

PART 3

RESPONSIBILITY FOR FUNCTIONS - MEMBERS

COUNCIL

Procedural Matters Which May Only Be Exercised By The Council

1. To agree the Constitution of the Council and any amendments
2. To agree a Scheme of Delegation to Officers and keep the same under review
3. To agree the appointment of the Leader of the Council
4. To appoint the Chairman and Vice-Chairman of the Council
5. To agree the composition, terms of reference and membership of the Cabinet and all Committees
6. To adopt Rules of Procedures in relation to the matters referred to in Part 5 of this Constitution and to keep them under review
7. To adopt a Code of Conduct for Members and any Employee/Member Protocols
8. To appoint any individual to any outside bodies (except insofar as such appointments cannot be made by the Cabinet or an individual member of the Cabinet) and revoke any such appointment.
9. To consider reports from the respective Committees
10. To consider any matters referred to the Council for decision
11. To appoint Honorary Aldermen of the District
12. To confirm the appointment of the Head of the Paid Service
13. To designate the Monitoring Officer and Chief Finance Officer (section 151 Officer)

Retained Items Which May Only Be Determined By The Council

14. To consider and agree the Council's revenue and capital budgets
15. To set the Council Tax levels and the Council Tax Reduction Scheme
16. To set the housing rent level
17. To agree the Council's Local Development Framework
18. To approve and adopt the policy framework and to agree any statutory or non-statutory strategic policy plans which cover the whole or significant parts of the authority's services. These include the plans and strategies referred to in Article 4.1 of this Constitution.
19. To keep under review Ward boundaries, Community Governance Reviews and to decide the Council's response to any proposals by the Electoral Commission within

the District.

20. To approve any Housing Stock Transfer
21. To make amend, revoke or adopt bylaws
22. To promote or oppose local, personal or other bills
23. To determine the Council's scheme for Members allowances after having regard to the Independent Remuneration Panel's report.
24. All local choice functions set out in this Constitution which the Council decides should be undertaken by itself rather than the Cabinet
25. To make decisions about any matter in the discharge of a Cabinet function 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.

Regulatory Items for Determination by the Council

26. To receive any Ombudsman reports finding the Authority guilty of maladministration
27. To receive any reports by the Head of Paid Service, Monitoring Officer or the Section 151 Officer
28. To make, amend, revoke or re-enact any byelaws to apply within the District

Functions Relating To Elections for Determination by the Council

29. Duty to determine all matters relating to Elections and Electoral registration.

Functions Relating To Name And Status Of Areas for Determination by the Council

30. To change the name of the district or under Section 74 of the Local Government Act 1972.
31. To petition for a charter to confer borough status under Section 245(b) of the Local Government Act 1972.

BODIES APPOINTED BY AND REPORTING TO COUNCIL

(note – reporting to Council does not imply that a body has to report before it can make a decision – the powers of each body referred to below is set out elsewhere in this Part of the Constitution).

Cabinet

Overview & Scrutiny Committee

Audit and Risk Scrutiny Committee

Planning Committee

Licensing Committee

Appointments Panel

Chief Officers Investigation Committee

Chief Officers Appeals Committee

General

CABINET

Matters for Recommendation to Council

1. To recommend to Council a Corporate Plan setting out the Council's objectives and priorities, after consideration of any recommendations of the relevant Council's Scrutiny Committees, Working Groups and Consultation Groups.
2. To recommend to Council all statutory and non-statutory strategic policy plans which cover the whole or a significant part of the Authority's services. These shall include, Local Development Framework, Community Safety Strategy, Medium Term Financial Plan, Capital Investment Strategy and Treasury Management Policy and Strategy, Property Asset Management Plan, Human Resource Strategy, Contaminated Land Strategy, Enforcement policies, Anti Bribery Strategy and policies, Food Safety and Health & Safety Service Plans, Homelessness Strategy, Anti Poverty Strategy and Area Housing Strategy after consideration of any recommendations of the Council's relevant Scrutiny Committees, Sub-Committees, Working Groups and Consultation Groups.
3. To recommend to Council capital and revenue expenditure programmes and capital and revenue budgets and to recommend any variations to it having taken into account any recommendations of the Council's relevant Scrutiny Committees, Sub-Committees and Working Groups.
4. To recommend to Council the levels of Council Tax, Council Tax Support Scheme and Benefits Scheme.
5. To recommend to Council levels of rent and other charges relating to Council owned domestic properties having taken into account any recommendations of the Council's relevant Scrutiny Committees, Sub-Committees and Working Groups.
6. To recommend to Council any course of action which would be contrary to any strategic policy adopted by the Council.
7. To make such recommendations to this Council as it considers appropriate in relation to any matters which are Matters for Consideration by the Council as set out in this

part of the Constitution.

Matters to be dealt with by the Cabinet outside the policies and budget agreed by Council

The exercise of any power shall where appropriate take into consideration any recommendation of any Scrutiny Committee, Sub-Committee, Working or Consultation Group.

8. To agree the provision of resources - financial, ICT, human, land and property - to meet the Council's corporate objectives and to allocate those resources within Council policy between services and priorities.
9. To agree policies and priorities other than those reserved for consideration by the Council, Licensing Committee and, Planning Committee following consultation with the appropriate Scrutiny Committee or Sub-Committee or Working Group of the Council
10. To be responsible and accountable for all functions of the Council not specifically reserved to the Council, or any other Committee of the Council.
11. To appoint, determine the composition and terms of reference of any Committee, Sub-Committee or Working Group considered necessary for the carrying out of the functions ascribed to the Cabinet.
12. To agree delegation to officers in relation to the functions ascribed to the Cabinet.
13. To recommend to Council and implement the Council's policy in relation to any future local government restructuring.
14. To undertake the Council's functions as shareholder in relation to any other company established by the Council.
15. To monitor regularly the overall performance of the revenue and capital expenditure programmes.
16. To monitor regularly the overall performance of the Council in respect of the Corporate Plan and key corporate performance indicators.

