
CONSTITUTIONAL UPDATE

Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio

Responsible Director - Paul Wildsmith,
Director of Neighbourhood Services and Resources

SUMMARY REPORT

Purpose of the Report

1. To approve changes to the Council's Constitution with effect from 1 June 2018.

Summary

2. Following the senior management restructure agreed by Council in January 2018, internal restructuring and organisational changes have been underway. As a result amendments to the Constitution are required to address the changed the roles and areas of responsibility for the Managing Director, Directors and Assistant Directors.
3. A number of other updates and amendments, detailed in the report and appendices, are also proposed to ensure that the Constitution remains up-to-date and fit for purpose.

Recommendation

4. It is recommended that:
 - (a) The changes to the Constitution and the Scheme of Indemnity for Members and Officers and other updates as detailed in the **Appendices** to this report are approved to take effect from 1 June 2018.
 - (b) The Monitoring Officer is delegated to update the Constitution to reflect the changes identified.

Reasons

5. The recommendation is supported by the following reasons :-

- (a) To accommodate the organisational changes and reallocated responsibilities following the senior management restructure and consequential structural changes;
- (b) To ensure that the Constitution is accurate and up-to-date; and
- (c) To give effect to legislative changes.

Paul Wildsmith
Director of Neighbourhood Services and Resources

Background Papers

Council Report, 25 January 2018, Senior Management Restructure.
 Audit Committee, 28 March 2018, Ethical Governance and Member Standards
 Openness of Local Government Bodies Regs 2014
 Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regs 2012

Linda Todd: Extension 5807, Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific crime and disorder implications
Health and Well Being	There are no specific Health and Well Being implications
Carbon Impact	There are no carbon impact implications in this report
Diversity	This report has no direct impact on diversity issues
Wards Affected	All Wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	The decision does not represent a change to the budget and policy framework
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	The report implements structural and legislative changes
Efficiency	The report has no direct implications for efficiency
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

6. The Council's Constitution prescribes the framework for Council decision making and the procedures that are followed.

7. Some updating of the Constitution has been necessary in order to reflect the changes occasioned by the senior Management Restructure and the consequential structural and organisational changes.
8. There are also a number of other updates and changes that are proposed to ensure that the overall Constitution remains up-to-date and fit for purpose

Management Restructure

9. On 25 January 2018 Council agreed to a Senior Management Structure, to take effect from the 1 June 2018. This involved the deletion of position of Chief Executive with the Director of Neighbourhood Services and Resources becoming the Managing Director (and Head of Paid Service). In consequence the post of Director of Neighbourhood Services and Resources is being deleted. This leaves two remaining Directors; one covering Place functions and one People. For the Director of Children and Adults Services there is minimal change. The Director of Economic Growth, responsibility for 'Neighbourhood Services' is added to his existing portfolio. The Assistant Director for Finance, HR and Systems (Elizabeth Davison) will take on the Chief Financial Officer (Section 151 Officer) role along with corporate strategy, performance and communication functions with the post renamed Assistance Director Resources. The Assistant Director, Law and Governance (Luke Swinhoe) will take on responsibility for complaints and information governance, the coroner service (with Durham County Council) and the role of Returning Officer. A number of proper officer functions that currently sit with the Chief Executive or the Director of Neighbourhood Services and Resources are also being reallocated (as set out in **Appendix 1**).
10. From the 1 June 2018 the Assistant Director, Community Services (Ian Thompson) and the Assistant Director, Housing and Building Services (Pauline Mitchell) will join the Economic Growth Group. The Assistant Director for Regulatory Services (Bill Westland) and the Assistant Director for Economic Initiative (John Anderson) are retiring from the Council end of May 2018 and end of December 2018 respectively. As a result of these retirements, the Director of Economic Growth has taken the opportunity to implement a number of management changes in his Directorate.
11. From 1 June 2018, John Anderson will be seconded to focus entirely on the development and scoping of the Rail Heritage and 2025 programme, working with partners and, in particular, the Tees Valley Combined Authority.
12. Investment and Funding will transfer to the Capital Projects Team which will report to the Assistant Director for Highways and Capital Projects (Dave Winstanley).
13. The Head of Property Asset Management (Guy Metcalfe) will report direct to the Director of Economic Growth and will incorporate the Business Investment Team in his service responsibilities.
14. The remaining service areas of Economic Initiative will be managed by two Heads of Service for an interim temporary arrangement for up to 12 months sharing the role of Senior Planner.

15. The Regulatory Services team has been disbanded and the service areas have been shared across the new management team for Economic Growth.
16. As a consequence of the above, a number of changes are being made to the Scheme of Delegation to Officers to reallocate the responsibilities to reflect the revised structures. See **Appendix 4**.

Other proposed changes

17. A number of other changes are proposed, which are set out in **Appendix 2**. Further background information about some of the main areas of proposed change is set out below:

Filming, photographing, recording, broadcasting of meetings

18. The constitution was previously amended in 2014 to reflect the Openness of Local Government Bodies Regulations 2014, which confirmed that anyone attending meetings of Council which are open to the public (including all Cabinet, Committees and the Health and Well-being Board) has the right to photograph, film, record, broadcast the meeting.
19. It is proposed that details of this right is included in the Introduction to the Constitution.
20. Further information is currently set out in the Access to Information Procedure Rules. It is proposed that clarification is given in two main respects, firstly that filming ought not to be directed towards or focussed on members of the public and secondly that film crews with more complex equipment should contact the Communications Team before the meeting commences to allow appropriate arrangements to be made.

Forward Plan

21. The Council is required to publish a forward plan of 'key decisions' that are intended to be made by Cabinet. The requirement was formerly for the forward plan to cover a 4 month rolling period, but this was changed in 2012 to publication 28 days before the key decision is taken. It is proposed to update the constitution to reflect the 28 day publication requirement.
22. Note – a key decision is a decision made by the executive (Cabinet) which is likely to be significant for the budget of the service or function (incurring expenditure or making savings) OR is likely to have significant effects on communities living or working in two or more wards.

Tees Valley Combined Authority

23. The Constitution currently makes no mention of the Tees Valley Combined Authority. It is proposed that information about the creation and role of the

Combined Authority is included in the Responsibility for Functions Section of the Constitution.

24. The suggested text is as follows:

On 1 April 2016 the Tees Valley Combined Authority Order 2016 established a Combined Authority for the combined area of the constituent councils (Darlington; Hartlepool; Middlesbrough; Redcar and Cleveland and Stockton-On-Tees). The Combined Authority has taken on responsibility for some functions from central government for transport, infrastructure, skills, business investment, housing culture and tourism. It also has some transport functions delegated from the five constituent Councils.

The Combined Authority has an elected Mayor who chairs a Cabinet comprised of the Leaders (in the case of Middlesbrough Council the elected Mayor) of the five Tees Valley Councils.

Further information about the Combined Authority is available from the website: www.teesvalley-ca.gov.uk/

Financial limits

25. Some decisions that are delegated to officers have financial thresholds. The financial thresholds have remained the same for many years and it is proposed to increase them to reflect among other things the impact of inflation.

