

## **PART 2**

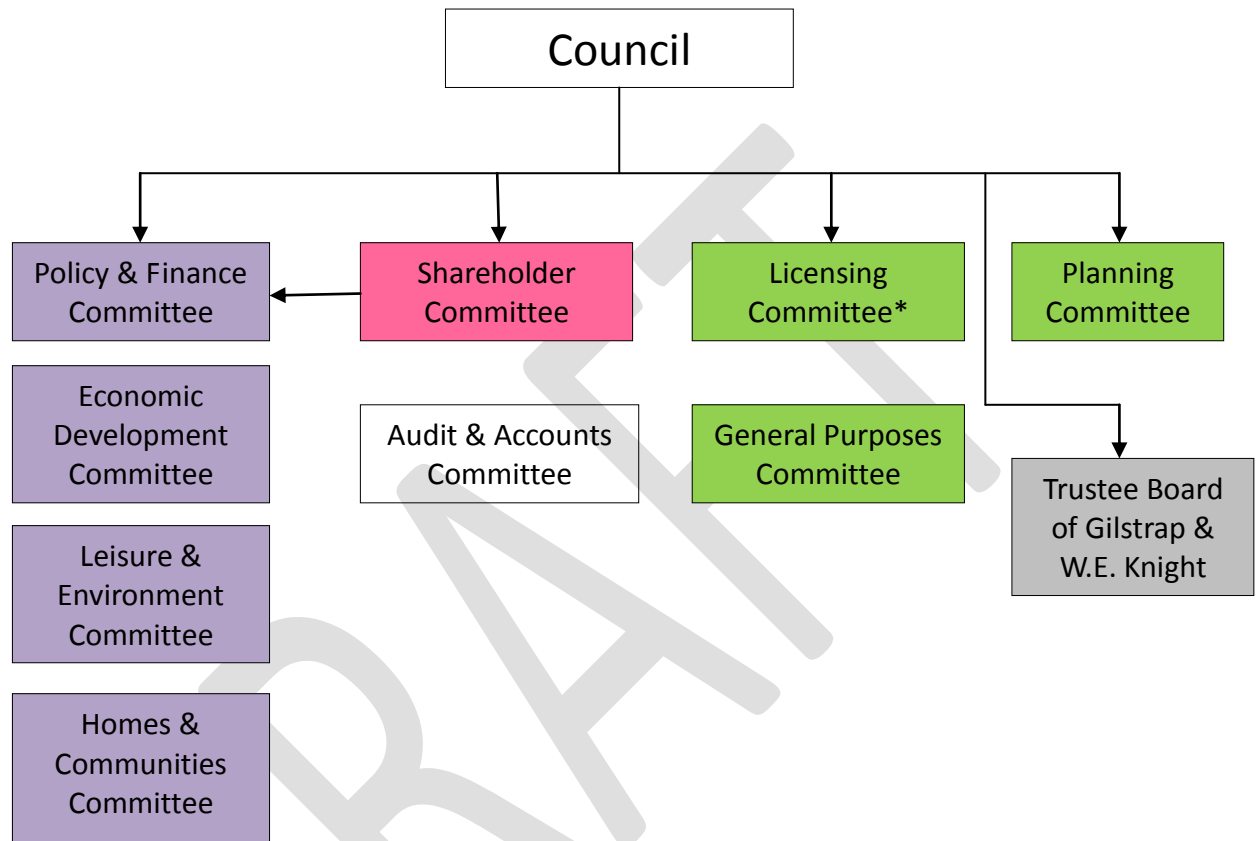
### **RESPONSIBILITY FOR FUNCTIONS**

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**Introduction**

This diagram shows the current approved Council Structure

## Committee Structure



\*Statutory Committee established under the Licensing Act 2003

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**RESPONSIBILITY FOR COUNCIL FUNCTIONS**

Some functions can only be carried out by the Council. Other functions can be carried out by the Council or may be discharged through Committees. In addition the Council may delegate decision making to Officers except where a function is expressly reserved to the Council for decision.

This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels and also contains the Scheme of Delegation to Officers.

Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council.

The Leader of the Council is a Member, ex-officio of the Economic Development Committee, the Leisure and Environment Committee and the Homes and Communities Committee and may attend to speak but will not carry voting rights unless expressly appointed to that Committee.

