

## **Appendix 1 – Responsibility for Functions / Scheme of Delegation**

### **Introduction**

1. The Council has adopted the Leader and Executive (executive) (England) governance model. The Executive consists of the Leader of the Council (who is appointed by full Council and may be removed by it) and a minimum of 2 but no more than a maximum of 10 councillors appointed to the Executive from time to time by that Leader. The executive of City of York Council is described as 'the Executive'.
2. In accordance with the law, any function of the Council which is not otherwise specified in legislation is an 'executive function' and is the responsibility of the Leader and Executive. The Leader and Executive are responsible for all of the Council's functions (including local area functions), except those which are required by the law or this Council's Constitution, to be the responsibility of the Council itself, or any other non-Executive part of the Council. Executive functions are regarded as exercisable by the Executive (or officers or individual Executive Members) on behalf of the Council and may not be exercised by the Council.
3. Such Executive functions may be discharged in accordance with provisions made by, or under, this Constitution or the law, in particular the Local Government Act 2000, Public Involvement in Health Act 2007, Localism Act 2011 and associated Regulations.
4. Legislation specifies particular non-executive functions which cannot be the responsibility of the Executive, and also local choice functions which may be allocated to be the responsibility of the Executive, but do not need to be. All local choice functions which are not otherwise allocated under this Constitution are the responsibility of the Leader and Executive.
5. The Leader may personally discharge functions which are the responsibility of the Executive or arrange for their discharge by the

Executive, another member of the Executive, a committee of the Executive, a joint committee or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs, the Executive itself may also arrange for the discharge of any of its functions by a committee of itself, a joint committee, individual Executive Member or by an officer.

6. This scheme of delegation [hereafter referred to as “the scheme”] reflects the assignment of functions by either the Council (in respect of matters which are not executive functions) or by the Leader of the Council or Executive (in respect of matters which are the responsibility of the Executive) as appropriate to the particular function. In relation to delegation to officers, the scheme does not distinguish between the two sources of delegation.
7. Responsibility for the functions of the Council and Executive is delegated or assigned as set out in the following provisions of this scheme as updated from time to time, and such delegation/assignment includes the power to do anything which is calculated to facilitate or is conducive to the discharge of those functions.
8. The provisions of this scheme take account of the requirements of the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, Localism Act 2011 and relevant legislation including Regulations in the assignment of functions to the Council itself, to the Leader/Executive, to other Committees or Panels. They take account of any prohibitions, restrictions or local choice in the assignment of these functions.
9. The Council, the Leader of the Council, Executive, individual Members, Committees or Panels to which functions are assigned, shall act in accordance with the law and the provisions of the Council’s Constitution, including any Standing Orders, Procedure Rules, Financial Regulations and protocols approved from time to time (except those joint committees or any other member bodies regulated by separate constitutions).

10. Those functions reserved to the full Council itself are not to be delegated or assigned except as permitted under the law or this Constitution.
11. Each body or person having decision-making powers (a 'Delegate') shall implement and act within the policies of the Council, having regard to the advice of the Director of Governance who is the council's Chief Legal Officer, and Chief Finance Officer as necessary.
12. Each Delegate shall have the power to delegate further to an officer all or any of the functions delegated to it. Subject to a written scheme of delegation recording this and being shared with the Monitoring Officer.
13. A Delegate may decide not to exercise any function in relation to a particular matter and invite the Council, Leader of the Council or Executive depending upon whether the function is the responsibility of the Executive or any other appropriate body as the case may be to do so instead.
14. The functions, powers and duties are delegated to Officers in accordance with the scheme of delegation to Officers.
15. Meanings:
  - a) Executive (executive) functions shall mean those functions that by law must be the responsibility of the Executive.
  - b) Non-Executive functions shall mean those functions that by law must not be the responsibility of the Executive.
  - c) Local Choice functions shall mean those functions that the Council may decide to exercise itself or delegate to any part of the Council including the Executive.
  - d) Responsibility of the Executive shall include those matters which are Executive (executive) functions, or local choice functions which have been delegated to the Executive.