26. The changes proposed are as follows:

Delegation	Current Threshold	Proposed Threshold
Acquisitions and disposals of land.	£10,000	£30,000
Release restrictive/positive covenants on land.	£15,000	£30,000
Settlement of legal claims	£50,000	£100,000

Contract Procedure Rules

27. The Contract Procedure Rules were revised in 2014, to reflect changes to the Public Contracts Regulations and following a review of the decision making process (including the establishment of the Procurement Board).

28. A number of amendments are proposed, which include:

- (a) The criteria for considering waivers already includes the best value duty, but it is proposed that we clarify the requirement to include how a purchase represents value for money

- (b) Clarification that the use of a public sector framework is also subject to the requirements of Procurement Board or Cabinet approval.
- (c) The Contract Procedure Rules currently include a requirement to consider the Public Services (Social Value) Act 2012, by considering the economic, social and environmental well-being of the area in procurement decision making. It is proposed that the award criteria should include a suitable proportion of the evaluations criteria to be based on Social Value (unless there are appropriate reasons why Social Value should not apply). For tenders over the EU Threshold, this should usually be not less than ten per cent of the total award criteria and form part of the Quality Criteria.

Employee Code of Conduct

29. The Employee Code of Conduct, which is incorporated into all staff contracts of employment, has been reviewed and updated, the changes proposed include:
- (a) The Nolan Principles - inclusion of the seven principles of public life;
 - (b) Personal appearance – clarification of our expectations for staff;
 - (c) Relationships at work – a new paragraph dealing with close personal relationships, essentially permissive but requiring staff to ensure that service delivery or normal working relationships are not compromised;
 - (d) Staff relationships with contractors – to require disclosure of previous non work relationships with contractors and for staff not to gain any personal benefit (discounts) from using contractors for personal or domestic reasons;
 - (e) Barring involvement or seeking to influence decisions about discipline, promotion or pay for employees who are relatives, partners, close relationships or where the employee benefits;
 - (f) Secondary outside work – requiring all employees to declare and obtain approval to do outside work (not just those above Grade M, as now). Voluntary work will be excluded, with the exception of LGV/PSV drivers, if they want to be a volunteer driver outside of work (driving regulations concern);
 - (g) Criminal Convictions and accreditations – requirements to inform manager immediately of convictions, cautions, being subject to bail, driving convictions relating to loss of licence. The loss of accreditation, qualification, or professional membership impacting on the ability to carry out contracted role;
30. The Confidential Reporting Policy is currently an annex to the Code of Conduct. To increase visibility it is proposed to become a freestanding policy and renamed the 'Whistleblowing Policy'. It is also proposed for similar reasons, that the Anti – Bribery Policy rather than being located as an Annex to the Employee Code of Conduct also becomes a freestanding policy.
31. The Trade Unions have been consulted about the revisions to the Employee Code of Conduct and changes to the Employee Code of Conduct were also considered

by the Joint Consultative Committee on the 27 April 2018. They was agreement to recommend the proposed changes.

Member Code of Conduct

32. Prior to the Localism Act 2011 there was a requirement for Members to register gifts and hospitality received where the value was £25 or more. This provision was part of the national Code of Conduct, but as a result of changes introduced by the Localism Act 2011 it ceased to be a requirement.
33. It is proposed that the Members Code of Conduct is amended to include this provision. It will give Members a clear understanding about how they should treat this area. It will also align the Members Code of Conduct with the Employee Code of Conduct, which contains a similar provision. The suggestion is for Members to notify the Monitoring Officer of any gifts or hospitality they have received (within 28 days of receipt) which are attributable to their position as a Member.
34. This proposal was considered by the Audit Committee on the 28 March 2018 and they were in agreement to recommend this change to Council

Statutory Officer Dismissals

35. The process for the dismissal of persons in the post of Head of Paid Service, Chief Finance Officer and the Monitoring Officer formerly required a Designated Independent Person to be appointed to investigate allegations. This requirement was abolished in 2015 and was replaced by a requirement to get the advice of at least two independent persons before Council makes a decision. In Darlington we have the Human Resources Advisory Panel for this purpose.
36. Some changes are proposed to the Officer Employment Procedure rules to reflect these change. See **Appendix 1**.

Scheme of Indemnity

37. A Scheme of Indemnity for Members and Officers (**see Appendix 2**) is proposed for inclusion in the Constitution.
38. The Scheme, to be inserted in Part 4 of the Constitution (Codes and Protocols), proposes that Members and Co-opted Members (current and former) and Officers are indemnified against costs, claims and expenses whilst undertaking their duties as a Member or Officer of the Council. This follows the practice adopted by a number of other Councils.

Planning Committee – Site Visits

39. The Protocol for Councillors and Officers Dealing with Planning Matters has been reviewed and updated
40. The changes to the Protocol include:

- (a) Members interests - updating the provisions dealing with interests (they currently predate the Localism Act 2011)
- (b) Speaking rights - clarification of speaking rights. Currently there is no formal provision for supporters of an applicant to speak. Time allowed for presentations is clarified as 5 minutes, but at the discretion of the Chair
- (c) Documentary evidence – proposed that documentary evidence to be used by speakers is provided 5 days before the meeting
- (d) Site visits – a Guidance Note for site visits is proposed to be appended to the Protocol, as attached in the **Appendix 3**.

41. Further details of the suggested changes to the Constitution are set out in the Appendices to this report.

Financial Implications

42. The adoption of a revised Constitution will not result in any additional costs to the Council.

Legal Implications

43. The Local Government Act 2000 requires that the adoption of a local authority's Constitution is exercised by the Council.

Consultation

44. The Constitution update has been raised Chief Officers and Senior Managers as part of the review to ensure that relevant structural changes, areas of responsibility and other issues have been identified in order to ensure that it is up to date.

45. The Trade Unions have been consulted about the revisions to the Employee Code of Conduct, Whistleblowing Policy and Anti-Bribery Policy. Suggested revisions to these policies were formerly considered by Joint Consultative Committee on 27 April 2018.

46. On the 28 March 2018 the Audit Committee was consulted on a proposed change to the Members Code of Conduct (requiring disclosure of gifts and hospitality over £25).

Summary

47. Members are asked to approve the proposed changes detailed in the **Appendices** to this report for inclusion in the Constitution to take effect from 1 June 2018.

