insurance Fund in consultation, where necessary, with the relevant Director; and		Cabinet
13. provide an adequate and effective audit.		Council
(B) Council Tax and Rating Matters :-		
1. impose Council Tax penalties, deal with appeals and quash penalties in appropriate circumstances;		Cabinet
2. lay complaints and make application to the Magistrates' Court for Council Tax and Community Charge liability orders where necessary and, where granted, determine and institute the relevant enforcement procedures;		Cabinet
3. nominate Officers to represent the Council at Valuation Tribunals as necessary;		Council
4. in accordance with Section 9 of the General Rate Act 1967, refund the amount, or part thereof, of any monies paid under the following categories :-		Cabinet

Delegated Power	Formally Reported	Council Executive
(a) any entry in the valuation list being excessive; (b) a rate being levied otherwise than in accordance with the valuation list; (c) any exemption or relief which had not been allowed where a person was entitled to it; (d) the hereditament was unoccupied during any period; and (e) the person who made a payment was not liable to make the payment.		
5. in accordance with Section 49 of the Local Government Finance Act 1988 (as amended), reduce or remit the payment of any non-domestic rates payable on a hereditament if he/she considers that the payment would cause hardship to the person liable for those non-domestic rates;	✓	Cabinet
6. determine reduced non-domestic rate liability where hereditaments are partly unoccupied for a short time only;		Cabinet
7. lay complaints and make application to the Magistrates' Court for non-domestic rating liability orders, where necessary, and, where granted, determine and institute the relevant enforcement procedures, or alternatively, to pursue debts in a 'court of competent jurisdiction' in appropriate cases;		Cabinet
8. administer the Council's Collection Fund (in his/her absence to be delegated to any other Officer appointed for the purpose); and		Cabinet
9. identify fraudulent claims and instigate prosecutions in appropriate cases.		Cabinet
(C) General Matters :-		
1. determine applications for the use of the Town Hall Forecourt, Council Suite and Committee Rooms (in consultation with the Leader of the Council);		Cabinet
2. authorise Members to travel by air in accordance with current Department for Transport, Local Government and the Regions Guidelines;		Council
3. issue HR1 Notices, where appropriate, in respect of job losses.	✓	Council

BOROUGH SOLICITOR

The Borough Solicitor has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
1. sign the following on behalf of the Council :- any document necessary to give effect to any resolution of the Council, Cabinet or any other body or person acting under delegated powers of Cabinet or Council; (a) notices of cancellation by local authorities in accordance with Section 53(5) of the Building Act 1984; (b) grants in relation to burials and cremations; (c) any necessary documents in relation to the surrender of Grants of Rights of Burial, and arrange re-purchases in appropriate cases; (d) agreements for the letting of allotments; and (e) every contract which exceeds £75,000 in value or amount in accordance with Contracts Procedure Rules, as set out in Part 4 of this Constitution or designate an Officer to sign such contracts;		Council and Cabinet
2. defend and/or settle, where appropriate, all claims made against this Council up to £50,000;	✓ above a threshold of £5K	Cabinet
3. take such proceedings or other steps as may be necessary to enforce any debt or other obligation to the Council or to pursue on its behalf any other civil claim;		Cabinet
4. institute criminal proceedings in respect of :- (a) offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and (b) offences of common assault on behalf of an employee, if so required;	✓	Cabinet
5. take all necessary action to defend all criminal proceedings brought against the Council contrary to Section 539 of the Criminal Justice Act 1988;		Cabinet
6. brief Counsel and obtain Counsel's opinion;		Cabinet
7. issue proceedings, prosecute or take other steps as necessary under the Children Act 1989, Adoption Act 1976, Mental Health Act 1983, Registered Homes Act 1984, Crime and Disorder Act 1998 and regulations thereunder;		Cabinet
8. prepare documentation for and to represent the Council in the Special Educational Needs Tribunal;		Cabinet

Delegated Power	Formally Reported	Council Executive
9. authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972;		Cabinet
10. authorise Officers and/or appoint Inspectors in conjunction with the Chief Executive (either may sign such authority or other certificate of appointment as may by law be required, pursuant to the provisions of Section 101 of the Local Government Act 1972 and the various statutory and other powers of the Council);		Council
11. approve the granting of wayleaves and authorise the signing and sealing of any necessary document in connection therewith (following consultation with any other Officer concerned);		Council
12. enter a defence to any claim brought against the Council;		Cabinet
13. in cases of urgency, institute proceedings with a view to seeking an Injunction where he/she considers it expedient for the promotion or protection of the interests of the inhabitants of the area, pursuant to Section 222 of the Local Government Act 1972 or any other legislation permitting local authorities to seek an injunction with or without a power of arrest attached;	✓	Cabinet
14. make orders :- (a) prohibiting trespassory assemblies under Section 70 of the Criminal Justice and Public Order Act 1994; (b) prohibiting public processions under Section 13 of the Public Order Act 1986; and (c) under Section 21 of the Town Police Clauses Act 1847, in all cases where temporary Road Closure Orders are required, subject to the residents and the Ward Councillors affected by such closures being informed by the Director of Development and Environment, and alternative residents parking being provided where possible;	✓ ✓ ✓	Council
15. serve Notices to Quit, and any other notices and formal demands, on tenants which are deemed to be required in the interests of the Council (excluding the management of Council housing);		Cabinet
16. terminate tenancies of those persons allowed possession of allotments who have not completed a tenancy agreement;		Cabinet
17. issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity;		Council
18. accept any offer regarding land, goods to be supplied or work proposed to be executed in accordance with the Contracts Procedure Rules, as set out in Part 4 of this Constitution;	✓	Cabinet
19. undertake enforcement action (including the service of Stop Notices and including legal proceedings) under the Town and Country Planning Acts in respect of contravening development and to authorise work in default;	✓	Council
20. make Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990; and	✓	Council

Delegated Power	Formally Reported	Council Executive
21. take appropriate action to achieve a settlement in the case of dispute under Part I of the Land Compensation Act 1973.	✓ above a threshold of £5K	Cabinet