## **Principles of Delegation**

16. The principles guide the allocation of responsibility for decision-making at Executive Member and Chief Officer Level.
17. In respect of matters delegated from Executive to individual Executive Member, the focus is on policy issues within the budget and policy frameworks agreed by Council/Executive: -
  - a) Policy matters, internal to the service, and required to provide guidance to officers to ensure significant policy decisions are implemented
  - b) Details of policy matters delegated by Executive once principles have been agreed
  - c) Expenditure items not specifically detailed within Service Plans but not sufficiently significant in scale to refer to Executive
  - d) Responses to consultation documents not referred to Executive.
18. In respect of matters delegated from Executive to Chief Officers in consultation with Executive Members, the focus is on service management issues with policy or political implications (“no surprises principle”).
  - a) Significant management decisions which could have an adverse or controversial impact on the delivery of services or achievement of agreed targets
  - b) Development of Service Plans and Policy Statements for consideration by Executive
19. In respect of matters delegated from Executive to the Chief Operating Officer or Chief Officer these will relate solely to the management of services and resources covering:-
  - a) Management of services within the framework of the Council Plan, Service Plans and Council policies and standards agreed by Members

- b) Management of resources within the framework of the corporate strategies (i.e. Financial, Information & Communications Technology, Procurement, Human Resources and Asset Management) agreed by Members.

## **Scheme of Delegation**

### Aims

- 20. Democratic accountability should be the key aim of the Scheme of Delegation together with:
  - a) Member authority for policy/strategic decisions
  - b) Effective scrutiny of policy/strategic issues
  - c) Officer responsibility for service delivery
  - d) Effective monitoring of service performance.

### Member Advantages

- 21. The Scheme of Delegation details below the decisions to be taken at the different levels. For Executive Members it will deliver the: -
  - a) Ability to control key/strategic decisions in Council and Executive
  - b) Opportunity to consider and shape policy within the Executive
  - c) Involvement in Council Plan/Budget formulation.
- 22. For individual Executive Members the advantages are: -
  - a) Enhanced authority and responsibility to implement policy within agreed frameworks
  - b) Increased ability to take speedier policy decisions
  - c) Greater involvement in shaping service delivery in line with policy
  - d) Improved information on service activities and executive decisions

- e) Protection of personal positions and interests through collective responsibility in Council/Executive and support from Chief Officers.

## **Member-Officer Relationships**

23. The Scheme of Delegation will only work effectively if there is mutual understanding and trust between Members and Officers. However, to support the Scheme of Delegation and particularly where matters are delegated from Executive to Executive Member and Chief Officers, it is suggested that:
- a) 'Service Plans' should be of sufficient detail to provide an effective framework for decisions
  - b) Information on service delivery should be enhanced to ensure that members know what is going on without having to ask
  - c) Protocols, or sets of criteria, for the detailed implementation of specific policy or service areas should be agreed between the Executive Member and Chief Officers
  - d) The principle is reinforced that Chief Officers err on the side of caution in informing members of decisions that might have political implications, including any advice given to Members. Decisions delegated to officers within departments are dealt with in a structured way with proper records and audit trails so it is clear who is responsible and what the reasons were for the decisions.

## Full Council

### Meanings

1. *Policy Framework*. The policy framework means the following plans and strategies having regard to the recommendations of the Executive:-

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People's Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy
- h) Climate Change Strategy
- i) Annual Library Plan

Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act 2005 Licensing Policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

And any other Strategy, Plan or Agreement that requires the approval of full Council.

2. *Budget*. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council

tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and, if required, the setting of virement limits different to those in Financial Regulations.

### Functions of Full Council

3. The functions reserved to Full Council are:

- a) To approve, adopt amend, monitor and /or review the plans, strategies and policies which together make up the Council's Policy Framework
- b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, fees and charges, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure (subject to being referred back to Executive).
- c) Approve the Treasury Management Strategy.
- d) Approve expenditure that falls outside the Council's total annual budget.
- e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- f) Appoint and remove the Leader in accordance with Council Procedure Rule 11.
- g) Decide the composition of Committees and sub-committees of Full Council and make appointments including co-opted members to them and other non-Executive bodies except in the case of ad hoc scrutiny sub-committees which will be determined by the Corporate Scrutiny Committee.