SUGGESTED CHANGES TO THE CONSTITUTION

PART 1 – SUMMARY AND EXPLANATION

Introduction and Summary and Explanation

Section and Issue (existing Constitution page Numbers)	Suggested Change
Page 1 - Title of Part 1	'Summary and Explanation' to be renamed 'Introduction'
Page1 – 'How do I obtain or view a copy?'	The emphasis to be on access via the website, but with reference that copies can be obtained from Democratic Services. Update telephone number to 01325 406444
Page 2 - Paragraph 1 incorrectly states there are four parts rather than five parts.	Amend to say 'five parts'.
Page 3 - Paragraph 8 – Voter Registration. Mentions rights of EU citizens	Delete reference to EU citizens - it is unnecessary and may cause future confusion.
Page 3 - Paragraph 12 – The Leader - Section starts by stating the Leader can be removed by a full Council vote	Text should say how the Leader is appointed. Amend to state The Leader is elected for a four-year term at first full Council meeting after elections
Page 4 - Paragraph15 - clarification about the Monitoring Officer.	Clarify that the Monitoring Officer is the Assistant Director, Law and Governance.
Page 4 – Paragraph18 – Scheme of Allowances	Change title to 'Members' Allowances'. Insert 'Further details are set out in Part 5 of the Constitution' (include link)'.
Page 6 - Paragraph 25 - states Leader can take majority of decisions on his own.	Amend (in accordance with Cabinet Procedure Rules - which describes collective decision making) to Although executive power formally sits with the Leader, who can exercise that power individually, in Darlington Cabinet exercises the majority of its responsibilities collectively.
Page 8 - Paragraph 34 - Statutory Employees Paragraph 34 - Head of Paid Service.	Change Head of Paid Service to Managing Director. Amend introduction – to include 'The Managing Director is the Council's most senior officer with responsibility for leading the organisation to deliver the Councils objectives'.

Section and Issue (existing Constitution page Numbers)	Suggested Change
Paragraph 36 – Chief Finance Officer.	Change to Assistant Director Resources. Amend introduction – to include ‘The Chief Finance Officer (sometimes known as the Section151 Officer) is responsible for the proper management and administration of the Council’s financial affairs. This Officer must report to Full Council any decision or course of action that will involve incurring unlawful expenditure or an unbalanced budget.’
Paragraph 37- Statutory Scrutiny Officer.	Expand to add that (<i>the Head of Democratic Services</i>) ‘has responsibility for promoting and supporting the role of the Scrutiny Committees and providing Officers and Members with appropriate advice.’
Paragraph 38 – further information about Statutory Officers.	Add reference to the other statutory and proper officer functions ‘Further information on the Statutory and Proper Officer roles is set out in the Responsibility for Functions Section (See Schedule 4 - Scheme of Delegation to Officers)
Page 9 - Paragraph 40 - Financial and Contracts Matters Currently refers to role of Audit Commission.	Delete reference to the Audit Commission (which was abolished in 2015) and replace with ‘external audit’.
Page 9 - Rights and Responsibilities of the Public New paragraph	Insert new paragraph (between 43 and 44): ‘The public can photograph, film, record and, blog at meetings. Further details are set out in the Access to Information Procedure Rules.’
Page 9 - Paragraph 44 - Forward Plan	The requirement to give 4 months’ notice of ‘key decisions’ that are intended be made on the forward plan was reduced to 28 days by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Our constitution still says 4 months - revise to 28 days.
Page 9 – Paragraph 46 - Availability of reports and agendas States copies available from Town Hall	The emphasis to be on access via the website, but with reference that copies can be obtained from Democratic Services.
Page 10 – Paragraph 48 - Publication scheme.	We no longer have a single publication scheme. Change to ‘The information available on the Council’s webpage comprises the Councils publication scheme. You can also make a freedom of information request see

Section and Issue (existing Constitution page Numbers)	Suggested Change
	freedomofinformation@darlington.gov.uk ‘
<p>Page 10 - Para 51 – Citizens’ Rights</p> <p>Complaints procedure – says available on request.</p> <p>Page 10 - Para 50 – Citizens’ Rights</p> <p>Cabinet Meetings - no mention of public participation rights</p>	<p>Signpost to website at the following link:- http://www.darlington.gov.uk/your-council/complaints-compliments-and-comments/</p> <p>Add ‘and ask questions and make representations about items on the agenda’ at the end of ‘attend meetings of Cabinet’</p>

PART 2 – RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 2 - Paragraph 1 – Earlier mistake</p>	<p>Change ‘The Council operates a Leader and Council form of Executive decision making’ to ‘The Council operates a Leader and Cabinet model of Executive decision making’</p>
<p>Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table</p> <p>3. Review Boards</p>	<p>This is a reference to Housing Benefits Review Boards – powers abolished and replaced by independent appeals Delete reference</p>
<p>Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table</p> <p>Sub-Paragraphs 4,5 and 6 Making arrangements for school admission appeals and exclusions.</p>	<p>Replace Director of Neighbourhood Services and Resources with Assistant Director, Law and Governance</p>
<p>Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table</p>	

Section and Issue (existing Constitution page Numbers)	Suggestion
Sub Paragraph 7 Deals with Police Authority Questions at Council (now abolished and replaced by the Police, Crime and Victims' Commissioner	Replace with Police, Crime and Victims' Commissioner Re -arrangements for Questions to be put, replace Director of Neighbourhood Services and Resources with Assistant Director Law and Governance
Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table Sub-Paragraph 8 Deals with appointments to Police Authority Joint Committee (now abolished)	Replace with Police and Crime Panel
Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table Sub Paragraph 12 - Service of Abatement Notice – Statutory Nuisance	Replace Director Neighbourhood Services and Resources with Director Economic Growth and Neighbourhood Services
Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table Sub Paragraphs 20 and 21 - Appointments and making staff available to other Local Authorities	Replace Chief Executive with Managing Director
Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table Sub Paragraph 22 - Harbour authority functions	Delete - powers are not applicable
Pages 6 to 10 – Paragraph 22 – Local Choice Functions – Table Sub Paragraph 24 – Sub-Committee for introducing Civil Parking Enforcement	Delete as Sub-Committee no longer required
Pages 6 to 10 – Paragraph 22 – Local Choice Functions - Table	Insert: On 1 April 2016 the Tees Valley Combined Authority Order 2016 established a Combined Authority for the combined

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>New Paragraph 25 - Tees Valley Combined Authority</p> <p>New paragraph required as nothing mentioned about Tees Valley Combined Authority</p>	<p>area of the constituent councils (Darlington; Hartlepool; Middlesbrough; Redcar and Cleveland and Stockton-On-Tees). The Combined Authority has taken on responsibility for some functions from central government for transport, infrastructure, skills, business investment, housing culture and tourism. It also has some transport functions delegated from the five constituent Councils.</p> <p>The Combined Authority has an elected Mayor who Chairs a Cabinet comprised of the Leaders (in the case of Middlesbrough Council the elected Mayor) of the five Tees Valley Councils.</p> <p>Further information about the Combined Authority is available from the website: www.teesvalley-ca.gov.uk/</p>

Schedule 1 – Council Committees

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 3 - Full Council – Omits:</p> <p>Power to remove Leader; and power to approve dismissal of Head of Paid Service, Monitoring Officer and Chief Financial Officer</p>	<p>Amend to include</p>
<p>Page 10 - Member Standards Hearing Committee</p> <p>Protocols mention 'discipline'</p> <p>Investigations will be commenced locally by Monitoring Officer ('locally' still assumes Standards Board exists with central investigations). No substitute members. Problematic if members conflicted</p>	<p>Make findings and 'sanction' members (discipline deleted)</p> <p>Insert 'Investigations will be commenced, in appropriate cases, following the assessment of a complaint by the Monitoring Officer.'</p> <p>Amend to allow substitutes</p>

