

PART 3 OF THE CONSTITUTION

The Functions Scheme

Contents

1. Introduction
2. Council Functions
3. Local Choice Functions
4. Executive Functions
5. Bodies Exercising Council Functions
6. Advisory Committees and Working Parties
7. Delegation of Council and Executive Functions to Officers
8. Proper Officer Provisions

1. Introduction

The Functions Scheme is a document which sets out in detail which part of the Council and/or which people are responsible for particular activities. It sets out what decisions must be taken by the *Council Meeting*, what decisions can be taken by the *Cabinet* and what decisions can be taken by committees. It also shows what decisions can be taken by *Officers* on behalf of the Council.

By law, there are three areas of responsibility:-

- things which are the responsibility of the *Council Meeting*, most of which it delegates to committees or *Officers*. These are called *Council Functions*
- things which are the responsibility of the *Cabinet*. These are called *Executive Functions*. Many other *Executive Functions* are delegated to *Officers*.
- things which the Council can choose to make the responsibility of the *Council Meeting* or the *Cabinet*. These are called *Local Choice Functions*. In this Council all *Local Choice Functions* are the responsibility of the *Council Meeting*, though some are delegated to committees or *Officers*.

This introduction section explains about *Council Functions*, *Local Choice Functions* and *Executive Functions* and where they are set out in the Scheme.

1.1 Functions Scheme

- (a) The *Functions Scheme* sets out who and what can carry out particular Council functions. There are three types of functions:
 - (i) *Council Functions*;
 - (ii) *Local Choice Functions*; and
 - (iii) *Executive Functions*
- (b) These functions are described in more detail in the Scheme as well as details of delegations to committees and *Officers*, and the list of proper officer designations.
- (c) References in the Scheme to the *Functions Regulations* are to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

1.2 Council Functions

- (a) *Council Functions* are functions that cannot be carried out by the *Cabinet*.
- (b) Some *Council Functions* can only be carried out by the *Council Meeting*. Others are delegated by the *Council Meeting* to a committee or to an *Officer*.

- (c) Section 2 of this Scheme lists *Council Functions* and those which can only be carried out by the *Council Meeting*.
- (d) Section 5 of this Scheme shows *Council Functions* delegated to specific committees.
- (e) Section 7 of this Scheme shows delegations to the *Chief Executive* and other *Officers*.

1.3 Local Choice Functions

- (a) The Council can decide who carries out *Local Choice Functions*.
- (b) Section 3 of this Scheme shows which *Local Choice Functions* the Council has decided will be the responsibility of the *Council Meeting* or a committee and which will be the responsibility of the *Cabinet*.

1.4 Executive Functions

All other functions are *Executive Functions*. Decisions about these functions may be taken by the *Leader of the Council*, the *Cabinet*, individual *Cabinet* members, *Cabinet* committees, joint arrangements with other authorities and officers. Details of the delegation of *Executive Functions* are set out in Section 5 of the *Functions Scheme*.

2. Council Functions

This section sets out what the *Council Functions* are and who can carry these functions out.

2.1 General

Council Functions are local authority functions which by law cannot be carried out by the *Cabinet*.

2.2 Allocation of functions

The Council has decided that the functions in Column 1 will be carried out by the body or officer in Column 2.

Column 1	Column 2
What is the function	Who can carry the function out
Adopting and changing the Constitution	<i>Council Meeting</i> only
Approving or adopting the <i>Policy Framework</i> , the <i>Budget</i> .	<i>Council Meeting</i> only
Any application to the Secretary of State in respect of any <i>Housing Land Transfer</i>	<i>Council Meeting</i> only
Subject to the <i>Urgency Procedure</i> in the <i>Access to Information Rules</i> , making a decision contrary to the <i>Policy Framework</i> or the <i>Budget</i> , or part of it	<i>Council Meeting</i> only
Appointment of Chair and Vice Chair of the Council	<i>Council Meeting</i> only
Appointing the <i>Leader of the Council</i>	<i>Council Meeting</i> only
Appointment of Independent Persons under the Localism Act	<i>Council Meeting</i> only
Setting the Terms of Reference of committees, deciding on their composition and making appointments to them	<i>Council Meeting</i>