- h) Appoint representatives to outside bodies unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by the Council.
- i) Make and, subject to the provisions of Article 22 of this Constitution, amend Standing Orders, Financial Regulations and rules in relation to contracts.
- j) Change the name of the City or of a Parish.
- k) Elect a Lord Mayor, Deputy Lord Mayor and Sheriff and exercise related functions.
- l) Confer the title of the Honorary Alderman, Honorary Recorder and Honorary Freeman and grant the Freedom of the City.
- m) Promote or oppose local or personal bills.
- n) Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- o) Make, amend, revoke or re-enact Byelaws.
- p) Make orders for grouping parishes, dissolving groups and separating parishes from groups.
- q) Dissolve small parishes.
- r) Fill Council or Parish Council vacancies in the event of insufficient nominations.
- s) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
- t) Appoint the Chief Operating Officer (or equivalent) (Head of Paid Service) and designate officers as the Monitoring Officer, the Chief Finance Officer and Proper Officers under the relevant legislation, except to the extent that the power to designate

Proper Officers has been otherwise delegated in this Constitution.

- u) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, sub Committees and other bodies.
- v) Take decisions and/or give advice on matters brought to the Council by the Executive and other bodies or persons.
- w) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution

## **Council Meetings**

4. There are four types of Council meeting: -

- the annual meeting;
- ordinary meetings;
- budget council;
- extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Appendix 3 of this Constitution.

## **Executive**

- 5. The Executive will be responsible for guiding the Council in the formulation of its corporate plan of objectives and key priorities. Within the policy framework, budgets and major plans approved by Full Council, the Executive will have executive responsibility for the implementation of the Council’s key goals and objectives.
- 6. It will operate within the Scheme of Delegation set out in this document.

7. The Leader of the Council chairs the Executive and appoints members as Executive Members and allocates cross-service Portfolio responsibilities to the Executive Members.
8. The Leader of the Council may exercise any Executive function and may determine whether such functions may be exercised by the Executive, a Committee of the Executive, an Executive Member, an Officer or a Joint Committee.

### **Matters for the Executive**

9. The Local Government Act 2000 delegates most functions to the Executive, for example:
  - a) Policy formulation within and across services
  - b) Performance indicator and target setting
  - c) Recommending Corporate Plans to Council
  - d) Recommending Service Plans to Council
  - e) Agreeing variations to Service Plans
  - f) Monitoring Council Plan and Best Value targets
  - g) Monitoring Service Plan delivery
  - h) Preparing budget estimates
  - i) Monitoring revenue/capital budget spend
  - j) Reviewing progress on major capital schemes and other service developments
  - k) Agreeing major organisational changes
  - l) Agreeing virement between service areas
  - m) Agreeing externally funded initiatives not included in Service Plans
  - n) Agreeing detailed policy implementation criteria
  - o) Agreeing Best Value Review reports
  - p) Agreeing policy representations to Government
10. Plans, strategies and policies falling within the Policy Framework as defined above shall be considered by the Executive who shall make recommendations thereon to Full Council. It should be noted that in

respect of plans, strategies and policies falling within the Policy Framework it is for Full Council to:

- a) Instruct the Executive to reconsider any draft plan, strategy or policy;
  - b) Amend any draft plan, strategy or policy submitted by the Executive;
  - c) Approve for formal public consultation proposals for alterations to, or the replacement of, the Local Plan following submission to government;
  - d) Approve any plan, strategy or policy for submission to government (where required);
  - e) Adopt any plan, strategy or policy with or without modifications.
11. The function of amending, modifying, varying or revoking any plan, strategy or policy falling within the Policy Framework shall be performed by the Executive only if it is:
- a) required for giving effect to governmental requirement;  
or
  - b) was authorised by Full Council when approving or adopting the plan, strategy or policy.
12. The Executive is responsible for proposing the Revenue and Capital Budgets to Council including the initial allocation of financial resources to different services and projects, proposed contingency funds, proposed precepts, the amount of Council Tax and decisions relating the Council's borrowing requirement and the control of capital expenditure.