LEGAL SERVICES MANAGER

The Legal Services Manager has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
1. execute the powers delegated by the Council to the Borough Solicitor in his/her absence		Council and Cabinet

DIRECTOR OF COMMUNITY SERVICES

The Director of Community Services or in his/her absence the nominated Officer has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
(A) in respect of Contracted Services and Services operating within Trading Accounts :-		Cabinet
1. purchase materials, vehicles and equipment;		Council
2. serve the appropriate notice on employees to be made redundant;	✓	Cabinet
3. set prices for the sale of horticultural produce from Woodburn Nurseries;		Cabinet
4. negotiate venue hire charges for special events;		Cabinet
5. vary the percentage concessions available to 'Leisuresaver' card holders, provided that their 'Leisuresaver' price is well publicised on all publicity material;		Cabinet
6. operate the Civic Theatre and the Arts Centre on a trading account basis within the Council's approved net expenditure budgets;		Cabinet
7. introduce a variable scale of charges for clearing blocked drains removing household and trade refuse and to amend those charges to suit changing market conditions; and		Cabinet
8. submit, in urgent cases only, cross boundary tenders (which can involve work for other local authorities or bodies), which are in excess of £75,000 in value, in accordance with procedures previously agreed (following consultation with the relevant Cabinet Member, whenever possible).		Cabinet

Delegated Power	Formally Reported	Council Executive
(B) in respect of Housing Matters :-		
1. approve valuations of the Estates and Property Manager, within the Development and Environment Department, under the terms of the 'Right to Buy' Scheme;		Cabinet
2. administer the 'Right to Buy' and the sale of garages in accordance with Council policy;		Cabinet
3. acquire former Council dwellings (in conjunction with the Director of Corporate Services);	✓	Cabinet
4. dispose of vacant properties suitable for trickle transfer or short-life Housing Association Grant, in [consultation with the Cabinet Member with the Community and Public Protection Portfolio];	✓	Cabinet
5. institute proceedings against private landlords who illegally evict or harass their tenants under the Protection from Eviction Act 1977 and, as appropriate, seek compensation payments on behalf of the tenant;		Cabinet
6. provide advice and assistance to persons applying as homeless under Part 7 of the Housing Act 1996 and approve applications where appropriate;		Cabinet
7. operate a Housing Centre to provide assistance and information to individuals reflecting changing needs and requirements as appropriate;		Cabinet
8. select tenants and allocate housing accommodation and garages in accordance with Council policy;		Cabinet
9. authorise mutual exchanges of tenancies, as well as succession, assignment and subletting of tenancies, in accordance with the Housing Act 1985;		Cabinet
10. operate the Housing Organisations Mobility and Exchange Services (HOMES);		Cabinet
11. provide a mediation service in the private sector as well as for Council tenants, using the voluntary organisation		Cabinet

Delegated Power	Formally Reported	Council Executive
UNITE Limited;		
12. sign Notices of Seeking Possession and Notices to Quit in accordance with the Housing Act 1985;		Cabinet
13. instigate proceedings for the possession of Council dwellings where it is considered that the Terms of Tenancy have been breached;		Cabinet
14. in cases of urgency, or where possession is inappropriate, instigate proceedings with a view to seeking an injunction where it is considered the Terms of Tenancy have been breached in respect of nuisance, harassment or violence;		Cabinet
15. make applications to the Courts for a judgement in respect of recovery of rent arrears;		Cabinet
16. terminate tenancies of Council garages where it is considered the Terms of Tenancy have been breached;		Cabinet
17. manage the Council's housing properties, Council housing estates and ancillary amenities, including rent collection, recovery of arrears and debit control;		Cabinet
18. incur housing repair expenditure within budget levels and the programmed maintenance of local authority dwellings, garages and estates;		Cabinet
19. administer the Right to Repair Scheme and provide compensation in accordance with current regulations;		Cabinet
20. administer the Right to Compensation for Improvement Scheme in accordance with the current regulations;		Cabinet
21. authorise tenants home improvements in accordance with Council policy and the Housing Act 1985;		Cabinet
22. incur expenditure on adaptations to dwellings for people with disabilities within the approved budgets;		Cabinet

Delegated Power	Formally Reported	Council Executive
23. provide grants and make charges for services provided to Residents Groups recognised by and working in partnership with the Council;		Cabinet
24. arrange garden competitions in rural and urban areas in accordance with Council policy;		Cabinet
25. provide a Warden Service linked to a central control in respect of designated Council dwellings but also to individuals who would benefit from the service in both the private and Council sector in general;		Cabinet
26. sign notices, determine and administer applications for renovation grants, or other forms of home repair financial assistance and disabled facilities grants under the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform Order 2002, and where appropriate deal with breaches of conditions and require payment in whole or in part;	✓ where repayment less than Council entitlement	Cabinet
27. waive the qualifying period for renovation grants (in consultation with the Cabinet Member with the Community and Public Protection Portfolio);	✓	Cabinet
28. lease Council dwellings to other organisations providing specialist accommodation (in consultation with the Cabinet Member with the Community and Public Protection Portfolio);	✓	Cabinet
29. approve the demolition of Council garages (in consultation with the Cabinet Member with the Community and Public Protection Portfolio).	✓	Cabinet
30. under the Public Health Act 1936		Cabinet
(a) control the use of moveable dwellings (other than caravans) (Section 269); and		Cabinet
(b) arrange for cleansing of courts, yards and passage ways (Section 78).		Cabinet
31. Under the Housing Act 2004:-		Cabinet