<p style="text-align: center;">Column 1</p> <p>What is the function</p>	<p style="text-align: center;">Column 2</p> <p>Who can carry the function out</p>
<p>Appointing representatives to outside bodies</p>	<p><i>Council Meeting</i> unless the appointment is an <i>Executive Function</i> or has been delegated by the Council</p>
<p>Adopting and changing the Petitions Scheme</p>	<p><i>Council Meeting</i> only</p>
<p>Agreeing the <i>Members Allowance Scheme</i></p>	<p><i>Council Meeting</i> only</p>
<p>Changing the name of the area</p>	<p><i>Council Meeting</i> only</p>
<p>Giving someone the title of honorary alderman</p>	<p><i>Council Meeting</i> only</p>
<p>Planning and development control functions including enforcement for which the Council is responsible in Schedule 1 of the <i>Functions Regulations</i></p>	<p>Planning Committee/ Head of Service – Planning Planning Manager – Development Management</p>
<p>Hedgerow and tree preservation functions for which the Council is responsible in Schedule 1 of the <i>Functions Regulations</i></p>	<p>Planning Committee/ Head of Service – Planning Planning Manager – Development Management</p>
<p>Rights of Way functions for which the Council is responsible in Schedule 1 of the <i>Functions Regulations</i></p>	<p>Planning Committee/ Head of Service - Planning</p>
<p>Licensing and registration functions for which the Council is responsible in Schedule 1 of the <i>Functions Regulations</i></p>	<p>Licensing Committee/ Head of Service – Housing and Community Safety</p>
<p>Health and Safety at Work functions (other than those relating to the Council itself as an employer) for which the Council is responsible in Schedule 1 of the <i>Functions Regulations</i></p>	<p>Chief Executive / Head of Service – Corporate Governance</p>
<p>Elections functions in Schedule 1 of the <i>Functions Regulations</i></p>	<p><i>Council Meeting/Chief Executive</i></p>

<p style="text-align: center;">Column 1</p> <p>What is the function</p>	<p style="text-align: center;">Column 2</p> <p>Who can carry the function out</p>
Review of Polling Districts, Polling Places and Polling Stations	<i>Council Meeting</i> only
Functions relating to Community Governance Reviews	<i>Council Meeting</i> only
Functions relating to the name and status of areas and individuals in Schedule 1 of the <i>Functions Regulations</i>	<i>Council Meeting</i> only
Byelaw functions in Regulation 2 and Schedule 1 of the <i>Functions Regulations</i>	<i>Council Meeting</i> only
Power to promote or oppose local or personal bills set out in Regulation 2 and Schedule 1 of the Regulations	<i>Council Meeting</i> only
Calculations relating to and setting of Council Tax	Council Meeting only
Setting of Council House rent levels	Council Meeting only
Power to appoint staff on or above Assistant Director level, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	<i>Council Meeting / Joint Employment Committee</i>
Duty to make arrangements for the proper administration of financial affairs	<i>Council Meeting</i> and <i>Chief Finance Officer</i>
Power to appoint <i>Officers</i> for particular purposes (otherwise called the appointment of proper officers)	<i>Council Meeting</i> and / or <i>Monitoring Officer</i>
Duty to designate an <i>Officer</i> as the <i>Head of Paid Service</i>	<i>Council Meeting</i> only
Duty to designate an <i>Officer</i> as the <i>Monitoring Officer</i> and to provide staff	<i>Council Meeting</i> only

<p style="text-align: center;">Column 1</p> <p>What is the function</p>	<p style="text-align: center;">Column 2</p> <p>Who can carry the function out</p>
<p>Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments</p>	<p><i>Council Meeting / Audit and Corporate Governance Scrutiny Committee</i></p>
<p>Power to make a closing order on a takeaway food shop</p>	<p>Head of Service – Housing and Community Safety</p>
<p>Adoption of Members' Code of Conduct</p>	<p>Council Meeting only</p>
<p>Authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings</p>	<p>Council Meeting / Monitoring Officer / Team Manager (Solicitor)</p>

3. Local choice functions

This section sets out what the *Local Choice Functions* are and who can carry these functions out.