## **Executive Members**

### Executive Members' Roles and Responsibilities

13. The Executive Leader (hereafter referred to as Leader of the Council) and the other Executive Members are responsible to Full Council and to the citizens of York, for the performance of the Executive. The Council

demands that this duty is discharged to the highest standards of probity and integrity consistent with retaining public confidence in the Executive. In so doing the Leader of the Council will ensure that the Executive decision making arrangements are as clear and unambiguous as practicable and that the other Executive Members undertake their Executive responsibilities for the benefit of the City as a whole and do not give improper weight to their ward and its interests.

14. Executive Members have a collective responsibility to: -

- a) represent and promote the Council and the interest of its community to the outside world;
- b) lead the community planning process to translate the wishes of the local community into action;
- c) propose to Council the annual budget of the Council and the major strategic goals which underpin it;
- d) lead the preparation of the Policy Framework and other strategies, plans and policies to achieve those goals;
- e) ensure effective delivery of the budget and the Policy Framework;
- f) take in-year decisions on priorities and the use of resources associated with those programmes and promote value for money;
- g) work in partnership with all sectors of the community and beyond it for the local public good;
- h) manage the Council's Executive business, ensuring the effective use of resources across the organisation;
- i) take action collectively as specified in this Constitution or as otherwise required by law.

15. Each Executive Member also has a duty to advise the Executive on strategic or other significant decisions relating to their Executive portfolio which would help the Executive to: -

- a) develop proposals for the Council's Budget and Policy Framework and other strategies, plans and policies;
- b) decide what the Executive will, and will not, do in implementing the Council's Budget and Policy Framework, and other strategies, plans and policies;

- c) decide the level of resources that will be devoted to services and projects within the budgetary framework and decide which issues have priority over others;
- d) decide what guidelines should govern the way the Council operates;
- e) decide what indicators and measures will be used to set and assess performance standards;
- f) review what is achieved in practice, to see if there is a need for change.

16. Individual Executive Members may make any decision relating to the functions within their portfolios with the exception of:

- a) Key decisions as defined in the Council's Constitution;
- b) Decisions which in the opinion of the Executive Member significantly cut across more than one portfolio, in which case the Leader of the Council determines how the decision is to be taken;
- c) Other decisions which the Leader of the Council determines should be made collectively by the Executive.

17. The Leader of the Council may exercise any function delegated to another Executive Member if that Executive Member is unable or unwilling to act, for example due to a [potential] conflict of interest. The Leader of the Council may also exercise any function of the Executive where a decision cannot reasonably await the next meeting. This is subject to compliance with the urgency procedures laid out in the Constitution for key decisions, see appendix 7.

18. The Deputy Leader may exercise any function of the Leader if the Leader is unable to act.

### Executive Portfolios

19. The current Executive Portfolios are:

- a) Leader including Policy, Strategy and Partnerships
- b) Deputy Leader and Economy & Culture
- c) Children, Young People and Education

- d) Health, Wellbeing and Adult Social Care
- e) Environment and Climate Emergency
- f) Finance, Performance, Major Projects, Human Rights, Equality and Inclusion
- g) Housing, Planning and Safer Communities
- h) Transport

## Local Choice Functions

1. The responsibility for local choice functions is as detailed in the table below.

No	Function	Decision Making Body	Delegation of Functions and or lead Chief Officer for the function (see terms of reference or scheme of delegation)
1	Functions under a local Act (other than one specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended)	The Executive	The relevant Chief Officer for the function concerned.
2	The determination of an appeal against decisions made by or on behalf of the Council	Appeals Committees  The Executive  Chief Operating Officer, or nominated Chief Officer in relation to decisions	To all the extent set out in the terms of reference of the Appeals Committees.  Any appeal, which by law, must be considered by the Executive or a specified committee.