17. To decide strategic priorities.
18. To act upon any recommendation contained within the District Auditor management letter prior to its reference to the Overview and Scrutiny Committee relating to the Cabinet functions.
18. To act upon the annual report by the Internal Auditor where it relates to Cabinet functions prior to its reference to Overview and Scrutiny Committee.
19. To consider virement of financial budget not delegated to officers in accordance with Financial Procedure Rules.
20. To determine any proposals relating to the use of reserves or any expenditure not within estimates.
21. To ensure effective corporate management and administration of the Council.
22. To receive reports and give any necessary authorisation for borrowing and treasury management.
23. To set the Council Tax base and approve similar matters relating to National Non Domestic Rates.
24. To establish corporate standards for Human Resources management to ensure that the Council's legal obligations and policy requirements are met.
25. In terms of Human Resources, to determine:
 - (a) Organisational Structures where the provisions of resources falls out of those in item 8 agreed.
 - (b) Corporate Policies
26. To consider and determine on any external inspectors report on any area of service provision that relates to Cabinet functions. .
27. To consider and agree appropriate Improvement Plans following any external inspections.

28. To authorise the purchase, disposal, or lease of land or buildings for any of the Council's functions or any other management arrangement of the Council's land holdings.
29. To establish corporate standards for the management of health and safety in the operation of all Council business and ensure compliance with these standards.
30. To exercise any of the powers referred to in Schedule 2 to The Local Authority (Functions and Responsibilities)(England) Regulation 2000 insofar as the same are not included in the above list or reserved for determination by the Council or are explicitly the responsibility for a body other than the Cabinet as set out elsewhere in this Constitution.

Other Matters

a) The Council

The Cabinet reports to Council

b) Sub Committees/Working/Consultation Groups appointed by and reported to the Cabinet.

There are a significant number of such bodies and these are set out under the heading of "Summary of Sub Committees/Working/Consultation Groups" in this part of the Constitution. None of these bodies have decision making powers – being advisory or consultative bodies. In addition the following bodies also report to The Cabinet

- The Planning Committee in respect of planning policy matters
- The Licensing Committee in respect of licensing policy matters
- The Appeals Committee in respect of appropriate recommendations

c) **Appointment of Substitute Members**

Substitute Members cannot be appointed to the Cabinet

d) **Training**

A member appointed to the Cabinet may not speak and/or vote at a meeting of the Cabinet or make any decision in relation to a Town & Country Planning Policy matter until he/she has undertaken training appropriate to such matters approved or organised by or on behalf of the Council.

e) **Lead Officer for the Cabinet**

Chief Executive

CABINET – DELEGATION TO INDIVIDUAL MEMBERS

Principles

Unless agreed by the Leader no individual member can make a key decision (except in accordance with the urgency provisions set out in the Constitution). Any matter referred to an individual member of the Cabinet for the making of an executive decision can be referred by that member to the Cabinet itself for the decision to be made if the individual member so wishes.

Any executive decision taken by an individual member of the Cabinet will be recorded and will be subject to the Council's scrutiny procedures.

Scope of Delegation

- a) Generally Any decision which can be taken by the Cabinet and which is within the Council's approved policies and budget can be taken by the Cabinet member responsible for the service provided that he/she is exercising delegated power as determined by the Leader.
- b) Specifically The following decisions can be taken by the Cabinet Member responsible for the service without necessarily consulting the Leader or the Deputy Leader.
- Approval to any sale of land at a consideration of less than £50,000 (subject to consultation with Local Members).
 - Dealing with all human resource related items, including organisational reviews but excluding additions to the approved Establishment outside approved budget.
 - Submitting comments on any consultation papers, reports, information items, progress items or proposed or actual policies of any external bodies (eg Government Policies, Planning Guidance, white and green papers etc). Such matters will be reported in the members Information Bulletin.
 - Receiving the minutes of all bodies which report to the Cabinet (note: the only

minute or minutes which will then be referred to the Cabinet will be those which the individual Cabinet Member so determines or those which the body in question has specifically requested be referred to the Cabinet).

- Fixing of fees and charges in accordance with the budget strategy.
- Approving all grants within the approved budget but excluding those already delegated to officers.
- All decisions necessary to enable the Council to implement the Council's agreed Capital Programme.
- Appointments to external bodies.