Delegated Power	Formally Reported	Council Executive
<p>49(6))</p> <p>x) Introduce a reasonable charge for other remedial action and all other enforcement action taken by the authority (section 49)</p> <p>xi) Recover charges from debtors under section 49 (6) (section 50)</p>		
<p><u>Part 2 – Licensing of Houses in Multiple Occupation</u></p> <p>(b) Promote and operate a Licensing scheme for Houses in Multiple Occupation under part 2 of the Act namely but not limited to:</p> <p>i) Operate a Mandatory Licensing Control Scheme for Houses in Multiple Occupation as specified in Part 2 of the Housing Act (section 55)</p> <p>ii) Issue license applications and refuse applications for licenses (section 63 and 64)</p> <p>iii) Issue licences for a time period of up to 5 years (sections 60 and 68)</p> <p>iv) Charge a fee for the issue of license that pays for the running costs of the licensing scheme (section 63 (6 &7))</p> <p>v) Utilise powers to ensure that licensed Houses in Multiple Occupation are:</p> <ul style="list-style-type: none"> • Suitable for Multiple Occupation and prescribed standards exist (section 65) • Satisfactory management arrangements exist (section 66) • Local Authority License Conditions are adhered to (section 67) • National license conditions are adhered to (section 65) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> vi) Refuse, revoke or vary a license (section 64, 69 and 70) vii) Issue temporary exemption notices for HMO's (section 62) viii) Pursue prosecution for those controlling or managing a Houses in Multiple Occupation without a license (section 72) ix) Utilise powers to obtain Rent Repayment Orders for Unlicensed Houses in Multiple Occupation. (Section 73 and 74) x) Consider and review the introduction of additional licensing for other Houses in Multiple Occupation in addition to the Mandatory Licensing Scheme. (Section 56 and 57) xi) Charge a fee for the issue of license that pays for the running costs of the additional licensing scheme (section 63) 		
<p><u>Part 3 – Selective Licensing of Other Residential Accommodation</u></p> <p>(c) Consider the introduction of selective licensing and introduce selective licensing under Part 3 of the Housing Act to other private sector properties in certain areas of the borough, namely but not limited to:</p> <ul style="list-style-type: none"> i) Consider other circumstances for selective licensing (section 81) ii) Seek approval for additional licensing (section 82) iii) Satisfy notification requirements of additional licensing areas (section 83) iv) Specify the duration of the licensing and review and revoke the additional licensing areas (section 84) v) License all houses in the designated areas except those exempt under Part 2 of the Housing Act. 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> vi) Provide temporary exemption from the licensing requirement (section 86) vii) Provide application facilities for licenses (section 87) viii) Grant or refuse a license (section 88) ix) Ensure that the license holder is a ‘fit and proper person’ (section 89) x) Impose reasonable licensing conditions (section 90) xi) Vary or revoke a license (section 92 and 93) xii) Charge a fee for the issue of license that pays for the running costs of the selective licensing scheme (section 63) 		
<p><u>Part 4 – Additional Control Provisions in Relation to Residential Accommodation</u></p> <p>(d) Under Part 4 of the Housing Act exercise additional control provisions, namely but not limited to: <u>Interim and Final Management Orders</u></p> <ul style="list-style-type: none"> i) Introduce and operate Interim and Final Management Orders where a licensed property or property owner fails to operate the license correctly within the requirements of the licensing control scheme. (Section 101 to 107) ii) Under specified and certain circumstances operate Special Interim Management Orders (section 103) iii) Vary and revoke Interim Management Orders (section 111 and 112) iv) Make Final Management Orders and operate Final Management Orders (section 113 and 114) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<p>v) Operate a management scheme and its accounts (section 119)</p> <p>vi) Vary and revoke Final Management Orders (section 121 and 122)</p> <p>vii) Exercise powers of entry to carry out works in buildings subject to Management Orders (section 131)</p> <p><u>Interim and Final Empty Dwelling Management Orders</u></p> <p>viii) Introduce and operate Empty Dwelling Management Orders (section 132)</p> <p>ix) Apply to a Residential Property Tribunal to obtain Empty Dwelling Management Orders (section 133)</p> <p>x) Manage properties and other duties where an Empty Dwelling Management Order is in place (section 135)</p> <p>xi) Introduce and operate Final Empty Dwelling Management Orders (section 136)</p> <p>xii) Carry out general duties relating to the operation of a Final Empty Dwelling Management Order (section 137)</p> <p><u>Overcrowding Notices</u></p> <p>For properties and HMO's that are not subject to Mandatory Licensing.</p> <p>xiii) Prepare suitable notices and serve notices in HMO's that are subject to overcrowding (section 139 and 140)</p> <p>xiv) Vary or revoke an overcrowding notice (section 144)</p>		

Delegated Power	Formally Reported	Council Executive
xv) Take appropriate action relating to overcrowding in a dwelling (section 216)		
<p data-bbox="208 352 1106 379"><u>Part 7 – Supplementary and Final Provisions of the Housing Act 2004</u></p> <p data-bbox="208 424 757 451">(e) Supplementary and Final Provisions</p> <ul style="list-style-type: none"> <li data-bbox="241 496 1568 564">i) Introduce and maintain a register of all mandatory licensed HMO’s and those HMO’s subject to a management order (section 232) <li data-bbox="241 609 1615 678">ii) Approve and introduce a code of practice for the management of HMO’s and other buildings (section 233) <li data-bbox="241 722 1603 791">iii) Approve and introduce regulations to secure satisfactory management conditions in HMOs’ (section 234) <li data-bbox="241 836 1529 904">iv) Exercise powers to require documents to be produced and the enforcement of powers to obtain information (section 235 and 236) <li data-bbox="241 949 1630 1018">v) Use information held by the Local Authority to carry out its functions and duties under Parts 1 to 4 of the Housing Act 2004 (section 237) <li data-bbox="241 1062 1621 1131">vi) Exercise powers of entry without force under Parts 1 to 4 and Part 7 of the Housing Act 2004 (section 239) <li data-bbox="241 1176 1568 1203">vii) Apply to a Justice of the Peace for a warrant to enter premises with force if required (section 240) <li data-bbox="241 1248 1308 1275">viii) Exercise the right to serve documents by electronic form (section 246 to 248) <li data-bbox="241 1319 1603 1388">ix) Declare a building a HMO where the building is not exclusively occupied by people as their main or only home where other the building would satisfy the HMO tests (section 255) 		Cabinet