3.1 General

Local Choice Functions are those which the Council can choose whether the *Council Meeting* or the *Cabinet* is responsible for.

3.2 Allocation of functions

The Council has decided that *Local Choice Functions* will be the responsibility of the bodies set out in Column 2. In turn, the decision making body may delegate to the person or body specified in Column 3.

1. Function	2. Decision Making Body	3. Delegation of Function
Functions under the <i>Derbyshire Act 1981</i> relating to licensing, registration and regulatory functions	<i>Council Meeting</i>	<i>Strategic Alliance Management Team</i>
Determination of an appeal against any decision of the Authority	<i>Council Meeting</i>	<i>Appeals Committee (set up on an ad-hoc basis as necessary)</i>
Any function relating to contaminated land	<i>Council Meeting</i>	Head of Service – Housing and Community Service
The discharge of any function relating to the control of pollution or the management of air quality	<i>Council Meeting</i>	Head of Service – Housing and Community Service
The service of an abatement notice for a statutory nuisance	<i>Council Meeting</i>	Head of Service – Housing and Community Service
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the District	<i>Council Meeting</i>	Not delegated further

1. Function	2. Decision Making Body	3. Delegation of Function
Inspections for statutory nuisance	<i>Council Meeting</i>	Head of Service – Housing and Community Service
Investigation of any complaint as to the existence of a statutory nuisance	<i>Council Meeting</i>	Head of Service – Housing and Community Service
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	<i>Council Meeting</i>	Head of Service - Planning Planning Manager – Development Management Team Manager (Solicitor)
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	<i>Council Meeting</i>	<i>Senior Managers</i>
Appointing or revoking the appointment of a person to any office or body other than the Council	<i>Council Meeting</i>	Chief Executive
Making agreements with other local authorities to let them use <i>officers</i>	<i>Council Meeting</i>	Chief Executive / Strategic Directors/ Heads of Service

4. **Executive functions**

This section sets out what the *Executive Functions* are and who can carry these functions out.

4.1 Discharge of Executive Functions

Executive Functions may be carried out by;-

- (a) the *Cabinet*
- (b) a member of the *Cabinet*
- (c) a committee of the *Cabinet*

- (d) an *Officer*
- (e) another authority
- (f) joint arrangements

4.2 Functions of the Cabinet

The *Cabinet* will:-

- (a) be responsible for strategic and policy co-ordination.
- (b) recommend major new policies (and amendments or revisions of existing policies) to the *Council Meeting* for approval as a part of the *Budget and Policy Framework*
- (c) prepare and agree other policies and strategies for implementation.
- (d) recommend to the *Council Meeting* the annual budget, including the Capital and Revenue Budgets and the level of Council Tax.
- (e) consider, at least annually, the level of reserves, provisions, and balances held by the Council and recommend any changes to the *Council Meeting*.
- (f) make sure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time, including recommending to the *Council Meeting* any changes to policy that will materially reduce or increase the services of the Council or create significant financial commitments in future years.
- (g) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the *Policy Framework* and *Budget*
- (h) carry out the Council's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder.
- (i) consider and respond to recommendations and reports from *Scrutiny Committees*.
- (j) monitor expenditure on the capital programme.
- (k) approve major service developments or reductions which are *Key Decisions*.
- (l) receive and consider reports from the Audit and Corporate Governance Scrutiny Committee relating to audit (including the Management Letter) and agree any appropriate action.
- (m) consider the reports of external review bodies on key aspects of overall service delivery.