Cabinet Member Responsibilities

<u>Cabinet Member</u>	<u>Directorate</u>
Leader Policy & Community Engagement	Corporate Services
Deputy Leader Performance and Strategy	Corporate Services
Customer & Support Services	Corporate Services
Finance	Corporate Services
Housing	Regeneration and Neighbourhood Services
Neighbourhoods	Regeneration and Neighbourhood Services
Regeneration	Regeneration and Neighbourhood Services

OVERVIEW & SCRUTINY COMMITTEE

1. To approve and keep under review an annual overview and scrutiny work programme, including the work programme of the Audit and Risk Scrutiny Committee
2. To ensure that there is efficient use of the Committee's time, and that the potential for duplication of effort is minimised and there is no omission in scrutiny of any part of the Council's functions.
3. Where matters fall within the remit of more than one scrutiny committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issue of dispute between scrutiny committees.
4. To receive requests from the Council or the Cabinet or any Committee for reports from scrutiny committees and to prioritise and allocate the request to a scrutiny committee.
5. At the request of the Cabinet to make decisions about the priority of referrals made in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
6. To consider the Forward Plan referred to in the Access to Information Rules to enable advance consideration to be given to any proposed key decisions by one or more scrutiny committee or sub-committee with a view to providing input or advice to the decision maker before key decisions are made.
7. To have the powers of call in and scrutiny in relation to Cabinet decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and known as "Call-in" and challenge such decisions in accordance with the procedure set out in the Scrutiny Procedure Rules set out in Part 5 of this Constitution.
8. To discharge the statutory functions arising under Section 19 Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.
9. To support the statutory functions arising under the Police Reform and Social Responsibility Act 2011 through the member nominated to represent the Council on

the Police & Crime Panel.

12. To receive requests from members in respect of Councillors' Calls for Action in accordance with procedures, protocols and criteria determined by the Committee having regard to the provisions of the Local Government and Public Health Act 2007 and guidance issued thereunder and to take such action as the Committee considers appropriate.
13. To either
 - (a) support or object to the proposed decision of the Cabinet; or
 - (b) to refer the matter back to the Cabinet with comment or recommendation.

Any proposed decision, once called-in, shall not be implemented until either the Overview and Scrutiny Committee has decided to uphold the decision of the Cabinet or, if the decision is referred back to Cabinet, the Cabinet has decided whether or not to implement the proposed decision with or without modification.

14. To scrutinise the Council's progress against the objectives set out in the Council's Corporate Plan and against key corporate performance indicators and to question members of the Cabinet and/or Committees, Directors and senior officers about their decisions and performance.
15. To scrutinise the effectiveness of partner organisations who deliver services on behalf of the Council i.e. A1 Housing and BPL.
16. To scrutinise issues of local concern relating to services provided by other public sector bodies particularly those in relation to the overall Health & Wellbeing agenda.
17. To scrutinise key partnerships in our area – whose outputs affect the quality of life of Bassetlaw residents i.e. the Bassetlaw Newark and Sherwood Community Safety Partnership.
18. The Chair of the Overview & Scrutiny Committee to approve reports for inclusion on the Cabinet Agenda where the notification period is less than that specified in the Scrutiny Procedure Rules (Article 5).

Other Matters

a) **The Council**

The Overview & Scrutiny Committee reports to Council

b) **Members and Substitutes**

A Member of the Overview & Scrutiny Committee will be the Council's appointed representative on the Police & Crime Panel.

The Chairman of the Audit and Risk Scrutiny Committee to be a member of the Overview and Scrutiny Committee.

Any Member of Council who is not a Member of the Cabinet may be appointed as a substitute Member of the Overview & Scrutiny Committee. The Vice Chair of Audit and Risk Scrutiny Committee will act as substitute for the Chair of Audit and Risk Scrutiny Committee.

Lead Officer of the Overview & Scrutiny Committee

Head of Corporate Services .

AUDIT AND RISK SCRUTINY COMMITTEE

Statement of Purpose

1. The Audit and Risk Scrutiny Committee is a key component of Bassetlaw District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Risk Scrutiny Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Bassetlaw District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

3. To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
7. To monitor the effective development and operation of risk management in the Council.
8. To monitor progress in addressing risk-related issues reported to the Committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.

Internal Audit

12. To approve the internal audit charter.
13. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
14. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
15. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
16. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b) Regular reports on the results of the Quality Assurance and Improvement Programme.
 - c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application

Note: considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
18. To consider the Head of Internal Audit's annual report:
 - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.
19. To consider summaries of specific internal audit reports as requested.

20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
21. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
22. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (England) Regulations 2011.
23. To support the development of effective communication with the Head of Internal Audit.

External Audit

24. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
25. To consider specific reports as agreed with the external auditor.
26. To comment on the scope and depth of external audit work and to ensure it gives value for money.
27. To commission work from internal and external audit.
28. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

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

Treasury Management

31. To develop greater awareness and understanding of treasury matters among the Committee Members.
32. To review the treasury management policy and procedures to be satisfied that controls are satisfactory.
33. To receive regular reports on activities, issues and trends to support the Committee's understanding of treasury management activities.

34. To review the treasury risk profile and adequacy of treasury risk management processes.
35. To review assurances on treasury management via internal audit, external audit, or other review.

Accountability Arrangements

36. To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements and internal and external audit functions.
37. To report to full council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

Standards of Conduct

39. To promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
40. To advise and assist Parish Council(s) and Parish Councillors to maintain high standards of conduct and to make recommendations to Parish Councils on improving standards or on actions following a finding of failure by a Parish Councillor to comply with the Code of Conduct.
41. To conduct hearings on behalf of the Parish Council.
42. To advise the Council on the adoption or revision of the Members Code of Conduct.
43. To receive reports from the Monitoring Officer and assessing the operation and effectiveness of the Members Code of Conduct. The Monitoring Officer shall report the outcome of all complaints to the Committee including those complaints which failed the Initial Intake Test and Assessment Test.
44. To advise, train or arrange training for Members and Co-opted Members on matters relating to the Members' Code of Conduct.
45. To hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer in respect of alleged breaches of the Member Code of Conduct.
46. To maintain oversight of the Council's arrangements for dealing with standards complaints.
47. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
48. To grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
49. To hear and determine appeals against refusal to grant dispensations by the

Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011.