Delegated Power	Formally Reported	Council Executive
x) Revoke a HMO declaration (section 256) xi) Make provisions to calculate the numbers of persons within a dwelling (section 264)		
34. waive the repayment period of Right to Buy Discounts in consultation with the Cabinet Member with the Community and Public Protection Portfolio.	✓	Cabinet
(NOTE - See (G) below for the delegated powers in respect of Private Sector Housing).		
(C) in respect of Housing Benefit Matters :-		
1. decide claims for Housing Benefit and Council Tax Benefit from applicants in accordance with the Social Security Administration Act 1992, Housing Benefit Regulations and Council Tax Regulations;		Cabinet
2. consider requests for backdated benefit where the claimant can demonstrate ‘good cause’ (Regulation 72 of the Housing Benefits Regulations and Regulation 62 of the Council Tax Benefit Regulations);		Cabinet
3. administer the local discretionary scheme of disregarding war pensions;		Cabinet
4. consider written requests for revision and appeals against decisions by carrying out an internal review, preparing submissions for The Tribunals Services and notifying the applicant of the outcome (Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001);		Cabinet
5. identify fraudulent claims for Housing Benefit and Council Tax Benefit and instigate sanctions including prosecutions in appropriate cases;		Cabinet
6. comply with the Security Against Fraud and Error (SAFE) incentive scheme to ensure that the Council does not incur penalties for not achieving the targets set by the Department;		Cabinet

Delegated Power	Formally Reported	Council Executive
7. identify overpayments of benefit and use discretion in the recovery of overpayments;		Cabinet
8. restrict a claimants eligible rent in appropriate cases where the Authority considers the rent is higher than is reasonable to meet by way of Housing Benefit;		Cabinet
9. award Discretionary Housing Payments for claimants whose benefit is calculated at an amount lower than the eligible rent or Council Tax they are charged and who are considered to be in hardship; and		Cabinet
10. ensure that Discretionary Housing Payments do not exceed the Permitted Totals Order.		Cabinet
(D) in connection with Leisure Matters :-		Cabinet
1. Authorise events in Council leisure and arts facilities in accordance with Council policy;		Cabinet
2. Consider (in consultation with the Cabinet Member with the Leisure Services Portfolio) the purchase of works of art from the Fine Art Fund and the Manley Bequest Fund where timescales do not allow Cabinet to consider the matter.	✓	Cabinet
(E) in respect of Adult Social Services :-		
1. To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.		Council and Cabinet
2. purchase personal social services for individual clients, up to the value of £75,000 per client, per annum;		
3. investigate financial status and waive or reduce charges for services when appropriate;	✓ where waiver/	Cabinet

Delegated Power	Formally Reported	Council Executive
	reduction above £500	
4. give access to client records;		Cabinet
5. appoint and remunerate, in appropriate cases, an interpreter;		Cabinet
6. in consultation with relevant agencies, make decisions in relation to proceedings under the Crime and Disorder Act 1998 including applications for Anti-Social Behaviour Orders;		Cabinet
7. implement such action as may be thought immediately necessary to ensure the safety of members of staff, up to a maximum cost of £1,000 to be funded from the existing revenue budget;	✓ above £500	Cabinet
8. decide whether to accept the conditional discharge of patient detained in hospital on a Restriction Order;		Cabinet
9. approve or refuse applications for registration as physically handicapped;		Cabinet
10. approve placements in residential or nursing homes in the statutory or independent sector in accordance with the approved care plan;		Cabinet
11. arrange for the payment of expenses in relation to the care of client's pets in emergency situations and where appropriate seek reimbursement from the client;		Cabinet
12. report the approval of Approved Social Workers to Cabinet for information		Cabinet
13. to make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs;		Cabinet
14. to apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs;		Cabinet

Delegated Power	Formally Reported	Council Executive
15. accredit service providers;		Cabinet
16. enter into social care contracts on behalf of the Council for the provision of services to other parties where it is empowered by law to enter into such contracts up to the value of £75,000;		Cabinet
17. determine Inter-Authority charges, subject to them being not less than the standard charges; and		Cabinet
18. in relation to domiciliary care support services, to exercise discretion where any service user is unable to meet the level of assessed contributions, to review those changes.		Cabinet
19. to carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999		Council
(F) in respect of Supporting People Matters :-		
1. make payments of Supporting People grant in accordance with Supporting People Grant Conditions;		Cabinet
2. consider requests for backdated subsidy where the client has been awarded backdated Housing Benefit or a backdated Fairer Charging Assessment;	✓ where waiver/ reduction above £500	Cabinet
3. award payment of subsidy for clients in receipt of Housing Benefit or a Fairer Charging Assessment in accordance with the Supporting People Charging Policy;		Cabinet
4. consider written requests for revisions of award of subsidy by carrying out an internal review, in accordance with the Supporting People Charging Policy; and		Cabinet
5. identify overpayments of subsidy and use discretion in the recovery of overpayments.		Cabinet

Delegated Power	Formally Reported	Council Executive
(G) in respect of Private Sector Housing :-		
1. at his/her discretion, undertake works in default of non-compliance following service of notice, including the serving of notices of intention to enter premises and carry out works and to arrange to recover the Council's costs;		Cabinet
2. serve notices and utilise powers under :-		Cabinet
(a) Sections 4 and 6 of the Prevention of Damage by Pests Act 1949 regarding pest control;		Cabinet
(b) Sections 16 and 35 of the Local Government (Miscellaneous Provisions) Act 1976 regarding requests for information in respect of ownership and obstructions in private sewers, respectively;		Cabinet
(c) Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the protection of buildings; and		Cabinet
(d) the following sections of the Building Act 1984:- Section 59 - drainage of buildings; Section 60 - use and ventilation of soil pipes; Sections 64 to 65 - provision of sanitary conveniences; Section 66 - replacement of earth closets; Section 84 – paving and drainage of yards and passages; Section 99 – enforcement of notice requiring working; and Section 102 – requirements of exercising powers;		Cabinet
3. under the Public Health Act 1936 :-		Cabinet
(a) serve and enforce all notices in any relevant section; and		Cabinet