- (n) make sure that the promotion of the rights, welfare and interests among all groups in society is given equal and primary consideration in all aspects of the Council's work and services.
- (o) carry out the Council's responsibilities for improving the economic, social and environmental well-being of the District and increasing the availability and equality of access to employment.
- (p) review and monitor the Council's strategy and overall implementation on electronic transformation, transformational government, telecommunications, information systems and information technology, making recommendations to the *Council Meeting* as required.
- (q) oversee the provision of all the Council's services other than those functions reserved to the *Council Meeting*.
- (r) secure the management and maintenance of the Council's housing stock.
- (s) manage and maintain the Council's non-housing property portfolio.
- (t) collect the Council Tax, National Non-Domestic Rates, periodic income and sundry debts.
- (u) provide, manage and keep under review the concessionary bus fares scheme.
- (v) carry out the Council's powers for emergency planning and responding to civil emergencies.
- (w) carry out the Council's functions as a local planning authority (except to the extent that those functions are by law the responsibility of the *Council Meeting*), including supplementary planning documents, and designating and altering conservation areas and adopting character statements for them.
- (x) oversee the Council's overall policy on the voluntary and community sector.
- (y) be able to approve the purchase, sale or appropriation of land and buildings where the market value of the transaction is over £50,000 and to approve the leasing (or otherwise) of property where for the length of the lease the annual rental will be over £50,000.
- (z) be able to authorise the making of compulsory purchase and control orders.
- (za) be able to write off debts.
- (zb) be able to write-off stocks, stores and other assets and to write off any losses of money or stores or to settle claims.
- (zc) be able to accept tenders where there is no, or not enough, budgetary provision.

- (zd) receive reports on contract overspends in accordance with limits set out in the *Finance Rules* and agree the action to be taken.
- (ze) be able to give grants or loans to parish/charitable, voluntary bodies or other bodies where permitted by law.
- (zf) promote and develop international exchanges and links with towns and cities in other countries.
- (zg) carry out the powers and duties of the Council under sections 13 and 14 of the Public Order Act 1986.
- (zh) be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs.
- (zi) confer with other local authorities, government departments, statutory bodies, voluntary bodies, Derbyshire Constabulary or other external agencies in order to discharge the responsibilities vested in the *Cabinet*.
- (zj) resolve disputes between *Cabinet* members about the exercise of their functions.
- (zk) carry out all functions under the Derbyshire Act 1981 and other local acts except those relating to licensing, registration or regulatory functions
- (zl) be able to make decisions where no other tier of government has responsibility or where a policy or strategy does not exist.
- (zm). decide all *Local Choice Functions* set out in section 3 of this Scheme which the *Council Meeting* decides should be undertaken by the *Cabinet*.
- (zn) determine the calendar of meetings annually and make any subsequent amendments throughout the relevant period subject to rule 4.1 of the Council Procedure Rules.
- (zo) decide applications for disposal of land under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 and sections 32 and 45 of the Housing Act 1985 for disposal of housing land other than under Right to Buy legislation.
- (zp) implementation of the Health and Safety at Work Act in respect of the Council as an employer and all its operations.
- (zq) appointment, terms of reference and membership of sub-committees to deal with matters within the Executive functions.
- (zr) approval of the level of any fee, charge, rent or other payment due to the Council provided it is within the Policy Framework.
- (zs) monitoring the implementation of the Council's equalities responsibilities.
- (zt) consideration of tenders in excess of £50,000.

- (zu) monitoring the level of homelessness and the Council's responsibilities under the Housing Act 1996.

4.3 Functions of individual members of the *Cabinet*

The *Leader of the Council* has notified the *Chief Executive* that the portfolios of individual *Cabinet* Members will be as set out in the *Cabinet Members Portfolio Scheme*.

4.4 Functions reserved to *Cabinet*

All the functions listed in this section are reserved to the *Cabinet* unless delegated to *Officers* in Section 7.

5. Bodies exercising Council functions

This section sets out how *Council Functions* have been delegated to committees (such as the *Planning Committee*) and *Officers*.

5.1 Sub-committees and Officer delegations

Every Committee appointed by the *Council Meeting* may appoint Sub-Committees for purposes and duration to be specified by the Committee. They may also make specific delegations to *Officers*.

5.2 The Council Meeting

The *Council Meeting* will exercise the functions allocated to it in Sections 2 and 3 of this Scheme.