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 17 - Human Resources Committee</p> <p>[As a Panel to appoint Head of Paid Service]</p> <p>Nothing about dismissal of Head of Paid Service, Chief Financial Officer, Monitoring Officer (as set out in Officer Appointment Procedure Rules)</p>	<p>Chief Executive replaced with Managing Director</p> <p>Amend to include:-</p> <p>‘To hear and determine disciplinary issues warranting the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (taking account of the views of the Human Resources Advisory Panel) (any decision to dismiss being referred to Council for confirmation).’</p>
<p>Page 18 - Human Resources Committee Chief Officer Appointments Panel</p> <p>[Chief Officers bar Head of Paid Service]</p> <p>Clarify description of statutory officers</p>	<p>Remit clarified as ‘To appoint all Directors, and all statutory and non-statutory Chief Officers (apart from the Head of Paid Service).’</p> <p>(Chief Finance Officer, Monitoring Officer, Director of Public Health, Director of Adult Social Care, Director of Children’s Services and Chief Education Officer)</p>
<p>Page 20 - Human Resources Panel</p> <p>Terms of reference, does not distinguish Heads of Service who are not deputy chief officers).</p>	<p>Remit to include Assistant Directors and other employees whose posts are Deputy Chief Officers</p>
<p>Page 27 - Health and Well Being Board</p> <p>Update Membership</p>	<p>Amend ‘Chief Officer, CCG’ to ‘Chief Officer/Chief Clinical Officer, CCG’</p> <p>Delete ‘Representative, CCG and Community Council’ and add ‘Chief Nurse, CCG’</p> <p>Amend ‘Director of Delivery, NHS England – Area Team’ to ‘Director of Nursing, NHS England’</p> <p>Amend ‘Police and Crime Commissioner’ to ‘Police, Crime and Victim Commissioner’</p> <p>Amend ‘Director of Finance and Information/Deputy Chief Executive, Tees, Esk and Wear Valleys NHS Foundation Trust’ to ‘Chief Executive, Tees, Esk and Wear Valleys NHS Foundation Trust’</p> <p>Delete ‘Director of Operations, Probation Service’</p>

Section and Issue (existing Constitution page Numbers)	Suggestion
	Amend 'Dean, Teesside University' to 'Dean, Health and Social Care, Teesside University' Add 'Representative, Harrogate and District NHS Foundation Trust' Add 'Chairman, VCS Strategic Implementation Group' Add 'Representative, Darlington Primary Schools' Add 'Representative, Darlington Secondary Schools' Add 'Representative, Darlington Post Sixteen Years' Delete 'One Vacancy – CCG'

Schedule 2 – The Executive

Section and Issue (existing Constitution page Numbers)	Suggestion
Page 6 – Leader's responsibility	Add reference to representing the Council on the Tees Valley Combined Authority
Pages 7 to 15 Portfolio Holders	Areas of responsibility refreshed to reflect current portfolios.
Page 12 - Executive Delegations to and from other Local Authorities/ Bodies Paragraph 12 – Delegated Powers – relevant legislation updated	Amend to 'Cabinet has delegated the powers relating to the enforcement of the legislation as detailed below, to Redcar and Cleveland Borough Council and authorised officers employed within the National Trading Standards Regional Investigations Team (North East), in accordance with Section 101 of the Local Government Act 1972, and Section 13(7) of the Local Government Act:- Anti-Social Behaviour Act 2003 Business Protection from Misleading Marketing Regulations 2008 Children and Families Act 2014 Companies Acts 1985 and 2006 Consumer Credit Acts 1974 and 2006 Consumer Protection Act 1987 Consumer Protection from Unfair Trading Regulations 2008 Consumer Rights Act 2015 Copyright, Designs and Patents Act 1988 Courts and Legal Services Act 1990 Energy Act 1976 Energy Conservation Act 1981 Enterprise Act 2002 Estate Agents Act 1979

Section and Issue (existing Constitution page Numbers)	Suggestion
	<p>European Communities Act 1972 Explosives Act 1875 Fireworks Act 2003 Fraud Act 2006 General Product Safety Regulations 2005 Hallmarking Act 1973 Health and Safety at Work etc. Act 1974 Intellectual Property Act 2014 Licensing Act 2003 Medicines Act 1968 Prices Acts 1974 and 1975 Proceeds of Crime Act 2002 Road Traffic Acts 1988 and 1991 Trade Descriptions Act 1968 Trade Marks Act 1994 Video Recordings Acts 1984 and 2010</p> <p>and all secondary legislation made under any of the specified legislation.'</p>
<p>Page 14 - Cabinet Sub-Committee</p> <p>To deal with objections to Traffic Regulation Orders as part of introduction of Civil Parking Enforcement</p>	<p>Delete - no longer needed</p>

Schedule 3 – Scrutiny Committees

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 9 - General Role of Council's Scrutiny Committees</p> <p>Page 11 - Finance - Monitoring and Coordination Group recommends resource allocation to Director of Neighbourhood Services</p>	<p>Change Director of Neighbourhood Services and Resources to Assistant Director Resources</p>

Schedule 4 – Scheme of Delegation to Officers

Section and Issue (existing Constitution page Numbers)	Suggestion
References to Chief Executive throughout the Scheme	Replace with Managing Director
Page 5 – 11(e) Managing Director - Powers Refers to Growing places funding and TV Unlimited Investment Panel.	Remove - no longer relevant
Pages 8 to 13 - Table of Areas of Responsibility Updated to reflect changed service responsibilities	Areas of Amended Responsibilities are attached at Appendix 4
Pages 14 to 16 - Exceptions – Contracting Updated throughout in relation to Strategic Procurement Page 16 – current settlement limit (damages) is £50,000.	References to Procurement Plan/Procurement Board/Contracting Procedure Rules added when required Increase to £100,000
Page 17 - Exceptions – Property Page 17 - Asset Management Plan. Current delegation is to Director Neighbourhood Services and Resources Pages 17 and 18 - Acquisitions and disposals of land. Current delegation limit is £10,000 Page 20 - Right to Buy disposals – delegation is to Director Neighbourhood Services and Resources	Change to Director of Economic Growth and Neighbourhood Services Increase to £30,000 Change to Assistant Director Law and Governance