Delegated Power	Formally Reported	Council Executive
(b) examine and test drains, private sewers and open ground (Section 48);		Cabinet
4. under the Public Health Act 1961 :-		Cabinet
(a) serve and enforce all notices in any relevant section; and		Cabinet
(b) undertake the cleansing or repair of drains (Section 22); and		Cabinet
5. serve and enforce all notices and utilise powers under the following Sections of the Environmental Protection Act 1990 :- Section 70 – Statutory Nuisances and inspections; Section 80 – Summary proceedings for Statutory Nuisances; and Section 81 - Supplementary provisions.		Cabinet
(H) Crime and Disorder Matters		Cabinet
6. All powers and duties of the Council in respect of anti-social behaviour, including (but not limited to):		Cabinet
(a) Authorise properly qualified officers or agents.		Cabinet
(b) Enforce the provisions of the Anti-Social Behaviour Act 2003 and associated legislation; including institution of criminal proceedings, issue of fixed penalty notices, injunction and trespass proceedings and anti-social behaviour orders.		Cabinet
(I) in respect of General Matters :-		
1. All powers and duties in respect of the Council’s functions in respect of Environmental Services, including, (but not limited to):		

Delegated Power	Formally Reported	Council Executive Cabinet
2. Authorise properly qualified officers or agents to enforce and institute criminal proceedings in respect of all relevant environmental legislation, including the issue of fixed penalty notices.		

HEAD OF HOUSING SERVICES

The Head of Housing Services has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
Sign notices of seeking possession and notices to quit under the Housing Act 1985.		Cabinet

HEAD OF THEATRE AND ARTS

The Head of Theatre and Arts has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
negotiate and sign all contracts for performances at the Arts Centre and Civic Theatre.		Cabinet

DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

The Director of Development and Environment or in his/her absence the nominated Officer has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
(A) in respect of Planning Matters		1 Council
Subject to a decision not being contrary to		2
<ul style="list-style-type: none"> • the provisions of any development plan in force, 		
<ul style="list-style-type: none"> • any other approved policies of the Council, 		
<ul style="list-style-type: none"> • the recommendation of a consultee, or 		
<ul style="list-style-type: none"> • representations made by neighbouring residents or other members of the public; 		
and, in the absence of a notification from a Member of the Council that the application must be determined by the Planning Applications Committee, the Director of Development and Environment has delegated powers to :-		
1. determine minor applications made under Part III of the Town and Country Planning Act 1990 and Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990 (other than where the development has already been undertaken and the decision is to refuse planning permission);		Council
2. determine applications for the approval of reserved matters or details required by conditions imposed on any permission;		Council
3. determine applications to cut down, top, lop or remove trees in conservation areas, trees protected by Tree Preservation Orders, or protected by conditions imposed on planning permission;		Council
4. determine applications for consent under the Town and Country Planning (Control of Advertisement) Regulations 1992;		Council

Delegated Power	Formally Reported	Council Executive
5. determine all applications for prior approval made under the Town and Country Planning (General Permitted Development) Order 1995;		Council
6. determine all applications for prior notification under the Town and Country Planning (General Permitted Development) Order 1995 following consultation with the Cabinet Member with the Regeneration and Planning Portfolio even when objections are received;	✓	Council
7. comment on minor :-		Council
(a) County Council proposals, under the Town and Country Planning General Regulations 1992;		Council
(b) applications/consultations by Statutory Undertakers; and		Council
(c) proposals on which the Borough is consulted by adjoining Councils;		Council
8. determine applications made under Part III of the Town and Country Planning Act 1990, which are of economic development significance (following consultation with the Chair and Vice-Chair of the Planning Applications Committee);	✓	Council
9. determine applications for Certificates of Lawfulness of Proposed Use or Development and Certificates of Lawfulness of Existing Use or Development;		Council
10. Serve Repairs Notices under Section 48 of the Planning (Listed Building and Conservation Areas) Act 1990;		Council
11. take all enforcement action permitted by the Planning (Listed Building and Conservation Areas) Act 1990 including (without implying any limitation) the issue, withdrawal and variation of listed building enforcement notices;		Council

Delegated Power	Formally Reported	Council Executive
12. issue, withdraw or vary statutory notices relating to the preservation or restoration of amenity or the completion of work on land under -Section 215 of the Town and Country Planning Act 1990;		Council
13. authorise expenditure on grant earning services and surveys on all reclamation schemes approved in the short-term programme (three years), up to pre-tender approval stage;		Council
14. publicise planning applications in accordance with legislation and Council practice;		Council
15. determine applications for variations, modifications or minor amendments to approved plans and minor details reserved for approval, where these do not materially alter the form of the approved development and do not give rise to any objection from neighbouring residents or members of the public, subject to the right of any Member of the Council to refer the matter to the Planning Applications Committee for determination;		Council
16. make applications on behalf of the Council under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992;		Council
17. object to the grant of Heavy Goods Vehicles Operators' Licences when necessary;		Council
18. undertake action to discontinue the display of an advertisement for which deemed consent is granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 and to undertake enforcement action (including the authorisation of prosecutions) in all other advertisement matters;		Council
19. determine applications in respect of the display of advertising banners over the highway;		Council
20. authorise all necessary action under the Town and Country Planning Act 1990 in respect of :-		
(a) requiring information about activities on land - Section 171C;		Council

Delegated Power	Formally Reported	Council Executive
(b) requiring information as to interests in land - Section 330;		Council
(c) the issue of enforcement notices - Section 172;		Council
(d) the variation of withdrawal of enforcement notices - Section 173A;		Council
(e) the issue of stop notices - Section 183;		Council
(f) the enforcement of conditions - Section 187A; and		Council
(g) injunctions restraining breach of planning control - Section 187B;		Council
(h) temporary stop notices – Section 171E		Council
21. require the submission of an Environmental Impact Statement and the issue of screening and scoping opinions in accordance with the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999;		Council
22. serve Notices under Section 54 (urgent repairs) of the Planning (Listed Building and Conservation Areas) Act 1990;		Council
23. secure (in consultation with the Cabinet Member with the Highways and Transport Portfolio) any temporary contract for socially necessary bus services not provided commercially;	✓	Cabinet
24. negotiate complete vary discharge or amend planning obligations under section 106 of the Town and Country Planning Act 1990		Council
25. release future funding from developers and other organisations for specified works under £50,000 to be carried out as a result of planning decisions by the Council’s Planning Committee (in consultation with the relevant Cabinet Member);		Council
26. decide high hedges complaints under Part 8 of the Anti-Social Behaviour Act 2003; and		Cabinet
27. approve Conservation Area Character Appraisals for consultation purposes.		3 Council