**COUNCIL**

1. All non delegable functions as defined by the Local Authorities (Committee System)(England) Regulations 2012 including: -
  - Making of a Members Allowance Scheme and amending the same.
  - Determination of Chairman and Vice Chairman's allowances.
  - Making a request for single member electoral wards to the Local Government Boundary Commission.
  - Resolution to change a scheme for elections.
  - Making an order giving effect to the recommendations made in a Community Governance Review.
  - Conferring voting rights on co-opted members of Overview and Scrutiny Committees (if any).
  - Making or revoking or amending the following policies, plans and strategies :-
    - Crime and Disorder Reduction Strategy.
    - Licensing Authority Policy Statement.
    - Local Development Framework - Development Plan Documents, Plans and alterations which together comprise the Development Plan.
    - Sustainable Community Strategy.
    - Policies made under the Gambling Act (including any resolution relating to casinos).
  - The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision including:-
    - Capital programme.
    - Capital investment strategy.
    - Medium term financial plan.
    - Treasury management strategy.

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- 2 Approval of the Council's corporate plan.
  - 3 Setting the Council's Budget and Council Tax
  - 4 Appointing the Chairman and Vice Chairman of the Council.
  - 5 Appointing the Leader of the Council.
  - 6 Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership.
  - 7 Confirming the appointment of the Head of Paid Service and confirming the dismissal of the Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151 Officer).
  - 8 Confirming the appointment of the Independent Persons.
  - 9 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
  - 10 Appointment of the Returning Officer and Electoral Registration Officer.
  - 11 Adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules and Financial Regulations.
  - 12 All matters which by law are reserved to the Council including: -
    - Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
    - Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
  - 13 Conferring the title of Honorary Freeman and Honorary Alderman.
  - 14 Approving the Annual Senior Officer Pay Policy Statement.
  - 15 Changing the name of the District.
  - 16 Significant changes to the Council's Constitution (other than variations to the scheme of Delegation which may be approved by committees within their remits and minor and consequential changes to the constitution which are delegated to the Monitoring Officer (see Scheme of Officer Delegation Post).
  - 17 Appointment of representatives to outside bodies.
  - 18 Consideration of reports from committees, sub-committees, or any other body constituted by the Council.
  - 19 To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
  - 20 Making compulsory purchase orders (other than under planning grounds).
  - 21 Making recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, ward or polling districts.
  - 22 Receiving the annual report of Newark and Sherwood Homes
  - 22 Receiving the annual report of Active4Today Limited
  - 23 To approve the following with respect to the Council's Development Company (Arkwood Developments Ltd):
    - the Company's Articles of Association;
    - the Governance Agreement between the Council and the Company;
    - the funding for the Company as part of the annual budget setting process; and
    - any additional in-year funding exceeding the approved budget.
  - 24 Any other function which must, by law, be reserved to the full Council.

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Note

For the avoidance of doubt, the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have also been delegated to a Committee or Officer.

However the Council shall not exercise a power that has been delegated without first ensuring that such a step is in the best interests of the Council. The Council's ability to exercise its powers will not override or supersede any decision or action already taken by a Committee or Officer acting under delegated authority.

**POLICY & FINANCE COMMITTEE**

- Key strategic decisions (other than those which must be determined by the Council) including all decisions which have a major impact on a number of Council services or on the Council as a whole and decisions which are deemed significant in terms of impact on the Council's revenue or capital (to be determined by The Head of Paid Service and/or Section 151 Officer in consultation with the Leader).
- All key strategic policies to be adopted by the Council (except those which are reserved to Council for approval) including:-
  - Annual Budget Strategy
  - Anti-Fraud Strategy.
  - Budget and Council Tax Policy
  - Business Continuity Plan.
  - Cleaner, Safer, Greener Strategy.
  - Commissioning Framework
  - Consultation and Communication Strategy.
  - Corporate Asset Utilisation and Disposal Strategy.
  - Corporate Capital Strategy and Asset Management Plan.
  - Emergency Plan.
  - Equalities and Diversity Policy.
  - Financial Strategy.
  - General Fund Balances and Reserves Policy
  - Health and Wellbeing Strategy.
  - Leisure and Culture Strategy.
  - Risk Management Strategy, Policy and Guidance.
  - Staffing Budget
  - Strategy relating to HRA Business Plan.
- Strategic Housing, including determining the future of, and managing the Council's relationship with its Housing Management company, Newark and Sherwood Homes Ltd.
- Formulating the Council's budget proposals and recommending the same to Council for approval (but excluding any matters relating to the Council's leisure company which shall be formulated by the Leisure & Environment Committee).
- Formulating the Council's capital programme and recommending the same to Council for approval (but excluding any matters relating to the Council's leisure company which shall be formulated by the Leisure & Environment Committee).