Section and Issue (existing Constitution page Numbers)	Suggestion
Release restrictive/positive covenants on land. Current limit of £15,000 and consent from Director of Neighbourhood Services and Resources	Increase to £30,000 Change to Assistant Director Law and Governance
Pages 23 to 33 - Exceptions – Finance Amendments to management	Replace Chief Executive with Managing Director Replace Director of Neighbourhood Services and Resources by Assistant Director Resources
Pages 34 to 37 - Exceptions – Staff and Employment Amendments to management	Replace Chief Executive with Managing Director Minor clarification to Chief Officers
Pages 38 to 46 - Exceptions – Legal Page 40 - Delegations to Assistant Director Regulatory Services – re Hackney Carriage and Licensing. Also Scrap metal. Page 42 - Settle legal claims up to £50,000 Page – 42 - Public Space Protection Orders Pages 43 to 44 - Section dealing with defending and issuing legal proceedings, confusing and repetitious Page 45 – Dealing with assets of community value, currently sits with Assistant Director Regulatory Services	Change to Assistant Director Community Services Increase to £100,000 Move delegation from Director of Public Health to Assistant Director Community Services Rationalise Change to Assistant Director Law and Governance
Page 47 - Statutory and Proper Officers Statutory Officers	Managing Director becomes Head of Paid Service

Section and Issue (existing Constitution page Numbers)	Suggestion
	<p>Assistant Director becomes Chief Finance (S.151) Officer</p> <p>Assistant Director Law and Governance becomes Returning Officer</p> <p>Data Protection Officer now included (Complaints and Information Governance Manager)</p> <p>Director of Children’s Services – Director of Children and Adult Services</p> <p>Chief Education Officer included - Director of Children and Adult Services</p>
<p>Pages 49 to 59 - Proper Officers</p> <p>Role of Parish Trustee omitted</p> <p>Page 49 - Access to information rules</p> <p>Page 50 - Monies held by officers during course of employment</p> <p>Page 50 – Statutory declaration with regard to securities</p> <p>Page 50 - Inspection of documents after an election</p> <p>Page 51 - Giving notice of meetings</p> <p>Page 53 - Notice for felling of trees</p>	<p>Allocate role to Assistant Director Law and Governance</p> <p>Re additional member document access rights, change from Chief Executive to Assistant Director Law and Governance in line with other provisions.</p> <p>Change from Director of Neighbourhood Services and Resources to Assistant Director Resources</p> <p>Change from Director of Neighbourhood Services and Resources to Assistant Director Resources</p> <p>Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance</p> <p>Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance</p> <p>Change from Director of Neighbourhood Services and Resources to Director of Economic Growth and Neighbourhood Services</p>

Section and Issue (existing Constitution page Numbers)	Suggestion
Page 54 - Keeping a list of politically restricted posts	Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance
Page 55 - Authority to authorise drain repairs	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services
Page 55 - Power to take action re dangerous building And service of notices	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services
Page 56 - Unfit housing reports	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services
Page 57 - Authentication of documents under the Food Safety Act	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services
Page 59 - Smoke free premises enforcement	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services
Page 59 - Scrap metal	Change from Assistant Director Regulatory Services to Director of Economic Growth and Neighbourhood Services

PART 3 – RULES OF PROCEDURE

Council Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
	Generally - references to Chief Executive replaced by Managing Director
Page 3 - 4(j) Provision for petitions is included in the order of business for ordinary Council meetings (petitions are received by Council and debated by Council if sufficient number of signatures).	Delete provision. Note the Localism Act 2011 repealed the requirement – locally we decided to retain, but with petitions going to Cabinet. Details of the scheme are set out on the website : www.darlington.gov.uk/your-council/democracy/committees-meetings-and-involvement/petitions/

Section and Issue (existing Constitution page Numbers)	Suggestion
Page 4 – 8. Time and place of meetings – determined by Dir of NS And Resources	Change to Assistant Director Law and Governance in line with Proper Officer functions
Page 5 – Questions by the public 12. General – only mentions ordinary meetings Page 5 _ Scope of Questions (i.e. if allowable) Page 5 - Record of Questions	Extend to include Extraordinary and Special Council Meetings Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance Change from ‘enter in a book’ to ‘keep a record of questions asked’.
Page 6 - Notice of Motion Responsible officer is currently the Director of Neighbourhood Services and Resources	Change to Assistant Director Law and Governance
Page 10 – Members’ Questions Paragraph 49 – Responsible officer is currently Director of Neighbourhood Services and Resources Page 10 – Paragraph 50 - Questions to Police Authority	Change to Assistant Director Law and Governance Delete – Police authorities were replaced by Police and Crime Commissioner. Provision for Police, Crime and Victims Commissioner’s Questions is in the Order of business
Pages 16 and 17 - Voting Named vote requirement for budget/council tax omitted	Include provision included re mandatory named vote
Page 20 - Agendas for Council Committees Paragraph 100 - Currently responsibility of Director of Neighbourhood Services and Resources	Change to Assistant Director Law and Governance

Access to Information Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 1 – Paragraphs 3 to 6 Right to attend meetings</p> <p>This section includes a number of topics. The general right to attend; filming; and dealing with disturbances</p> <p>Paragraphs 5 and 6 Heading</p>	<p>Include more detail re rights to photograph, film, record, blog etc. at meetings:</p> <p>‘Anybody attending a meeting, that is held in public, can photograph, film, record and broadcast the meeting (or part of the meeting), including by digital and social media.</p> <p>Filming, photography or recording should not be directed towards or be focussed on the members of the public attending the meeting.</p> <p>Filming, photographing or recording should be conducted using hand-held devices and carried out in a way which is conducive to the good order and conduct of the meeting.</p> <p>The person presiding at the meeting may order that filming, photography or recording must stop if it is being disruptive to the conduct of the meeting or is being directed towards members of the public.</p> <p>Film crews with more complex equipment should contact The Communications Team at least one working day before the meeting commences to allow appropriate provision to be arranged.’</p> <p>For clarity separate provisions re behaviour and disturbances under new heading ‘Behaviour at Meetings’</p>

Budget and Policy Framework Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>No amendments</p>	

Cabinet Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 3 – Who May Attend? Omits questions and representations from members and public</p> <p>Page 4 - Agenda Items Paragraph 18 - Responsible Officer for agenda items Director of Neighbourhood Services and Resources</p>	<p>Add 'and ask questions and make representations.'</p> <p>Change to Assistant Director Law and Governance</p>
<p>Page 6 – Record of Decisions by Cabinet Sub-Committee – Delete Paragraph 24</p>	<p>Paragraph 24 delete - Cabinet Sub-Committee no longer required</p>

Scrutiny Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 1 – Paragraph 7 - The Responsible Officer who calls Scrutiny Committee meetings is the Director of Neighbourhood Services and Resources</p>	<p>Change to Assistant Director Law and Governance</p>
<p>Page 3 - Paragraph 16 - Adding items to the work programme</p>	<p>Slight clarification:-</p> <p>Once received, the Quad of Aims will be forwarded to the relevant Director/Assistant Director for a view on its inclusion as an addition to the previously approved work programme. The item will then be included on the next relevant Scrutiny agenda for Members to consider whether it should be added to the work programme</p> <p>In cases of cross cutting issues, the item will be referred to the Monitoring and Co-ordination Group for clarification of the appropriate Scrutiny Committee to consider the request.</p>
<p>Page 5 – Paragraph 27 - Reports from Scrutiny Committee</p>	