Delegated Power	Formally Reported	Council Executive
(B) in respect of Building Matters :-		4 Cabinet
1. under the Building Act 1984 to :-		
(a) relax the requirements of the Building Regulations when considered unreasonable (Section 8);		
(b) approve plans, with or without conditions, deposited in accordance with the Building Regulations (Section 16);		
(c) reject plans where they are defective; or show that the proposed work would contravene one or more of the Building Regulations (Section 16);		
(d) reject plans where buildings or extensions are proposed to be erected over a sewer or a drain (Section 18);		
(e) approve and/or reject plans, with or without conditions, where plans show that short-lived materials will be used (Section 19);		
(f) reject plans where satisfactory drainage provision has not been made (Section 21);		
(g) reject plans where satisfactory ingress and egress have not been provided to buildings (Section 24);		
(h) reject plans where unsatisfactory provision has been made for a supply of wholesome water sufficient for domestic purposes (Section 25);		
(i) sign and issue notices declaring plans of no effect (Section 32);		
(j) issue notices requiring owners to pull down or remove work contravening Building Regulations (Section 36);		

Delegated Power	Formally Reported	Council Executive
(k) inspect work carried out under Section 61;		
(l) apply for Dangerous Building Orders from the Magistrates' Court (Section 77);		
(m) serve Dangerous Buildings Notices, if immediate action is required to remove danger (Section 78);		
(n) serve notices in respect of ruinous or derelict buildings (Section 79)		
(o) serve notices on persons intending to carry out demolition (Section 81);		
(p) to enforce the provisions of and initiate the taking of legal proceedings with regard to :-		
(i) the use of materials unsuitable for permanent building (Section 20); and		
(ii) contravention of Building Regulations (Section 35); and		
2. under the requirements of the Building (Approved Inspector), etc. Regulations 1985 :-		
(a) to approve or reject as necessary the following notices and certificates :-		
(i) an Initial Notice;		
(ii) a Plans Certificate;		
(iii) a Final Certificate;		
(iv) a Public Body's Notice;		
(v) a Public Body's Plan Certificate; and		
(vi) a Public Body's Final Certificate;		
3. under the Safety of Sports Grounds Act 1975 :-		Council

Delegated Power	Formally Reported	Council Executive
(a) issue general safety certificates with regard to designated sports grounds;		Council
4. under the Highways Act 1980 :-		
(a) issue permits for the deposit of builders' skips on the highway (Section 139);		Council
(b) authorise the removal or repositioning of builders' skips (Section 140);		Council
(c) issue a licence to permit the obstruction of the highway by scaffolding or other structure (Section 169); and		Council
(d) issue a consent to dispense with the requirement to erect a hoarding or fence when building in a street or court (Section 172);		Council
5. in accordance with Regulation 8 of the Building (Local Authority Charges) Regulations 1998, to vary the charges in the scheme for specified types of repetitive building work.	✓	5 Council
(C) in respect of Highways Matters :-		
1. under the Highways Act 1980 :-		Council and Cabinet
(a) determine applications for dedication - Section 37;		
(b) enter into agreements for adoption - Section 38;		
(c) serve notice to prevent obstruction of view at corners - Section 79;		
(d) erect and maintain fences - Section 80;		

Delegated Power	Formally Reported	Council Executive
(e) determine applications for authorisation of works - Section 135;		
(f) grant or refuse licences to plant trees or shrubs in the highway - Section 142;		
(g) authorise or refuse the erection of gates or stiles - Section 147;		
(h) determine applications for vehicle crossings over footways or verges - Section 184;		
(i) erect flagpoles etc. on highways;		
(j) establish bus stops following appropriate consultation;	✓	
(k) determine applications to remove hedgerows and to deal with contraventions under the Hedgerow Regulations 1997; and		
(l) enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980.		
2. under the Road Traffic Regulation Act 1984 :-		Cabinet
(a) in relation to orders for the regulation of traffic to make any order under the Act with the agreement of the Cabinet Member with the Highways and Transport Portfolio and to carry out the consultation and publicity required under the Act unless any objections are received from members of the public in which case the proposed order will be considered by Cabinet; and		Cabinet
(b) effect the introduction of temporary traffic orders and notices.		Cabinet
3. To carry out all the powers and duties detailed in Section I Part 1 of the Local Authorities (Functions and	Council	Council

Delegated Power	Formally Reported	Council Executive
Responsibilities) (England) Regulations 1992 (functions relating to public rights of way)		
4. under the Countryside and Rights of Way Act 2000, determination (in consultation with the Borough Solicitor) of applications claiming rights to cross village greens		Cabinet
5. to take or compromise action (including legal proceedings) in relation to the sale or repair of vehicles on highways under the Clean Air and Neighbourhoods Act 2005		Cabinet
6. to make confirm or vary gating orders under the Clean Air and Neighbourhoods Act 2005 (subject to the prior consideration by Cabinet of any formal objection to proposals to confirm or vary such an order)		Cabinet
(D) in respect of Engineering matters :-		
1. issue notices for the removal, alteration or closure of public sewers subject to his/her satisfaction as to :-		Cabinet
(a) the suitability of the developers alternative drainage provisions for existing users; and		Cabinet
(b) the necessary agreements between the developer and the private drainage owners being enforced and in a form to adequately safeguard the interests of the owners of the private drainage, so they can enjoy rights no less commodious than they would currently enjoy;		Cabinet
2. serve Notices to ensure essential works are carried out under :-		Cabinet
(a) Section 59 of the Building Act 1984;		Cabinet
(b) Section 17 of the Public Health Act 1961; and		Cabinet
(c) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.		Cabinet
(E) in respect of Economic Development and Tourism matters :-		
1. develop an Economic Development Strategy and Annual Statement for Darlington, as provided for under		Cabinet