5.3 Scrutiny Committees

(a) Within their themed areas, all *Scrutiny Committees* will:-

- (i) review decisions made by and the performance of the *Council Meeting*, the *Cabinet*, committees and *Officers* both in relation to individual decisions and over time (but not including *Regulatory Decisions*)
- (ii) review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) question members of the *Cabinet* and *Officers* about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions (but not including *Regulatory Decisions*)
- (iv) make recommendations to the *Council Meeting* and/or *Cabinet* arising from work undertaken by a *Scrutiny Committee*
- (v) review the performance of other public bodies in the area and invite reports from them by asking them to address the *Scrutiny Committee* about their activities and performance
- (vi) question and gather evidence from any person with their consent
- (vii) collaborate with other *Scrutiny Committees* and other bodies carrying out similar functions outside the Council
- (viii) report to the Council meeting annually on the scrutiny function and their work
- (ix) exercise functions relating to call in and Councillor Call for Action.

(b) Growth Scrutiny Committee

The committee will have responsibility for scrutiny functions relating to:-

- Local Enterprise Partnership and Combined Authorities
- Business/Economy
- Economic Development
- Regeneration
- Asset Management
- Planning
- Tourism
- Partnerships
- Strategic Housing – Housing Strategy

(c) Communities Scrutiny Committee

The committee will have responsibility for scrutiny functions relating to:-

- Statutory Crime and Disorder responsibility
- Community Safety
- Leisure
- Health and Well being
- Street Scene
- Environment Health (including Licensing)
- Inclusion
- Equality

- Housing Management
- Emergency planning
- Estates and property

(d) Organisation Scrutiny Committee

The committee will have responsibility for scrutiny functions relating to:-

- Services:
 - Audit
 - Communication and Consultation
 - Customer Services
 - Finance
 - Governance
 - Human Resources
 - ICT
 - Legal
 - Procurement
 - Revenue and Benefits
 - Scrutiny
 - Strategy and Performance
- Shared Services
- Commissioning /De Commissioning Services
- Self Regulation
- Transformation Programme
- Employees

(e) Audit and Corporate Governance Scrutiny Committee

The committee will:-

- (i) consider the Internal Audit annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- (ii) consider summaries of specific Internal Audit reports as requested
- (iii) consider reports dealing with the management and performance of the providers of Internal Audit Services
- (iv) consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
- (v) consider the External Auditor's Management Letter, relevant reports, and the report to those charged with governance
- (vi) consider specific reports as agreed with the External Auditor
- (vii) comment on the scope and depth of external audit work to ensure it gives value for money
- (viii) liaise with the Audit Commission over the appointment of the Council's external auditor
- (ix) commission work from Internal and External Audit as necessary
- (x) maintain an overview of the *Contract Rules*, and *Finance Rules*
- (xi) review any issue referred to it by the *Chief Executive*, a *Director*, the *Monitoring Officer*, the Chief Finance Officer or the *Council Meeting*, a committee or the *Cabinet*
- (xii) monitor the effective development and operation of risk management and corporate governance in the Council
- (xiii) monitor the Council's anti fraud and corruption strategy
- (xiv) oversee the production of the Council's Statement on Internal Control and recommend its adoption
- (xv) oversee the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice
- (xvi) oversee the Council's compliance with its own and other published standards and control
- (xvii) approve the Council's audited Annual Statement of Accounts

- (xviii) review the annual statement of accounts, specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the *Council Meeting*
- (xix) consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts

5.4 **Issues falling within the functions of two or more Scrutiny Committees**

Any Committee may consider matters that are important to the Health and Well Being of residents within North East Derbyshire.

Where a particular issue could fall within the functions of two or more Scrutiny Committees the Chairs of the relevant Scrutiny Committees, following consultation with the Overview and Scrutiny Manager, will agree which Scrutiny Committee will consider the matter.

5.5 **Joint scrutiny arrangements**

The Council is part of the Shared Services Joint Scrutiny Committee with Bolsover District and Chesterfield Borough Councils which scrutinises the joint working arrangements across the three Councils.