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Proper Officer to deal with reports Director of Neighbourhood Services and Resources</p> <p>Page 5 - Paragraph 26 - Omits reference to Council re matter within Council competency (only says Cabinet)</p>	<p>Change to Assistant Director Law and Governance</p> <p>Extend to include reference to Council (where appropriate)</p>
<p>Page 6 – Paragraph 34 - Attendance at Scrutiny Committee</p> <p>Proper officer to advise Members/Officers that attendance is required.</p>	<p>Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance</p>
<p>Pages 8 - Call in</p> <p>Paragraph 40 - Proper contact officer Director of Neighbourhood Services and Resources</p>	<p>Change to Assistant Director Law and Governance</p>

Financial Procedure Rules

Section and issue (existing Constitution page Numbers)	Suggestion
	<p>Generally change references to the Director of Neighbourhood Services and Resources to the Assistant Director Resources</p>

Contract Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Page 5 – Paragraph 7 Update</p> <p>Page 6 – Paragraph 16 Update Management</p>	<p>Civic Theatre changed to Hippodrome</p> <p>Change Director of Neighbourhood Services and Resources to Managing Director</p>

Section and Issue (existing Constitution page Numbers)	Suggestion
Page 9 – Paragraph 27 Update	Change Assistant Director Finance and Human Resources to Assistant Director Resources
Page 9 – Paragraph 28 Waivers	Add: (f) How the purchase represents value for money
Page 9 – Paragraph 31 – Collaborative arrangements	Add: The adoption of a Public Sector framework shall be subject to the usual requirement for Procurement Board and Cabinet approval.
Page 10 – Paragraph 34 - Collaborative arrangements	Add: The adoption of such contracts shall remain subject to Procurement Board and Cabinet approval.
Page 21 – Paragraph 96 Price /quality, sub para (a)	Amend scoring criteria from 0 – 6 to 0 – 5
Page 22 – Paragraph 100 – Award Criteria	Add: <i>Award Criteria</i> must include a suitable proportion of the evaluations criteria to be based on Social Value (unless there are appropriate reasons why Social Value should not apply). For tenders over the EU Threshold, this should usually be not less than ten per cent of the total award criteria and form part of the Quality Criteria.
Page 29 – Paragraphs 135 Contract formalities	Change Civic Theatre to Hippodrome
Paragraphs 141 & 142	Change Assistant Director Finance and Human Resources to Assistant Director Resources
Page 35 – Officer updates	Change Director Neighbourhood Services and Resources to Assistant Director Resources
	Change Head of Corporate Assurance to Assistant Director Law and Governance
Keeping the Tender Record Log	Change from Director Neighbourhood Services and Resources to Assistant Director Law and Governance

Property Procedure Rues

Section and Issue (existing Constitution page Numbers)	Suggestion
	Replace references to the Director of Neighbourhood Services and Resources with the Director of Economic Growth and Neighbourhood Services

Officer Employment Procedure Rules

Section and Issue (existing Constitution page Numbers)	Suggestion
Section 2 - Paragraph 1 Shortlisting	Change from Director of Neighbourhood Services and Resources to Assistant Director Resources
Section 2 – Paragraph 2 - Membership of HR Committee stated as 12	Incorrect number, amend to 13
Section 2 – Paragraph 2 -	Change reference to Chief Executive as Head of Paid Service to Managing Director
Page 2 – Appointment of Chief Officers – Paragraph 3	Clarification of Chief and Statutory Officers. Amend to: Directors and Chief Officer posts (both statutory and non-statutory) appointments shall be made by a Human Resources Chief Officers Appointments Panel which shall consist of eight Members. Statutory posts currently include the Director with responsibility for Children’s Services, the Director with responsibility for Adult Social Services, the Director of Public Health, the Chief Finance Officer/Section151 Officer and the Monitoring Officer.
Page 2 – Paragraph 3 - Convening meeting of full Council for Manging Director Appointment – Director of Neighbourhood Services	Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance
Page 14 – Appendix 4 - Dismissal of Head of Paid Service, Chief Finance Officer, Monitoring Officer	
Paragraph 3 - Proper officer for reference to Council for decision	Change from Director of Neighbourhood Services and Resources to Assistant Director Law and Governance

Paragraph 3 – update required (the role of the designated independent person was abolished)	<p>Change designated Independent Person to Human Resources Advisory Panel.</p> <p>Note – the Human Resources Advisory Panel advises the Human Resources Committee which will report to Council for Council to decide whether to confirm a dismissal decision</p>
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PART 4 – CODES AND PROTOCOLS

Section and Issue (existing Constitution page Numbers)	Suggestion
<p>Code of Conduct for Members and Co-opted Members</p> <p>Gifts/hospitality declaration omitted for Members (but is for Officers)</p>	<p>Gifts and hospitality – include requirement for Members to declare gifts and hospitality received of £25 and over (omitted in 2012, re Localism Act amendments). Aligns with Anti-bribery Policy and Employee Code of Conduct.</p> <p>See main body of Report.</p>
<p>Code of Conduct for Employees</p>	<p>Amendments in relation to the Code, the Whistleblowing Policy and the Anti-Bribery Policy.</p> <p>See main body of Report.</p>

<p>New Scheme of Indemnity for Members and Officers</p>	<p>Insert new Section 4.4 and subsequent renumbering of remaining Section 4 Code and Protocols</p> <p>New Scheme drafted see Appendix 2</p>
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<p>Protocol for Councillors and Officers dealing with Planning Matters</p> <p>Paragraph 6 – Interests provisions are out of date</p> <p>Paragraphs 35 to 37 - Public speaking – no provision for supporters of an applicant to speak</p> <p>Paragraph 36 - Time allowed for presentations –</p>	<p>Change to refresh sections dealing with interests (currently predate the Localism Act 2011)</p> <p>Clarification that three supporters of the applicant and three objectors can speak</p> <p>Clarified to be five minutes, but at discretion of Chair</p>
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at discretion of Chair, but identical for all parties	
Documentary evidence (nothing included at present)	Suggest documentary evidence to be used by speakers should be provided to Director of Economic Growth and Neighbourhood Services 5 working days before meeting.
Site Visits	New Guidance has been added for site visits – See Appendix 3

Protocol for Councillors and Officers dealing with Licensing Matters	
Pages 2 and 3 – Paragraphs 9 to 13 – Interest provisions are out of date	Change to refresh sections dealing with interests (currently predate the Localism Act 2011)

Protocol of Member/Officer Relations	
Chief Executive references throughout	Replace with Managing Director

Local Code of Corporate Governance	
Some title changes made	To accord with current structure

Protocol for the Tees Valley Joint Health Scrutiny Committee	No Change – review to be agreed by the Joint Health Scrutiny Committee
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Protocol for the North East Joint Health Scrutiny Committee	No Change – review to be agreed by the Joint Health Scrutiny Committee
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PART 5 – MEMBERS’ ALLOWANCES SCHEME

<p>Members’ Allowances Scheme</p> <p>Scheme set by Independent Panel and approved by Council for four years (with effect from 1 April 2016)</p>	<p>Schedules to Scheme updated to reflect annual changes</p>
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Scheme of Indemnity for Members and Officers

1. This Scheme of Indemnity ('the Scheme') shall take effect from the date on which it is approved by Council.

In this Scheme: -

'Employees' includes any person employed or formerly employed by Darlington Borough Council ('the Council') and any other person appointed by it to be an officer of the Council; and

'Members' includes former or current elected and co-opted Members of the Council.