- Formulating the Council's housing capital programme and recommending the same to Council for approval.
- Formulating, monitoring and reviewing the Council's Housing Revenue Account **Self-Financing** Business Plan and recommending the same to Council for approval.
- Formulating the Council's borrowing and investment strategy and recommending the same to Council for approval.
- Managing and monitoring the Council's Capital Programme.
- To determine how S106 monies should be applied or obligation fulfilled where the relevant agreement allows scope for discretion.  
(NOTE: the Scheme of Delegation provides that this may be determined by Officers where the terms of the S106 Agreement are sufficiently precise or where the amount of the proposed expenditure does not exceed £50,000).
- Appointment and dismissal of employees (subject to legislative requirements) (\*1).
- Terms and conditions of employment.
- Procedures for dismissal of employees (subject to legislative requirements).
- Agreeing secondments pursuant to Section 113 of the Local Government Act 1972.
- Agreeing voluntary severance terms for the Chief Executive and Chief Officers (\*2).
- Hearing appeals relating to the discretionary elements of pension enhancements for the Chief Executive and Chief Officers where the scheme provides for such a right of appeal.
- Approving resources for the appointment of a designated independent person.
- Approving human resources procedures and policies (\*3).
- Pensions and superannuation
- To receive and review reports from the Shareholder Committee.
- To review the outcomes of the Council's Development Company (Arkwood Developments Ltd) in the context of the Council's Strategy and to consider and approve requests for funding within the approved budget.

## NOTES:

- 1\* The appointment of staff below Deputy Chief Officer level is the responsibility of the Head of Paid Service or their nominee. Statutory Officer appointments (Head of Paid Service, Monitoring Officer and Section 151 Officer) are expressly reserved to the Council for approval. Certain appointments are the responsibility of the Chief Officer Appointment Panel. Mandatory standing orders relate to the dismissal of certain categories of employees.
- 2\* The function of determining pension and redundancy entitlements is delegated to the Discretionary Payments Panel. Normally an appeal would go to the Head of Paid Service or a Chief Officer. An alternative mechanism for appeals is accordingly required in respect of Chief Officers.
- 3\* This function has been delegated to the Head of Paid Service after prior consultation at the Joint Consultative Committee.

## Determination of:

- HRA Business Plan (including the Asset Management Strategy **and Delivery Plan**);
- **The key strategic outcomes for delivery by NSH over the term of the HRA Business Plan;**
- Areas of maximisation of the HRA (ie areas where the HRA could legitimately fund services of

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- benefit to tenants AND the wider community);
  - The level and use of surpluses and reserves within the HRA and NSH – ie use to pay down debt or fund other initiatives/development;
  - ~~The key performance indicators of NSH;~~
  - 'Health Check' of NSH by the Council as the sole shareholder including decisions regarding its future – i.e. retention, dissolution etc.
  - operational decision making in respect of the following: -
    - Acquisition and Disposal of Industrial Units.
    - Administrative Services.
    - Asset Management.
    - Audit Issues (other than matters falling within the remit of the Audit and Accounts Committee).
    - Audit.
    - Castle House
    - Democratic Services.
    - Financial Services
    - Human Resources (staffing and resources).
    - Legal.
    - Major Projects.
    - Member Development.
    - Member Services and Civics.
    - Organisational Development.
    - Performance Management.
    - Policy and Commissioning.
    - Procurement.
    - Revenues and Benefits.
    - Staffing and resourcing issues for the following service areas:
      - Strategic Commissioning including Decommissioning.
      - Strategic Risk Management.
      - Transformation Programmes.
  - Approval of payments or other benefits for maladministration under s92 of the Local Government Act 2000, except where it relates to a matter falling within the remit of the Planning Committee or is dealt with by Officers acting under delegated powers.
  - To approve the write-off of any outstanding debt owed to the Council or Newark and Sherwood Homes, above the delegated limit of £10,000.
  - Making recommendations to the Council on standing orders relating to contracts and financial regulations.
  - All cross cutting matters across the Council and any matter/issue not expressly delegated to another Committee.
  - Receiving reports from the following outside bodies:-
    - Local Government East Midlands
    - LGA
    - LGA – Rural Commission
    - LGA – Urban Commission
    - Nottinghamshire and Derbyshire Joint Leaders Board
    - Nottinghamshire Local Authorities Association