5.6 Planning Committee

Functions	Matters not delegated
<p>The determination of all submissions made under The Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) Order (or any associated or related legislation or regulations) for the consent of the Local Planning Authority is delegated to the Head of Service – Planning Health / Planning Manager – Development Management / Development Management Team Leader / Planning Policy Team Leader except where:</p>	<p>(a) In the opinion of the Head of Service -Planning / Planning Manager – Development Manager / Development Management Team Leader / Planning Policy Team Leader the application is likely to raise matters which should be referred to the Planning Committee.</p>
	<p>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development to which no objections have been received.</p>
	<p>(c) A Councillor has notified the Head of Service – Planning / Planning Manager – Development Management / Development Management Team Leader / Planning Policy Team Leader in writing or by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the Planning Committee and the notification is supported by one or more planning grounds.</p> <p>(d) A delegated decision is to be taken contrary to material representations received, details of the intended decision has been forwarded to the relevant ward councillors/Chair of Planning Committee and a ward councillor has advised the / Head of Service – Planning / Planning Manager</p>

Functions	Matters not delegated
	<p>/Development Management Team Leader / Planning Policy Team Leader within 48 hours of despatch that a delegated decision cannot be taken and given planning reasons as to why the application should be referred to the Planning Committee for determination.</p>
	<p>(e) The application is submitted by:</p> <ul style="list-style-type: none"> • a serving member or officer of the Council; • their respective co-habiting partners.

Functions	Matters not delegated
<p>Making Tree Preservation Orders (TPO's).</p>	<p>To consider any objections or other representations made in opposition to the proposed making of a TPO.</p>

5.7 Licensing Committee

Functions	Matters not delegated
<p>To consider all licensing matters.</p> <p>To recommend to Council to resolve whether to issue a casino licence.</p>	<p>To determine all licensing matters which are not otherwise delegated with the exception of:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;</p> <p>(ii) the power to resolve whether to issue a casino licence</p> <p>which are reserved to the <i>Council Meeting</i>.</p>

5.8 Licensing Sub-committee

The Licensing Sub-Committee, comprising three members drawn from Licensing Committee, as chosen by the Monitoring Officer, will consider any matters referred to it which relates to:

- (a) matters arising under the Licensing Act 2003 or the Gambling Act 2005, or the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009);
- (b) private hire and/or hackney carriage matters;
- (c) scrap metal sites and operators.

but not at the same meeting.

Functions	Matters not delegated
<p>To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003.</p>	<p>Application for a personal licence where there are relevant unspent convictions;</p> <p>The review of a premises licence or club premises certificate; other than minor variations</p> <p>Decision to object when the local authority is the consultee and not the relevant authority considering the application;</p>

Functions	Matters not delegated
	<p data-bbox="837 226 1342 331">Determination of a police or environmental health objection to a temporary event notice.</p> <p data-bbox="837 371 1374 477">Where a relevant representation has been made in respect of the following applications:</p> <ul style="list-style-type: none"> <li data-bbox="847 517 1114 555">- personal licence; <li data-bbox="837 595 1358 663">- premises licence or club premises certificate; <li data-bbox="837 703 1182 741">- provisional statement; <li data-bbox="837 781 1342 848">- variation to a premises licence or club premises certificate; <li data-bbox="837 889 1358 956">- variation to a designated personal licence holder; <li data-bbox="837 996 1302 1034">- transfer of a premises licence; <li data-bbox="837 1075 1110 1113">- interim authority.

Functions	Matters not delegated
<p>To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.</p>	<p>Application for a premises licence where representations have been received and not withdrawn.</p> <p>Application for variation to a licence where representations have been received and not withdrawn.</p> <p>Application for a transfer of a licence where representations have been received from the Gambling Commission.</p> <p>Application for a provisional statement where representations have been received and not withdrawn.</p> <p>Review of a premises licence.</p> <p>Application for a club gaming/club machine permits where objections have been received and not withdrawn.</p> <p>Cancellation of club gaming/club machine permits.</p>
<p>To consider all hackney carriage and private hire licensing issues which are referred to it.</p>	<p>To determine any matters referred to it in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.</p>
<p>To consider matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)</p>	<p>Application for sexual establishments (including sexual entertainment venues, sex shops and sex cinemas) where representations have been received and not withdrawn.</p>
<p>To consider matters concerning the discharge by the Council of its licensing function under the House to House Collections Act 1939 as amended</p>	<p>Applications for house-to-house collection where representations received from Police and not withdrawn or where officers have reasonable grounds for referral to Committee.</p>