2. The Council hereby indemnifies its employees and Members against the costs, claims and expenses set out in paragraph 5 below of this Scheme, subject to the exceptions set out in paragraph 6 below of this Scheme, and on the terms set out in 7 below of this Scheme.
3. Notwithstanding any limitation on the powers of the Council, the indemnity is effective to the extent that the employee or Member in question:-
 - (a) believed that the action, or failure to act, in question was within the powers of the Council; or
 - (b) where that action or failure to act comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true, and it was reasonable for that employee or Member to hold that belief at the time when he/she acted or failed to act.
4. The indemnity is also effective in relation to any act or omission which is subsequently found to be beyond the powers of the employee or Member in question but only to the extent that he/she reasonably believed that the act or omission in question was within his/her powers at the time at which he/she acted.
5. The costs, claims and expenses are those which arise from, or in connection with, any action of, or failure to act by, the employee or Member in question, which:-
 - (a) is or has been authorised by the Council; or
 - (b) forms part of, or arises from, any powers conferred, or duties placed, upon that employee or Member, as a consequence of any function being exercised by that employee or Member (whether or not when exercising that function he/she does so in his/her capacity as an employee or Member of the Council) :-

(i) at the request of, or with the approval of the Council; or

(ii) for the purposes of the Council.

6. The exceptions are that: -

(a) No indemnity is given in relation to any action by, or failure to act by, any employee or Member which: -

(i) Constitutes a criminal offence; or

(ii) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that employee or Member.

(b) Notwithstanding paragraph (6(a(i))) above, the indemnity is provided in relation to :-

(i) (subject to paragraph 7 below) the defence of any criminal proceedings brought against the employee or Member; and

(ii) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

(c) No indemnity is provided in relation to the making by the employee or Member indemnified of any claim in relation to an alleged defamation of that Member or employee but the indemnity is provided in relation to the defence by that Member or employee of any allegation of defamation made against him/her.

7. The terms of the indemnity are as follows: -

(a) Where the indemnity has effect in relation to the defence of any criminal proceedings if the employee or member in question is convicted of a criminal offence and that conviction is not overturned following any appeal, the indemnity will only extend to cover actual loss and expense incurred and evidenced by the employee or member to the satisfaction of the Managing Director or his nominee.

(b) The indemnity will not cover any loss or expense in respect of which the employee or member can obtain reimbursement from any other source, including any policy of insurance whether taken out by the Council or the employee or member or by any other person.

8. This indemnity is without prejudice to the right of the Council to take disciplinary action against an employee in respect of any neglect, act, error or omission.

PLANNING COMMITTEE SITE VISIT – FURTHER GUIDANCE

This guidance note has been prepared to advise members of the public and Members of the Council when a site visit may be an appropriate way of assisting the decision making process.

Introduction

Some planning applications are decided by the Planning Applications Committee, however, a significant majority of applications are determined outside of this process by either Chair's delegation or using the powers delegated to the Director of Economic Growth and Neighbourhood Services.

In most cases Members of the Planning Applications Committee reach a decision based on information provided in the Director's report about the planning application. This report takes into account the views of neighbours and all 'material' planning considerations. In addition they will have the benefit of a presentation undertaken by the Planning Officer who will also make reference to a PowerPoint presentation containing relevant plans and photographs. Members will also have heard from agents, objectors and supporters. In the vast majority of cases Members will have sufficient information to arrive at a decision.

Occasionally, the Planning Applications Committee resolve to defer consideration of an application to visit the site, before making a decision, having heard the Planning Officer present the relevant report. This note advises on the procedure that will be followed in those few occasions when such site visits take place.

An accompanied site visit will result in a delay in a planning application decision being taken. In view of this they will not be undertaken when applicants, objectors or constituents request them without good planning reasons – see below.

National legislation requires Darlington Borough Council to not unduly delay decisions on planning applications and, dependent upon the application type, this delay may mean that the applicant is able to appeal against the Council not taking a decision if it does not do so in 8, 13 or 16 weeks. The decision on the planning application is then taken away from Darlington Borough Council and is decided by the Planning Inspectorate on behalf of the Secretary of State.

Why have a site visit?

A site visit will only take place following a formal resolution of the Planning Applications Committee to do so. Individual Planning Applications Committee Members do sometimes visit sites on an unaccompanied basis at other times but these visits are not the subject of this protocol.

The purpose of an organised site visit is to enable Members of the Planning Applications Committee to understand more fully:

- the details of a site where development is planned;
- the details of the surrounding area; and
- issues raised by residents and others about the plans

Usually the above information will be available from the Committee report the photographs and maps and the presentation as indicated above.

No decision on the related application will be taken at an accompanied site visit. Nor is it the purpose of the accompanied site visit to debate, at the site, the merits of the development; either between Members or with local residents or with the applicant or their agent. Debate about the application will only take place at the time when it is again in front of the Planning Committee for formal consideration.

If the accompanied site visit gives rise to excessive lobbying or demonstrations, the Chair of the Planning Committee may cancel the visit and arrange another in private.

Arranging Site Visits

All Members of the Planning Applications Committee will be invited to attend the site visit, as will local Ward Councillors, should they not be Members of the Planning Applications Committee.

Where a proposal is considered, by the Planning Officer, to have a significant impact on an adjoining Ward, adjoining Ward Councillors will also be invited to attend. Occasionally, Officers of other services, such as Highways or Environmental Health, will be invited (by the Planning Officer) to attend a site visit to clarify factual matters.

Applicants and/or their agent will be advised of the intention to undertake a site visit and a copy of this protocol will be provided to them as well as all other attendees.

Permission will be sought, before the accompanied site visit, to enter private land where this will assist in Members understanding the development, the site and its relationship to the surrounding area. In the unlikely event that the landowner will not give permission, the site will be viewed from the public highway or from other adjacent land with the owner's permission.

Procedure at Site Visits

- Hospitality or assistance with travel to and from the accompanied site visit will not be accepted by Members from applicants or objectors given that this could be seen to show favour.
- The Chair of Planning Applications Committee will oversee the conduct of site visits and he will formally open and close the organised site visit.
- The Planning Officer, will note the names of all present.
- At the request of the Chair, the Development Manager will briefly describe the proposal to Members and will display plans and drawings. It is expected that Members will already be familiar with the planning officer's report. The Planning Officer, will also indicate matters of fact in relation to the proposal and surrounding

land which Members should take account of.

- Members may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of the planned development.
- At no time during the site visit will Members debate or comment on the planning merits or otherwise of a proposal.
- At no time during the site visit will the applicant, their agent, any objector or any other member of the public be allowed to debate the merits of the proposal with Members. This is because the accompanied site visit is not for further representations to be made; it is for Councillors to view the site and its surroundings so as to inform their subsequent decision taking when the application is presented back to the Planning Applications Committee.
- In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the chair, during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.