- Rural Community Action Nottinghamshire
- Determining the Council's strategic approach to the Local Strategic Partnership.

#### Performance Management

- Overall responsibility for managing and monitoring council performance against approved estimates of revenue expenditure and income
- Overall responsibility for monitoring council performance against locally set performance indicators
- ~~Monitoring the overall management and performance of Newark and Sherwood Homes~~
- To undertake annual monitoring of S106 expenditure.

#### HOMES & COMMUNITIES COMMITTEE

- Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy & Finance Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.
- Developing and adopting policies and procedures in accordance with the councils community safety strategy including: -
  - Anti-Social Behaviour Strategy
  - CCTV Strategy
  - Domestic Violence Strategy
- Developing policies, procedures and protocols in relation to the Council's emergency plan and responses to flooding (other than planning issues).
- Developing and adopting policies and procedures in relation to housing including:
  - Affordable Housing
  - Affordable Warmth Strategy
  - Allocation Scheme & Housing Register
  - Anti Social Behaviour Policy (housing)
  - Gypsy and Travellers
  - HECA Statement Strategy
  - Homelessness Strategy
  - Housing Needs Assessment
  - Housing Options and First Contact
  - Local Housing Strategies and Action Plans
  - Local Lettings Policies
  - Neighbourhood sustainability/environmental estate improvements
  - Regeneration and reconfiguration of the existing housing stock
  - Tenancy Agreement
  - Tenancy Strategies
  - Tenant Engagement and Involvement.
- ~~Scrutiny of the operational performance of the Council's wholly owned housing management company~~
- decision making in respect of the following: -
  - CCTV



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- Citizens Advice
  - Communications including use of social media and relationships with the media
  - Community Cohesion
  - Community Resilience
  - Community Safety
  - Customer Services and ICT including developing new customer access channels
  - Data Protection
  - E-Government
  - Electronic Records Management
  - Emergency Planning
  - External Relationships
  - Freedom of Information
  - Health and Safety Scrutiny
  - Homeless accommodation
  - Licensing (administrative and staffing)
  - Management of all land, estates, property and assets held for housing purposes.
  - Public Relations
  - Safeguarding Children and Young Persons
  - Social inclusion (young people, older people, debt and rural issues)
  - Troubled Families
  - Voluntary Sector
- Receiving reports from the following outside bodies:-
    - Bassetlaw, Newark and Sherwood Community Safety Partnership
    - Municipal General Charity
    - Nottinghamshire Police and Crime Panel
    - Sherwood & Newark Citizens' Advice Bureau

#### Overview & Scrutiny

- To meet at least annually with the appropriate overview and scrutiny committee of Bassetlaw District Council to undertake joint scrutiny of the Bassetlaw/Newark & Sherwood Community Safety Partnership. For this purpose the membership of the Homes & Communities Committee will constitute the designated Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.

#### Policy Review and Development

- The committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that the reasonably consider necessary to inform their deliberations.
- The committee may scrutinise and review decisions made or actions taken by the Policy & Finance Committee in so far as they have a direct impact on the role or functions of the Committee.

#### External Review

- The committee may invite stakeholders to address the committee on issues of local concern

and/or answer questions in so far as it impacts directly or indirectly on the role or functions of the committee:-

- Community Safety and Crime Reduction Partnership
- Environment Agency and other statutory bodies (in relation to flooding and other emergencies)
- Other tiers of local government including county council and parish councils
- Police
- Police and Crime Commissioner
- Voluntary Sector

#### Performance Management

- Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.
- Monitoring service performance against agreed targets

#### Membership

12 Members. (A link to the current membership of the committee can be found on the Constitution home page.)

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**7.3.2 POWERS AND FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE AND CHIEF OFFICERS**

NOTE: Normally, the delegated powers shall be exercised by the Chief Executive, Deputy Chief Executive or Chief Officer with responsibility for the relevant power or function. However, in their absence, the delegated power shall be exercisable by the Chief Executive, Deputy Chief Executive or any other Chief Officer, or by a deputy authorised to act on their behalf (clause 7.1.7 refers).