Other Matters

a) Audit and Risk Scrutiny Committee

The Audit and Risk Scrutiny Committee reports to Council.

The Standards sub-committee reports to the Audit & Risk Scrutiny committee.

b) Appointment of Substitute Members

Any named Member of Council who is not a Member of the Cabinet may be appointed as a substitute Member of the Audit & Risk Scrutiny Committee.

The Chairman and Vice Chairman of the Audit and Risk Scrutiny Committee must be members of the Overview & Scrutiny Committee.

c) Sub-Committees/Working/Consultation Groups appointed by and reporting to the Audit & Risk Scrutiny Committee

The Audit and Risk Scrutiny Committee may appoint a sub-committee to conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.

The Chairman of the Standards sub-committee must be a member of the Audit & Risk Scrutiny Committee.

d) Monitoring Officer

Unless otherwise restricted by legislative or regulatory provision the Audit & Risk Scrutiny Committee may delegate any of its functions relating to Standards to the Monitoring Officer.

Lead Officers

Director of Corporate Resources and Head of Finance & Property

STANDARDS SUB-COMMITTEE

1. To conduct hearings on behalf of the Audit & Risk Scrutiny Committee following complaints received against district councillors relating to the Members Code of Conduct .
2. Following a Hearing, the Sub-Committee may make one of the following findings:
 - (i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing
 - (ii) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing
 - (iii) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.

The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.

After making a finding the sub-committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.

Other Matters

a) The Audit & Risk Scrutiny Committee

The Standards Sub-Committee reports to the Audit & Risk Scrutiny Committee.

b) Training

A member appointed to the Audit and Risk Scrutiny Committee may not speak and/or vote at a meeting of the Committee of Sub-Committee in relation to an investigation and/or taking action on a complaint until he/she has undertaken appropriate training approved or organised by or on behalf of the Council.

c) **Lead Officer**

The Monitoring Officer

PLANNING COMMITTEE

1. To advise the Cabinet on the proposed implementation of the Development Plans and other planning policies.

Within the planning policies laid down by the Council to deal with the following matters:-

2. To carry out all duties relating to the making of determinations of planning applications.
 - 2.1 To exercise powers relating to the protection of important hedgerows and matters relating to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. To consider and determine planning applications including applications for:-
 - (i) Permission to develop land or premises
 - (ii) Consent to display advertisements
 - (iii) Listed building consent
 - (iv) Conservation area consent
 - (v) Approval of reserved matters
4. To determine planning applications to develop land without compliance with conditions previously attached.
5. To determine applications for planning permission for development already carried out.
6. To consider and determine notifications about agricultural and telecommunications development.
7. To decline to determine applications for planning permission.
8. To authorise the making of Tree Preservation Orders and deal with applications for consent to carry out works to protected trees.
9. To make determinations, give approvals and agree other matters relating to the

exercise of permitted development rights.

10. To exercise the powers available to the Council (including the service of any planning contravention notice, breach of condition notice, stop notice or enforcement notice, the authorisation of any legal proceedings, including the seeking of injunctions to restrain a breach of planning control, the carrying out of works in default, or otherwise) in relation to any of the following matters:-
 - (i) breaches of planning control;
 - (ii) unauthorised works to listed buildings or buildings within conservation areas;
 - (iii) advertisement controls;
 - (iv) contraventions of Tree Preservation Orders or unauthorised works to trees in conservation areas;
 - (v) remedying land in an untidy condition;

11. To authorise legal proceedings in respect of offences arising in connection with any of the following matters:-
 - (i) Requisitions for Information
 - (ii) Certificates of Ownership in relation to Planning applications
 - (iii) Planning Contravention Notices

12. To determine and act upon all matters relating to:-
 - (i) Completion Notices;
 - (ii) Revocations or Modifications;
 - (iii) Certificates of appropriate alternative development;
 - (iv) Building Preservation Notices;
 - (v) Appeals
 - (vi) Areas of special control

13. To authorise the stopping-up or diversion of footpaths and bridleways in order to facilitate development pursuant to powers contained in the Town and Country Planning Act 1990.

14. To give authority to negotiate, accept, and to enter into any agreements in relation to the provision of undertakings pursuant to Section 106 of the Town and Country Planning Act 1990.

15. The passing of an operative resolution for deemed planning permission for development by the Council or development on Council land.
16. To designate conservation areas or to amend the boundaries of existing conservation areas.
17. To make directions under Article 4 of the Town and Country Planning General Development Order and to authorise their submission to the Secretary of State for the Environment for confirmation.
18. To exercise powers relating to contaminated land.
19. To determine applications for hazardous substances consent and related powers.
20. To exercise powers relating to the control of pollution of land.
21. To exercise powers relating to the protection of important hedgerows.
22. To exercise powers to assert and protect public rights of way.
23. To issue certificates of existing or proposed lawful use or development.
24. To serve a repair notice under the Planning (Listed Buildings and Building in Conservation Areas) Act 1990 except for the purchase of a listed building which shall be the function of the Cabinet Committee.
25. To exercise any of the powers referred to: Part A and I of Schedule 1 to The Local Authority (Functions and Responsibilities) (England) Regulations 2000 insofar as the same and not included in the above list or reserved for determination by the Council elsewhere in this Constitution and without prejudice to the exercise of such powers by officers under their delegated powers.