Delegated Power	Formally Reported	Council Executive
Part III, Section 33 of the Housing and Local Government Act 1989;		
2. administer a Financial Assistance Scheme for businesses in Darlington (in consultation with the Cabinet Member with the Regeneration and Planning Portfolio);		Cabinet
3. be responsible for the effective liaison between the Council and the Agencies of the Tees Valley Partnership, currently the Tees Valley Joint Strategy Unit and the Tees Valley Development Company;		Cabinet
4. determine applications for financial assistance via the Tees Valley Development Company (in conjunction with the Chief Executive and in consultation with the Leader of the Council and the Cabinet Member with the Regeneration and Planning Portfolio);		Cabinet
5. make arrangements for Town Twinning itineraries; and		Cabinet
6. authorise the loan of exhibits and donations to and from Council Museums in accordance with the Council policy for exhibits and donations		Cabinet
7.		
(F) in respect of Estates and Property Management :-		
1. grant the assignment and approve the sub-letting of any lease where there is no change of use;		Cabinet
2. negotiate any acquisition, sale, lease or licence of land and buildings subject to approval of terms and Council policy;	✓	Cabinet
3. let properties where previously approved by the Council;		Cabinet
4. renew protected tenancies under the Landlord and Tenant Act 1954 and unprotected tenancies where favourable to the interests of the Council;		Cabinet

Delegated Power	Formally Reported	Council Executive
5. make decisions, in principle, on applications to purchase property, reduce rentals etc. in accordance with Council policy;		Cabinet
6. vary lease and sale terms grant licences and grant retrospective consents where favourable to the interests of the Council;	✓	Cabinet
7. approve changes of use where planning permission has previously been granted or the use is considered deemed consent in line with the Use Classes Order;		Council
8. accept offers and tenders for land and buildings in consultation with the Cabinet Member with the Resource Management Portfolio;	✓	Cabinet
9. incur capital expenditure on repairs to non-housing property (within the approved budget);		Cabinet
10. agree terms in respect of former Council dwellings (in conjunction with the Director of Corporate Services and the Director of Community Services);	✓	Cabinet
11. make planning applications in respect of Council-owned land (in consultation with the Cabinet Member with the Resource Management Portfolio);	✓	Cabinet
12. to release, relax or vary restrictive and positive covenants on land or property in consultation with the Cabinet Member with the Resource Management Portfolio;	✓	Cabinet
13. negotiate and settle claims arising from Part I of the Land Compensation Act 1973;	✓ above a threshold of £5k	Cabinet
14. grant and accept licences, easements and wayleaves where favourable to the interests of the Council;	✓	Cabinet
15. acquire land, for strategic purposes where the consideration does not exceed £10,000;	✓	Cabinet

Delegated Power	Formally Reported	Council Executive
16. dispose of land not held for strategic purposes where the open market value does not exceed £10,000;	✓	Cabinet
17. regularise claims of adverse possession and prescriptive easements by transfer of title following the advice of the Borough Solicitor; and		Cabinet
18. acquire land and/or rights in connection with approved schemes for example highway schemes.	✓	Cabinet
(G) in respect of the Open Market :-		
1. operate in accordance with the Council's policies and regulations;		Cabinet
2. award or grant daily lets for the use of sites for promotional purposes for purposes consistent with the Council's policies;		Cabinet
3. vary the letting terms of the daily lets in accordance with any loyalty or other Council approved schemes with a view to maintaining the income of the Council; and		Cabinet
4. organise mid-week markets and determine tolls (in consultation with the Chair of the Town Centre Forum).		Cabinet
(H) in respect of the Covered Market :-		
1. subject to satisfactory references, grant licences to assign stalls and give consent for changes in the goods sold from a particular stall or stalls in accordance with the Council's policies (and in consultation with the Cabinet Member with the Consumer and Environmental Services Portfolio);		Cabinet
2. let vacant basement areas on terms previously approved at the rent review;		Cabinet

Delegated Power	Formally Reported	Council Executive
3. advertise vacant stalls and seek offers by sealed tender (in consultation with the Cabinet Member with the Community Protection Portfolio); and		Cabinet
4. let vacant stalls on short term lettings at varied terms, but within Council policies, with a view to maintaining income for the Council.		Cabinet
(I) in respect of Markets and Street Trading :-		Cabinet
All powers and duties in respect of the Authority's functions in respect of markets and street trading, including, (but not limited to):		Cabinet
1. provide and operate an open market in accordance with Authority policy, relevant byelaws and the open market regulations;		Cabinet
2. Licence others to operate markets within the Borough;		Council
3. Provide and operate a covered market in accordance with Authority policy and exercise the Authority's powers as a landlord, subject to the following :-		Cabinet
(a) grant, subject to satisfactory references, licences to assign stalls and give consent for changes in the goods sold from a particular stall or stalls (in consultation with the Cabinet Member with the Consumer and Environmental Services Portfolio);		Cabinet
(b) Let vacant basement areas on terms previously approved at the rent review;		Cabinet
(c) Advertise vacant stalls and seek offers by sealed tender (in consultation with the Cabinet Member with the Community Protection Portfolio); and		Cabinet
(d) Let vacant stalls on short term lettings at varied terms;		Cabinet