1. To take all necessary action to administer the following functions and powers on behalf of the Council including service of notices and enforcement proceedings and the right to apply for a warrant of entry and including the power to authorise other officers to act on their behalf:-

- the administration of the Council's Corporate Procurement Function
- operation, support and development of information technology, including all systems, hardware, software and telephone systems throughout the Council
- preparation and review of Development Plan Documents and Supplementary Planning Documents
- building regulations and other enactments relating to building control including individual determination of consents and enforcement action (for the avoidance of doubt such functions may be exercised by the East Midlands Building Consultancy on behalf of Newark & Sherwood District Council and the power of the Chief Executive and Chief Officers to authorise other officers to act on their behalf shall include such officers)
- examination of strategic policies (including transportation and other plans affecting the district) and neighbouring local planning authorities Development Plans and advising the Council, and the appropriate committee of their implications
- work with neighbouring local planning authorities, the County Council and relevant public bodies to fulfil the Duty to co-operate and advising the Council, and the appropriate committee of ongoing progress.
- Administration and review of the Community Infrastructure Levy
- naming and numbering of streets
- promotion of conservation of historic buildings and areas and making recommendations as to the designation of Conservation Areas
- administering the Conservation Area Partnership Grants Scheme, the Rural Grants Scheme and grants for archaeological work and other historic buildings grants
- environmental improvement works
- land drainage
- determination of planning applications which fall within the detailed Scheme of Delegation approved from time to time by the Planning Committee and/or Council
- determination of applications for Listed Building and Conservation Area Consent, which fall within the Scheme of Delegation, approved from time to time by the Planning Committee/Council
- determination of applications for Lawful Use Certificates, applications for consent to display advertisements, applications for telecommunications notifications, agricultural notification monument consents, historic gardens consents

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- promotion of nature conservation, including designation of local nature reserves
  - protection of trees and hedgerows, including making of Tree Preservation Orders and orders under the Hedgerow Regulations
  - service of building preservation notices, enforcement, stop and breach of condition notices and prosecution of offenders, including injunctive proceedings
  - entering into Section 106 Agreements
  - making revocation orders where no financial liability will fall on the Council
  - provision and maintenance of street nameplates
  - public footpaths, including extinguishment and diversion orders (after consultation with the appropriate parish council)
  - to determine how S106 monies should be applied or obligations fulfilled where the terms of the agreement are sufficiently precise or where the proposed expenditure does not exceed £50,000.
2. To establish and maintain a corporate database of the Council's land and buildings and to perform any responsibilities placed on the Council under Part X of the Local Government Planning and Land Act 1980.
  3. To determine and issue general guidelines to Officers for the management of land resources and the maintenance of buildings etc.
  4. To prepare and submit to the Economic Development Committee and/or Council for approval, monitor and update an Economic Development Strategy for the district, including marketing, employment and training initiatives, which will retain and expand employment opportunities.
  5. Within the Council's approved budget and economic development strategy:
    - to take all necessary steps to promote the role of the District Council within the local economy and, in particular, to develop links between the Council and the local business community
    - to take all necessary steps to develop and implement Economic Development initiatives within the area
    - to take all necessary steps to promote and publicise local business opportunities, both on a national and international basis, with the objective of encouraging inward investment in the district
    - to develop, maintain and administer a business support service for the benefit of existing local companies, new business ventures and potential inward investors and to provide a focus for all enquiries, including sites and property and financial assistance
    - to develop and maintain a business directory to assist the inter-trading of local businesses
    - to take all necessary steps to develop, co-ordinate and implement the District Council's European Strategy, with the aim of gaining maximum benefit for the local community
    - to prepare plans and programmes for submission to the European Commission for assistance from programmes such as the European Regional Development Fund and the European Social Fund
    - to co-ordinate the preparation and submission of applications for funding from other external sources on behalf of the Council