Functions	Matters not delegated
To consider scrap metal site and operators licences	To make relevant decisions regarding approval and refusal of applications referred to them and/or any potential revocation of licences;

5.9 Strategic Alliance Joint Committee

Functions	Matters not delegated
<p>To develop a Strategic Transformation Programme for approval by the Councils.</p> <p>To monitor the implementation of the Strategic Transformation Programme.</p> <p>To develop an Action Plan for the implementation of the Strategic Transformation Programme for approval by the Councils.</p> <p>To make recommendations or reports in respect of the Strategic Alliance to either the Executives or full Council meetings of each Council where appropriate.</p> <p>To be the primary body for resolving any disputes that may arise over the interpretation of the Strategic Transformation Programme or over any joint arrangements within the Alliance.</p> <p>To deal with any matter in relation to the Alliance or joint working arrangements and to take such decisions under any power delegated to it by the Councils including decisions in respect of the appointment and terms and conditions of joint employees of the Councils.</p> <p>To appoint such sub-committees, working groups or panels as it considers appropriate to carry out these functions and to decide the terms of reference and membership</p>	

of such sub-committees, working groups or panels.	
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5.10 Joint Employment Committee

Functions	Matters not delegated
<p>To interview candidates to posts within the Strategic Alliance Management Team</p> <p>To appoint candidates to posts within the Strategic Alliance Management, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To recommend to the Councils' the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To deal with all matters of discipline and capability (performance and sickness) relating to Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions)</p> <p>In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment Committee make a recommendation to the Councils (following the conclusion of any appeal) which will be supported via a report from two of the Councils' Standards Committee Independent Persons</p>	<p>To determine any matter referred to it.</p>

5.11 Joint Appeals Committee

Functions	Matters not delegated
<p>To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions)</p> <p>To deal with appeals from the Chief Executive Officer and Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting the Statutory Officers, against dismissal</p> <p>To deal with appeals from the Chief Executive Officer and Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting the Statutory Officers, against disciplinary action taken against them</p> <p>To deal with appeals from Statutory Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary action taken against them by the Councils' Joint Employment Committee</p> <p>To deal with appeals against dismissal from Statutory Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary or capability proceedings conducted by the Councils' Joint Employment Committee</p>	<p>To determine any matter referred to it.</p>

5.12 Standards Committee

Functions	Matters not delegated
<p>Advising the Council on the adoption of or revision to the Members' Code of Conduct.</p> <p>Monitoring the operation of the Members' Code of Conduct.</p> <p>Granting dispensations to allow <i>Councillors</i> and co-opted members to take part in meetings where they have a disclosable pecuniary interest.</p> <p>Receiving regular reports from the Monitoring Officer on the number of complaints against members, how they are progressing, what decisions have been made and what action taken.</p> <p>Through the Hearings Sub-Committee, undertaking hearings into complaints which have been investigated and deciding on sanctions where a breach of the Members' Code of Conduct has been found.</p> <p>Overseeing the whistle blowing policy.</p> <p>Overseeing complaints handling and outcomes of Ombudsman investigations.</p> <p>Receiving annual reports on gifts and hospitality received by Council members and officers.</p> <p>Receiving annual reports on the Council's operation and use of the powers under the Regulation of Investigatory Powers Act 2000 and the making of appropriate recommendations as necessary.</p> <p>Undertaking an annual review of the</p>	<p>To determine any issues referred to the Committee (except for any matter reserved to the <i>Council Meeting</i>).</p>

Functions	Matters not delegated
<p>Council's Constitution, making recommendations to the Council meeting.</p> <p>Provide an annual written report to Council on the work of the Committee</p>	

6. Advisory bodies and working parties

6.1 Establishment of advisory bodies and working parties

The *Council Meeting*, the *Cabinet* and the *Scrutiny Committees* may from time to time establish working parties or advisory bodies which include in their membership *Councillors* and/or *Officers* and/or representatives from partner organisations or the local community.

6.2 Status of bodies

Working parties or advisory bodies established under 6.1 above will not be constituted as committees and are not authorised to make decisions on behalf of the Council.