Other Matters

- Subsequent to the accompanied site visit, at the next available Planning Applications Committee, the Planning Officer will briefly summarise the planning issues and the purpose of the site including the main aspects viewed.

AREAS OF RESPONSIBILITY

Managing Director

Lead for:-

Creative Darlington; and
Local Strategic Partnership

Assistant Director	Responsibilities
Assistant Director Resources	<ul style="list-style-type: none"> • Chief Finance Officer • Financial Management across the Council • Central Finance for Closure of Accounts, MTFP preparation, Financial Reporting, Corporate Revenue and Capital Budgets, Leasing and Financial Advice • Financial Assessments and Financial Protection • Internal Audit, Insurance, Treasury Management • HR Advisory Services • Health, Safety and Wellbeing • HR Strategy and Development, Employment Policies, Equal Pay and Pensions • Transactional Finance and HR (via Xentrall) • Systems Development and Support • Corporate Communications Media Relations Internal Communication Web and Social Media Design and Print Marketing and Advertising
Assistant Director Law and Governance	<ul style="list-style-type: none"> • Chief Legal Officer and Monitoring Officer • Legal work (including litigation) in all areas of local government powers, functions and competencies • Local Land Charges • Corporate Procurement • Democratic Services • Elections and Electoral Registration • Registration Service • Information Governance, Complaints and Risk Management

Assistant Director	Responsibilities
	<ul style="list-style-type: none"> • Coroner Service (with Durham County Council) • Postal Services • PA Service

Assistant Director Xentrall Shared Services	<ul style="list-style-type: none"> • ICT • Print and Design • Payroll • Transactional HR • Transactional Finance
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Director of Economic Growth and Neighbourhood Services

Assistant Director	Responsibilities
Assistant Director Capital Projects, Transport and Highways Planning	<ul style="list-style-type: none"> • Delivery of Highways Construction and Maintenance Programme • Highways Maintenance Projects, Transport, Planning and Asset Management • Bridges and Highway Structures, Private Street Works, Street Works, Highway Inspections/Insurance Claims, Asset Management, Street Lighting and Traffic Signals • Highway Network Management, Highway Development, Intelligent Transport System, Traffic Data Collection, Casualty Reduction Analysis, Traffic Management Projects, Highways Technical Support, School Crossing Patrol, Highway/Transport Design and Road Safety Education, Sustainable Transport and Rights of Way • Capital Project Management, Capital Process Methodology, Capital Projects Technical Support and Advice, Architectural Consultancy, Building Services Consultancy, Framework Consultancy Commissions, Cost Consultancy Services and Estimating and Tendering, Investment and Funding

Assistant Director	Responsibilities
	<ul style="list-style-type: none"> • Project/Programme Management and Development • Flood Risk Management
Assistant Director Community Services	<ul style="list-style-type: none"> • Street Scene, Crematorium and Cemeteries, Arboriculture, Countryside, Allotments, Parks and Open Spaces and Play area Ranger Service/Friends Groups, Waste Management, Fleet Management and Maintenance, Winter Maintenance Call Out, Environmental Campaigns, Nursery and Building Cleaning • Dolphin Centre, Eastbourne Sports Complex, Head of Steam, Hippodrome and Theatre Hullabaloo, Events and Programming, Sports and Physical Activity Programme, Schools and Community Catering, Town Centre • Community Safety, Private Sector Housing, Parking & Appeals, Civic Enforcement, CCTV, Licensing, Trading Standards & Animal Welfare, Community Resilience • Civil Contingencies / Emergency Planning
Assistant Director Housing and Building Services	<ul style="list-style-type: none"> • Housing Options and Advice, Choice Based Lettings • Council Housing management • Administration of Housing Benefit, Discretionary Housing Payments, Council Tax Reduction Schemes, Council Tax Collection, Business Rates and the Social Fund • Council Building Services • Customer Services
Assistant Director Railway Heritage and 2025	<ul style="list-style-type: none"> • Rail Heritage • 2025
Head of Asset Management and Investment	<ul style="list-style-type: none"> • Asset Management • Building Control • Business Investment

Assistant Director	Responsibilities
Head of Planning & Development Implementation	<ul style="list-style-type: none"> • Development Management • Environmental Health
Head of Planning Policy & Economic Strategy	<ul style="list-style-type: none"> • Planning Policy • Local Plan Policy Development • Built and Natural Environment • Economic Strategy and TVCA Liaison

Director for Children and Adults

Assistant Director	Responsibilities
Assistant Director Adults Services	<p>Social Work Teams (Assessment and Review through First Point of Contact Team, Ongoing and Complex Care Team) :-</p> <ul style="list-style-type: none"> • Adults - 18 to 64 Years including Mental Health • Older People – 65 years plus including Older People’s Mental Health • Approved Mental Health Practitioners • Occupational Therapy • Life Stages Services • Mental Capacity Act/Deprivation of Liberty • Safeguards • Day Services • Supported Living Services • Reablement Services • Learning Disability Provider Services
Assistant Director Children Services	<p>Social Work Teams (covering Children in Need, Child Protection, Looked After Children and Care Leavers):-</p> <ul style="list-style-type: none"> • Children’s Access Point • First Response Team • Safeguarding and Assessment Teams • Looked After Through Care Team including Leaving Care

Assistant Director	Responsibilities
	<ul style="list-style-type: none"> • Independent Reviewing Service • Fostering and Adoption Team, including Family Placement Services • Quality Assurance • Integrated Early Help Teams, including Troubled Families • Children’s Residential and Short Stay Homes • Youth Offending Services • Children and Adults Safeguarding Board Business Unit • Local Authority Designated Officer
Assistant Director Commissioning, Performance and Transformation	<ul style="list-style-type: none"> • Commissioning and Contract management across Children’s Services and Adults • Performance Management – Children’s Social Care, Education and Public Health Services • Transformation Projects across Children’s, Adults Education and Public Health Services • Partnerships and Third Sector Relationships • Better Care Fund and Improved Better Care Fund (BCF/iBCF) • Business Support Service
Head of Education and Inclusion	<ul style="list-style-type: none"> • SEN Assessment and Provision • Education Psychology Service • Education Safeguarding • Virtual School Head – Looked After Children Education • Inclusion • Admissions and Transport • School Place Planning: including Special, Out of Area • Early Years Foundation Stage – Quality and Provision • 11-19 Partnership, and associated Groups • Learning and Skills Services • Collective Worship/SACRE • Educational Attainment through whole system partnerships • School Liaison

Assistant Director	Responsibilities
	<ul style="list-style-type: none"> • Ofsted and Regional Schools Commissioner Liaison/Relationships
Director of Public Health	<ul style="list-style-type: none"> • Public health functions which are the responsibility of the Council under the Health and Social Care Act 2012 and such other public health functions as may be prescribed. • Health improvement • Health protection • Population healthcare public health