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6. To liaise with business support and development agencies.
  7. To take all necessary action to administer and manage the functions of tourism and twinning, including to prepare and submit to the Economic Development Committee and/or Council for approval, monitor and implement policies and strategies in respect of the following:-
    - (i) district tourism strategy;
    - (ii) tourism developments;
    - (iii) new tourist attractions;
    - (iv) tourism marketing, promotions and publicity;
    - (v) operation of Tourist Information Centres;
    - (vi) overseeing and monitoring the implementation of relevant tourism strategies affecting the district.
  8. To take all necessary action to administer and manage the following functions, powers and activities on behalf of the Council, including determining applications for licences and registration, service of statutory notices and any necessary enforcement procedures and including Power of Entry and power to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake the above duties and responsibilities including Powers of Entry.
    - acupuncture, tattooing, ear-piercing and electrolysis
    - air quality management
    - animal boarding establishments
    - any environmental health functions of the Council not otherwise expressly specified
    - architectural services, engineering services and quantity surveying
    - atmospheric pollution
    - camp sites and moveable dwellings
    - car parking and lorry parking (including charging policies)
    - cemeteries
    - community centres
    - contaminated land
    - council depots
    - country parks
    - culture and the arts
    - dairy establishments and egg product establishments
    - dangerous wild animals
    - destitute burials
    - dog breeding
    - dog control
    - establishments for massage and special treatments
    - food business premises
    - food premises
    - food regulations
    - food safety, hygiene and quality

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- game dealers
  - game keepers
  - guard dogs
  - health and safety at work
  - health issues generally, including Health Authority and hospital consultation documents
  - health promotion
  - historic sites
  - home and community safety
  - homelessness – to include the provision of temporary accommodation for those in urgent need through homelessness or emergency
  - houses in multiple occupation
  - housing advice
  - housing associations – assistance and nomination arrangements
  - housing services, including housing, tenancy & estate management and support, housing register, lettings, voids, maintenance and repair, determination of rent levels, maintenance of estate amenities
  - infectious diseases and food poisoning
  - leisure centres
  - licences to kill game
  - maintenance, repairs, lettings and management of shops and garages vested in the Council as housing authority
  - Making best use of housing stock, including stock condition surveys.
  - markets and fairs (including Newark Livestock Market) including charging policies)
  - meat product premises
  - mobile home sites
  - museums and art galleries
  - nature reserves
  - overcrowding
  - pest control
  - pet animals
  - Pet shops
  - picnic sites
  - play leadership
  - playing fields
  - pollution control
  - pre-school play groups
  - private sector housing – repair and improvement under the Housing Acts, including grants and loans, securing the effective treatment of unfit houses, including the making of demolition and closing orders, powers and duties as to clearance areas and orders, designation of renewal areas
  - private water supplies
  - processes subject to control under Part 1 of the Environmental Protection Act
  - public conveniences
  - public health nuisances and offensive trades

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- public parks and open spaces (including charging policies)
  - rag flock
  - refuse collection and litter control services
  - refuse storage, cleansing and waste management
  - retail butchers premises carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods
  - riding establishments
  - right to buy
  - scrap metal dealers
  - sex establishments
  - special promotions/competitions
  - statutory nuisances
  - swimming pools
  - theatres
  - tree and plant nurseries
  - water quality and supplies
  - water recreation
  - Zoos
9. To consider housing conditions in the district with respect to the provision of housing accommodation and to assess the housing need and to formulate and recommend to the **Cabinet relevant committee** such housing and environmental policies and improvements as may be desirable.
10. To consider cases against banding or date of registration in respect of the **Choice Based Council's policy on lettings**. ~~Scheme through the 'Review and Appeal' scheme.~~
11. To identify and analyse community needs and to recommend solutions to the **Cabinet relevant committee** and Council.
12. To take all such action as he/she considers necessary in the event of any emergency arising from whatever cause which might adversely affect the health of the community.
13. To consider and, if appropriate, recommend to the Policy & Finance Committee and/or the Section 151 Officer writing-off debts within his/her remit.
14. To monitor the introduction, implementation and ongoing effects of legislation concerned with food safety, environmental protection and health and safety at work and to monitor the Council's strategies and policies in relation to these matters.
15. Chief Officers may authorise named persons, whether employed by the Council or not, to act on behalf of the Council to exercise the powers, duties and responsibilities under the statutes and regulations specified in paragraph 16 below, including Powers of Entry and