26. **Other Matters**

a) **The Council**

The Planning Committee reports to the Council. The Planning Committee reports to the Cabinet on planning policy matters.

b) **Sub-Committees/Working/Consultation Groups appointed to The Planning Committee**

None.

c) **Appointment of Substitute Members**

Substitute Members cannot be appointed to the Planning Committee.

d) **Training**

A member appointed to the Planning Committee may not speak and/or vote at a meeting of the Committee in relation to any planning matter until he/she has undertaken training on an annual basis approved or organised by or on behalf of the Council.

e) **Lead Officer**

Head of Regeneration

LICENSING COMMITTEE

- 1 To secure the efficient discharge by the Council and its Licensing Panels of its licensing responsibilities under the Licensing Act 2003 and the Gambling Act 2005 and in connection with applications for the following licences, permits and registrations (including the setting of any fees or charges payable in connection with such matters) to the extent that these matters have not been delegated to a Licensing Panel or officer

Acupuncture, Ear Piercing, Electrolysis & Tattooing

Animal Boarding Establishments

Caravan Sites

Dangerous Wild

Animals Dog Breeders

Game Dealers

Game Keepers

Game to Kill

Greyhound Racetracks

Hackney Carriage Drivers and Vehicles

House to House Collections

Houses in Multiple Occupation

Hypnotism

Licences and permits under the Gambling Act 2005

Licences, permits and certificates under the Licensing Act 2003

Loudspeakers in Streets

Massage or Special Treatments

Motor Salvage

Operators Pet Shops

Pleasure Boats

Pool and Track Betting

Private Hire Drivers and Operators and Vehicles

Riding Establishments

Scrap Metal Dealers

Sex Establishments

Street Collections

Street Trading Consents and Licences

Zoos

2. To consult appropriate persons and bodies in connection with any licensing matter falling within its Terms of Reference and, where in the context of any application, any objections or representations to the licence, permit or registration have been received from any person or body so consulted, to determine the application concerned.
3. To consider and authorise relevant steps for the revocation or suspension of any licence, permit or registration falling within its Terms of Reference, taking into account any recommendation from any other body of the Council.
4. To consider and authorise use of the Council's public health powers including those contained in the Environment Protection Act 1990, Noise and Statutory Nuisance Act 1993.
5. To carry out the functions under any of the relevant statutory provisions within the meaning of Part 1 (Health and Safety and Welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer.
6. To carry out all Council functions under the Food Safety (General Food Hygiene) Regulations 1995
7. To exercise any of the powers referred to in Parts B & C of Schedule 1 to The Local Authority (Functions and Responsibilities) (England) Regulations 2000 insofar as the same are not included in the above list or reserved for determination by the Council and without prejudice to the exercise of such powers by Officers under the delegated powers.

Other Matters

a) The Council and the Cabinet

The Licensing Committee reports to the Council. The Licensing Committee reports to the Council on licensing policy matters.

b) Sub-Committees/Working/Consultation Groups appointed by and reporting to Licensing Committee

Licensing Panels

A Licensing Panel shall be authorised to determine the following matters under the Licensing Act 2003, the Gambling Act 2005 and the Scrap Metal Dealers Act 2013 but the right shall be reserved for the Licensing Committee to deal with these matters where considered appropriate.

Licensing Act 2003:

1. Application for a personal licence where there is a police objection
2. Application for a personal licence where the applicant has unspent convictions
3. Application for a premises licence/club premises certificate if a relevant representation is made
4. Application for a provisional statement if a relevant representation is made
5. Application to vary premises licence/club premises certificate if there is a police objection
6. Application for the transfer of a premises licence if there is a police objection
7. Application for interim authority if there is a police objection
8. Application to review premises licence/club premises certificate
9. Whether to object when the Council is a consultee
10. Determination of a police representation to a temporary event notice

Gambling Act 2005

1. Applications
 - For a premises licence (including applications for reinstatement under Section 195)
 - To vary premises licences
 - For a provisional statement
 - For transfer of premises licence

In all the above cases

- Where a representation has been made and not withdrawn
- Where the Licensing Authority considers that a condition should be added or a default condition excluded

2. Review of a Premises Licence
3. Consideration of Temporary Use Notices where an objection notice has been received or in all cases where a counter notice may be required.
4. Application for a Club Gaming Permit or Club Machine Permit (including renewals and variations) where an objection has been made and not withdrawn or where refusal of a permit is proposed on grounds listed in Schedule 12 to the Act.
5. Application for
 - Family Entertainment Centre Gaming Machine Permits
 - Licensed Premises Gaming Permits
 - Prize Gaming Permits and renewals
6. Where a notice of intended refusal has been served
 - Cancellation under Schedule 13 and variation of Licensed Premises Gaming Machine permits where a permit holder requests a hearing under Schedule 13
 - Application for the removal of automatic entitlement to 2 gaming machines and/or exemption for certain gaming premises licensed to sell alcohol under section 284

Scrap Metal Dealers Act 2013

A Licensing Panel shall be authorised to determine applications for site licences and collector's licences where, due to any representation received or otherwise, there is a question as to the suitability of the applicant to hold a licence.

A Licensing Panel shall be authorised to take the following steps on behalf of the Licensing Committee; the power to revoke or impose conditions of a licence.

The power to refuse an application, or revoke or vary a licence.

The power to consider any representations made by an applicant or existing licence holder, including hearing any oral representations.

The power issue notices setting out the decision and reasons in respect of the refusal of an application or the revocation or variation of a licence.