Delegated Power	Formally Reported	Council Executive
4. Grant, revoke and attach conditions to street trading licences and consents;		Council
5. Authorise pavement café licences subject to consultation with the highways authority; and		Council
6. Determine pavement café licence fees (in consultation with the Cabinet Member with the Community and Environmental Services Portfolio).		6 Council
(J) in respect of Hackney Carriage and Private Hire Matters :-		7 Council
		8 Council
1. Authorise enforcement officers;		Council
2. All powers and functions of the Authority in respect hackney carriage and private hire licensing matters subject to the following :-		Council
(a) Where an application reveals one or more convictions which have not previously been considered by the Authority under this function and have not been dealt with by a fixed penalty notice the matter must be referred to the Licensing Committee; and		Council
(b) Where an applicant for a driver's licence has more than nine points on their driving licence the matter must be referred to the Licensing Committee.		9 Council
(K) in respect of Public Protection :-		
1. at his/her discretion, undertake works in default of non-compliance following service of notice, including the serving of notices of intention to enter premises and carry out works and to arrange to recover the Council's costs;		Cabinet
2. in respect of General Matters :-		Cabinet

Delegated Power	Formally Reported	Council Executive
(a) Exercise the functions of the Council in relation to the matters detailed above and in respect of those matters enforce the provisions of all relevant Acts and Regulations and any relevant subsequent and subordinate legislation;		Cabinet
(b) interpret eligibility for residents' parking permits;		Cabinet
(c) interpret eligibility for entitlement to concessionary fares;		Cabinet
(d) deal with reimbursement arrangements under the Concessionary Fares Scheme;		Cabinet
(e) issue permits in connection with access to restricted areas;		Cabinet
(f) remove redundant Council-owned bus shelters if there is little likelihood of bus services returning to them (in consultation with Ward Members);		Cabinet
(g) erect stored bus shelters at non-contentious sites and/or as replacement shelters for those beyond economic repair (subject to prior consultation with Ward Councillors);	✓	Cabinet
(h) deal with highway matters regarding bus operations in Darlington (in consultation with the Cabinet Member with the Highways and Transport Portfolio);		Cabinet
(i) waive car-parking fines, as appropriate;		Cabinet
(j) process to complete all requests from contractors for change of status resulting from the submitted questionnaire with the proviso that when an amendment is sought for contractors to vary the contract value they are prepared to tender for by more than one approved financial band, they be determined following consultation with the Cabinet Member with the Resource Management Portfolio;		Cabinet

Delegated Power	Formally Reported	Council Executive
(k) make the services of specialist Officers in his/her Department available to the public to draw plans and give technical advice in respect of improvements to properties in designated Improvement Areas, subject to maximum financial limits of the work being undertaken (the Estates and Property Manager is authorised to exercise discretion in respect of this financial limit in cases where work is eligible for improvement grant);		Cabinet
(l) determine applications received from developers for signs to new housing developments using the previously agreed criteria;		Cabinet
(i) agree appropriate arrangements with developers permitting them to undertake the erection, maintenance and removal of signs;		Cabinet
(ii) charge a standard fee to cover administrative costs on applications; and		Cabinet
(iii) review the fee annually;		
(m) where timescales do not permit Cabinet to consider issues under the Public Health Act 1920 (concerning the naming and numbering of streets), the Director, in consultation with the Cabinet Member with Consumer and Environmental Protection Portfolio, be authorised to make such responses as necessary;	✓	Cabinet
(n) authorise the erection of new stiles and gates on public footpaths and bridleways under Section 147 of the Highways Act 1980;		Cabinet
(o) serve Requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, to facilitate the effective management of the Public Rights-of-Way network; and		Cabinet
(p) to appoint a Proper Officer in respect of communicable disease control.		Cabinet

Delegated Power	Formally Reported	Council Executive
(L) in respect of Allotments :-		
1. sign agreements for letting;		Cabinet
2. terminate tenancies of those persons who have not completed a tenancy agreement;		Cabinet
3. terminate agreements if a tenant is in breach of the tenancy agreement; and		Cabinet
4. abate the first year's rent in respect of 'poor' plots.		Cabinet
(M) Other Licensing and Registration Matters		
1. All powers and duties of the Authority in respect of other licensing and registration matters, including (but not limited to);		Council
2. Authorise officers with appropriate qualifications, maintain registers, issue and serve notices, carry out works in default and other enforcement action; including the institution of criminal proceedings;		Council
3. Licensing of premises and persons in respect of sex establishments, sale and supply of alcohol, provision of late night refreshment, provision of regulated entertainment, lotteries and gaming where no objections or representations are received, except for those functions which statute reserves to the relevant statutory committee; and		Council
4. Licensing of premises and persons in respect of animal welfare, acupuncture, cosmetic piercing and tattoos.		10 Council

Delegated Power	Formally Reported	Council Executive
(N) Environmental and Consumer Matters		11 Council
1. Maintain registers, issue notices, carry out works in default and other enforcement action, including the institution of criminal proceedings in respect of all powers and duties connected to the Authority's functions in respect of:		12 Council
(a) Environmental protection, pollution and air quality;		Cabinet
(b) Functions relating to health and safety at work to the extent that those functions are discharged otherwise than in accordance with the Authority's duties as an employer;		Council
(c) Public health, including hygiene and control of disease;		Cabinet
(d) Weights and measures and food;		Cabinet
(e) Trading standards and consumer protection;		Cabinet

ASSISTANT DIRECTOR OF PUBLIC PROTECTION	Formally Reported	Council Executive
The Assistant Director of Public Protection has delegated powers to :-		
1. sign notices under relevant environmental health and public protection legislation.		13 Cabinet

DIRECTOR OF CHILDREN'S SERVICES

The Director of Children's Services or in his/her absence the nominated Officer has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
1. All powers and duties in relation to the Authority's function as a local education authority and as a provider of youth services, including, but not limited to the following:		Cabinet
2. To exercise the Social Services functions of the Council as defined in the Local Authority Social Services Act 1970 so far as they relate to Children.		Cabinet
3. Issue fixed penalty notices;		Cabinet
4. Institute criminal proceedings for failure to cause a child to attend school on a regular basis;		Cabinet
5. Institute criminal proceedings for failing to comply with a school attendance order;		Cabinet
6. Institute criminal proceedings in respect of causing nuisance or annoyance on school premises;		
7. Authorise officers to enforce the legislation and byelaws relating to the employment of children and institute criminal proceedings in respect of any breach.		Cabinet