Other Matters

a) **The Council and the Cabinet**

The Licensing Committee reports to the Council. The Licensing Committee reports to the Council.

b) **Sub-Committees/Working/Consultation Groups appointed by and reporting to Licensing Committee**

- Licensing Panels
- Bassetlaw Taxi & Private Hire Consultation Group.

c) **Appointment of Substitute Members**

Substitute members cannot be appointed to the Licensing Committee.

d) **Training**

A member appointed to the Licensing Committee may not speak and/or vote at a meeting of the Committee in relation to any licensing matter until he/she has undertaken training on an annual basis approved or organised by or on behalf of the Council.

e) **Lead Officer**

Principal Solicitor Licensing & Regulatory

APPOINTMENTS PANEL

1. Within relevant legislation, Council policies and agreed appointment procedures to make appointments to posts of Directors and Heads of Service within the Council's agreed officer structure.
2. Within relevant legislation, Council policies and agreed appointment procedures to recommend to Council the appointment for the position of Chief Executive .

Other Matters

a) **The Council**

The Appointments Panel reports to the Council.

b) **Appointment of Substitute Members**

Any Member of Council can act as a substitute Member on the Appointments Panel.

c) **Training**

A member appointed to the Appointments Panel may not speak and/or vote at a meeting of the Panel in relation to an appointment until he/she has undertaken annual training approved or organised by or on behalf of the Council. This requirement also applies to substitutes.

d) **Lead Officer**

Chief Executive

CHIEF OFFICERS' INVESTIGATING COMMITTEE

1. To determine matters of discipline referred to it under the JNC Scheme of Conditions of Service for Chief Officers.
2. To conduct a hearing into the matter so referred following an agreed procedure.
3. To determine on behalf of the Council to either exonerate the employee or, if they find misconduct to determine the form of disciplinary action that may be appropriate.

Other Matters

a) **The Council**

The Chief Officers Investigating Committee reports directly to the Council.

b) **Appointment of Substitutes**

Any Member of Council can be appointed as a substitute Member other than a Member of the Council's Appeals Committee.

c) **Training**

A member appointed to the Chief Officers Investigating Committee may not speak and/or vote at a meeting of the Committee until he/she has undertaken annual training approved or organised by or on behalf of the Council. This requirement also applies to substitutes.

Lead Officer

As appropriate.

APPEALS COMMITTEE

1. To hear and determine Appeals in accordance with the Council's (HR) employment procedures in respect of grievances, discipline (including dismissal) and grading.
2. To hear and determine other appeals where the right of appeal to an Employment Tribunal exists.

Other Matters

a) Remit of Appeals Committee

In deciding appeals the Appeals Committee has an absolute discretion to allow or turn down any appeal in whole or part and in so doing it may attach recommendations or draw attention to matters arising out of the appeals process or proceedings which it considers appropriate for consideration by the appropriate person or body competent to act on behalf of the Council.

For the avoidance of doubt the Appeals Committee shall wherever and whenever possible and practicable deal with appeals by way of a new hearing of the matter before it and in so doing shall be competent to consider evidence which may not have been presented or available to the body or person which or who made the decision which is the subject of the appeal proceedings.

b) The Council and the Cabinet

The Appeals Committee reports to Council and in addition it may make recommendations etc in accordance with its remit to Cabinet or other person or body which it considers competent to act on behalf of the Council.

c) Appointment of Substitute Members

Any member of Council can act as substitute Member to the Appeals Committee except a Member involved in making the decision which is the subject of the appeal.

d) **Training**

Any member appointed to the Appeals Committee cannot speak and/or vote at a meeting of the Committee in relation to an appeal until he/she has undertaken annual training approved or agreed by or on behalf of the Council.

e) **Lead Officer**

Council Solicitor

**SUMMARY OF SUB-COMMITTEES/ WORKING GROUPS/
CONSULTATION GROUPS**

<u>Body</u>	<u>Reports to</u>	<u>*Appropriate Cabinet Member</u>
Introductory Tenancies Appeal Board	Cabinet	Housing
Joint Employee Council	Cabinet	Deputy Leader
Planning Consultation Group	-	Planning

INTRODUCTORY TENANCIES APPEAL BOARD

1. To consider and determine appeals against the Council's decision to seek an Order for Possession of a dwelling-house let under an Introductory Tenancy.
2. To consider and determine any appeal against a Council decision relating to its Housing function in accordance with any relevant policy, procedure or protocol.

Parent Body

The Introductory Tenancies Appeal Board reports to Cabinet.

Appointment of Substitute Members

Any member of Council may act as a substitute Member to this Appeal Committee unless they were involved in making the decision which forms the subject of the appeal.

Lead Officer

Council Solicitor.

JOINT EMPLOYEE COUNCIL

Objective

1. The objective of the Bassetlaw District Council Joint Employee Council (hereinafter called the Joint Employee Council) is to provide a regular method of consultation between representatives of the Council and representatives of the Council's employees, with the objective of providing an efficient service to the public and to maintain good relations.

Membership

2. The Joint Employee Council shall consist of representatives of the Council and the Trade Union, who will be appointed annually and shall be eligible for re-appointment.

The membership shall comprise:-

The Employees Side:

4 Unison, 1 GMB (5 Trade Union Representatives in total).

The Employers' Side

Five elected Members (to include "ex-officio" Members) drawn from Bassetlaw District Council, appointed annually subject to such representatives' eligibility in conformity with the requirements of the Local Government Act 1988.

Two Officers (to include those with "ex-officio" status), one of whom shall be the HR Services Manager.

3. In the event that a representative from any side is unable to attend a meeting of the JEC, that representative may nominate a substitute to attend on his or her behalf, provided that the substitute is drawn from the same area of representation as the member unable to attend.
4. If a member of the Joint Employee Council ceases to be a Member or an employee of Bassetlaw District Council, such person thereupon ceases to be a member of the JEC. Any consequential vacancy shall be filled by the Council or the employees, as appropriate.

Roles

5. A Chair and Vice-Chair shall be appointed at the first meeting of the JEC in any District Council year. If the Chair so appointed is a member of the Employer's Side then the Vice-Chair shall be appointed from the Employees' Side, and vice versa.

In the absence of both the Chair and Vice-Chair from any meeting, the Council shall appoint a Chair for the meeting.

6. Both sides shall appoint a Secretary and the Secretary to the Employers' side shall be the Head of Human Resources and organisational Development, who shall also act as Lead Officer and Secretary to the JEC.

Functions

8. The business of the JEC shall be restricted to consultation on matters that are significant or sensitive authority-wide issues related to the ongoing maintenance and improvement of good employee relations, As such, it is not a decision-making body. The authority to make decisions is set out in the Constitution which sets out specifically to whom decisions are delegated.

Consultation is a process by which the Council and staff, through their representatives, jointly examine and discuss issues involving the genuine exchange of views and information. The object of consultation is for the Council to make the best decision, having had the benefit of hearing the views of the Employees' Side and the Employers' Side.

9. No question of individual discipline, grievance, promotion or relegation shall be within the scope of the JEC.
10. Negotiation of contractual matters shall not be within the scope of the JEC, although consultation may take place on such matters.

The existence of the JEC does not interfere with the trade unions' arrangements for separately representing their members, nor does it prevent the employer consulting separately in relating to either corporate or local matters, where it is deemed to be appropriate.

Meetings

11. The JEC shall meet as and when required but not less than quarterly, providing there is sufficient business to justify the calling of a meeting. The quarterly meeting dates shall be fixed by the JEC at its first meeting in the municipal year. The Chair shall have the power to cancel a meeting in the event that there is insufficient business to justify continuing with the meeting.
12. The Chair and Vice-Chair may, by agreement with each other, call a meeting at any time.
13. Matters initiated by the Employee Representatives for inclusion on the Agenda of the next meeting shall be submitted in writing to the Secretary to the JEC at least ten working days before the anticipated date of the meeting.

If a matter of urgency arises during the ten working days before the agreed date of the meeting, either side of the JERC, through their Secretary, after consultation with the Chair and Vice-Chair of the Committee, may have the matter placed before the Committee.

The notice summoning the meeting shall be forwarded to members of the JEC at least five working days prior to the meeting.

Procedure

14. One Employees' representative, one Employers' representative (Member) and one Employers' representative (Officer) shall constitute a quorum.
15. Agreement to a recommendation shall be determined by the casting of two votes, one from The Employees' side and one from the Employers' side. The result of each side's vote shall be determined by the agreement of a majority of the members on that side.
16. Either side may, through the Chair and Vice-Chair, request the attendance at meetings of the JEC or such other persons as may be required to act in an advisory and/or consultative capacity. Such persons shall not take part in the voting process. Advisors may speak on items by agreement of the Council.
17. A report of the proceedings of any meeting of the JEC (which shall form the Minutes of the meeting) shall be submitted to the Cabinet Committee, but before submission the

report shall be agreed by the Chair and Vice-Chair. This report will also be circulated to all Members of the JEC. Any resolutions in such a report shall be subject to the approval of the Council.

18. A Book of Minutes of the Council shall be kept by the Secretary to the JEC and shall be signed at each meeting by the Chair and Vice-Chair.
19. Following Consultation with members of the JEC, the head of Human Resources and Organisational Development shall refer the matter for determination to the Cabinet or other body/person to whom authority has been delegated, in accordance with the Constitution. In doing so, her or she shall set out the views of the JEC, including whether agreement has been reached. In the event of a failure to reach agreement, the Head of Human Resources and Organisational Development shall articulate to the decision-making person/body the differing views of the JEC, in consultation with the Chair and Vice-Chair of the JEC.

Lead Officer

Head of Human Resources

PLANNING CONSULTATION GROUP

The Planning Consultation Group is an advisory body comprising the Chairman, Vice-Chairman and the main Opposition Spokesman on the Planning Committee (each of whom when not available can be substituted by any other member of the Planning Committee) plus one other member of the Planning Committee selected in rota.

The function of the Group is to enable the Head of Regeneration to seek member level advice on whether to use any of his delegated powers particularly (but not exclusively) where:

- a) an application is significantly not in accordance with the provisions of Government guidance or an approved or draft development plan; or
- b) there are extant objections or unresolved High Hedges complaints; or
- c) enforcement matters where
 - i) a breach of planning control is not a breach of condition of an existing planning permission; or
 - ii) no further action is proposed regarding a breach reported by a member of the public; or
 - iii) a related planning application to regularise a breach is to be referred to the Planning Committee; or
 - iv) in the case of unauthorised advertisements or signs a related application for consent is to be referred to the Planning Committee.

Lead Officer

Head of Regeneration.

COUNCIL'S HEALTH & SAFETY COMMITTEE

Objective

1. The objective of the Bassetlaw District Council's Safety Committee is to provide a means for joint consultation between representatives of the District Council and representatives of its employees to consider matters relating to Health, Safety and Welfare at Work, and generally further the maintenance of good relations.

Representation

2. The Council's Safety Committee shall consist of:-
 - (a) Eight Elected Members (to include "ex-officio" Members) drawn from the Council appointed annually to constitute the Employer's Side subject to such representatives' eligibility in confirmation with the requirements of the Local Government Act 1988.
 - (b) Eight representatives (to include those with "ex-officio" status) of the Employees of Bassetlaw District Council to be nominated by the Joint Trade Unions and appointed annually.

Membership

3. Members of the Council's Safety Committee shall be appointed annually and shall be eligible for re-appointment.
4. If a member of the Council's Safety Committee ceases to be a Member of the District Council or an employee employed by the District Council, such person thereupon ceases to be a member of the Council's Safety Committee. Any consequential vacancy shall be filled by the District Council or the employees, as appropriate.
5. In the event of any member of either side being unable to attend any meeting of the Council's Safety Committee, another representative may be appointed to attend in his place, provided that the substitute is drawn from the same area of representation as the member unable to attend.

Appointment of Substitute Members

6. Any Member of Council may act as a substitute Member.

Chairman and Vice-Chairman

7. A Chairman and Vice Chairman shall be appointed at the first meeting of the Council's Safety Committee in any District Council year. If the Chairman so appointed is a member of the Employer's Side then the Vice-Chairman shall be appointed from the Employees Side, and vice versa.

Functions

8. The functions of the Council's Safety Committee shall be:
- (a) To establish regular methods of negotiation between the District Council and its employees in order to promote a reasonable Health, Safety and Welfare environment.
 - (b) To consider any relevant matters referred to it by the Cabinet or by any of the employee organisations, in respect of Health, Safety and Welfare.
 - (c) To make recommendations to the Cabinet.
 - (d) To ensure that the employees may be given a wider interest in, and greater responsibility for, the conditions under which their work is performed.
 - (e) To consider relevant matters relating to Health and Safety, namely:-
 - Health and Safety Inspections
 - Annual Safety Report
 - Accidents/Incidents
 - Safety Audits
 - Safety Training
 - Policy Development/Review
 - Health and Safety Developments
 - (f) To make suggestions for promoting the efficiency and success of the Council's Services as affected by Safety and Welfare and to secure to co- operation of all concerned to those ends.

- (g) To discharge such other functions as may be specially referred to it by the District Council.

Meetings

9. The Council's Safety Committee shall meet as and when required but not less than quarterly. The Chairman and Vice-Chairman may call a meeting at any time. The quarterly meeting dates shall be fixed by the Council's Safety Committee at its first meeting in the municipal year.
10. A special meeting shall be called within ten working days of the receipt by the Secretary to the Council's Safety Committee of the a requisition signed by not less than one-third of the members of either side.
11. The matters to be discussed at any meeting of the Council's Safety Committee shall be stated upon the notice summoning the meeting.
12. Matters initiated by the Employer Representatives for inclusion on the Agenda of the next meeting shall be submitted in writing to the Secretary to the Council's Safety Committee at least ten working days before the anticipated date of the meeting.
13. If a matter of urgency arises during the ten working days before the agreed date of the meeting, either side of the Council's Safety Committee, through their Secretary, after consultation with the Chairman and Vice-Chairman of the Committee, may have the matter placed before the Committee.
14. The notice summoning the meeting shall be forwarded to Members of the Council's Safety Committee at least five working days prior to the meeting.

Procedure

15. The quorum of the Council's Safety Committee shall be three representatives comprising membership from both sides.
16. No resolution shall be regarded as carried unless it is approved by a majority of the members present on each side. In the event of the Council's Safety Committee being unable to arrive at an agreement or the Cabinet or the Employee Representatives disagreeing with a recommendation of the Committee, the matter shall be adjourned for reconsideration at the next meeting and then, if necessary, be referred to the Regional Joint Council in accordance with the Constitution of that body.

17. The Chairman shall have a vote, but not a casting vote.
18. In the absence of both the Chairman and Vice-Chairman from any meeting, the Committee shall appoint a Chairman for the meeting.
19. Both sides shall appoint a Secretary and the Secretary to the Employer's Side shall be the Head of Human Resources who shall also act as Secretary to the Council's Safety Committee.
20. Either side may require the attendance at meetings of the Council's Safety Committee of such other persons as may be required to act in an advisory and/or consultative capacity. Such persons shall not vote on any question, but shall receive Notices, Agendas and Minutes upon request. Advisors may speak on items by agreement of the Committee.
21. A report of the proceedings of any meeting (which shall form the Minutes of the meeting) of the Council's Safety Committee shall be submitted to the Cabinet Committee but before submission the report shall be agreed by the Chairman and Vice-Chairman. This report will also be circulated to all members of this Committee. Any resolutions in such a report shall be subject to approval of the Cabinet.
22. A Book of Minutes of the Committee shall be kept by the Secretary to the Council's Safety Committee and shall be signed at each meeting by the Chairman and Vice-Chairman.
23. Any question coming before the Council's Safety Committee may be referred to the East Midlands Regional L.G.A. for consideration and advice. The E.M.R.L.G.A. shall be informed if any recommendation of the Council's Safety Committee appears to be of more than local interest, always provided that any such recommendation shall be approved by the District Council's Cabinet Committee prior to its submission to the Regional Joint Council.

Parent Body

The Safety Committee reports to the Cabinet.

Lead Officer

Director of Regeneration and Neighbourhood Services