		taken in their Directorates	
3	The making of arrangements for reviews against the exclusion of pupils from schools.	Executive	The reviews themselves are heard by lay and non-lay independent panel members appointed by the Director of Governance.
4	The making of arrangements in relation to school admission appeals pursuant to the School Standards and Framework Act 1998	Executive	The appeals themselves are heard by lay and non-lay independent panel members appointed by the Director of Governance
5	The making of arrangements in relation to appeals by Governing Bodies pursuant to Section 95(2) of the School Standards and Framework Act 1998	Executive	The appeals themselves are heard by independent lay and non-lay Members appointed by the Director of Governance
6	The discharge of any function relating to the control of pollution or the management of air quality	Executive	Director of Environment, Transport and Planning.

7	The discharge of any function relating to contaminated land	The Executive	Director of Environment, Transport and Planning
8	<p>The service of an abatement notices in respect of a statutory nuisance</p> <p>The inspection of the authority's area to detect any statutory nuisance.</p> <p>The investigation of any complaint as to the existence of a statutory nuisance</p>	The Executive	Director of Environment, Transport and Planning
9	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Executive	Director of Environment, Transport and Planning
10	The obtaining of information under the section 330 of the Town and Country Planning	The Executive Planning Committee A and Planning Committee B	Director of Environment, Transport and Planning and Chief Planning Officer

	Act 1990 as to interests in land		
11	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Executive	Relevant Corporate Director depending on function, Director of Governance, Director of Finance
12	The making of agreements under Section 278 of the Highways Act 1980 for the execution of highway works	The Executive	Director of Environment, Transport and Planning
13	The appointment (and revocation of any such appointment) of any individual  (a) to any office other than employment by the authority  (b) to anybody (or Committee or sub – Committee of such a body) other than the authority itself or a Joint Committee of two or more authorities	Full Council	
14	Making agreements with other local authorities for the placing for staff at the disposal of those other authorities	The Executive (solely relating to functions which are the responsibility of Executive)	Chief Operating Officer, Corporate Directors, Directors and Chief Officer – HR & Support Services

		Full Council	
15	The arrangements for school transport appeals	Corporate Director of Children and Education in conjunction with Director of Governance	
16	Functions relating to health and safety at work (in so far as it relates to employees of the council)	The Executive	Chief Operating Officer, Corporate Directors, Directors and Chief Officer – HR & Support Services
17	All functions relating to the planning and delivery of Elections including all actions required in respect of the review and determination of polling places and location polling stations	Full Council	Chief Operating Officer in the capacity of Returning Officer Delegated to the Director of Governance in the capacity of Deputy Returning Officer (with full powers) in the absence of the Returning Officer
18	Functions relating to the name and status of areas and individuals	Full Council	Chief Operating Officer and Director of Governance
19	Power to make, amend, revoke or re-enact bye-laws pursuant to any provision of any enactment (including a local Act) whenever	Full Council	Director of Governance

	passed, and s14 Interpretation Act 1978		
20	Power to promote or oppose local or personal bills pursuant to s239 Local Government Act 1972	Full Council	Director of Governance
21	Powers to make, amend and or revoke standing orders	Full Council	Director of Governance
22	Dealing with findings of maladministration by either Local Government and Social Care Ombudsman, (LGSCO) Housing Ombudsman Service, (HOS) Parliamentary and Health Ombudsman (P&HO)	Audit & Governance Committee Full Council	Chief Operating Officer, in consultation with the Director of Governance/ Monitoring Officer and Director of Finance/s151 Officer
23	Dealing with Information Commissioner's Office (ICO) decision notices, enforcement action and monetary fine or criminal proceedings	Audit & Governance Committee Full Council	Corporate Directors dependent upon service area in consultation with the Director of Governance/ Monitoring Officer and Director of Finance/s251 Officer
24	Dealing with findings of fault or inspection by the Biometrics and	Audit & Governance Committee Full Council	Director of Governance/ Monitoring Officer

	Surveillance Camera Commissioner (BSCC)		
25	Dealing with findings of fault or inspection by the Investigatory Powers Commissioner's Office (IPCO)	Audit & Governance Committee Full Council	Director of Governance/ Monitoring Officer
26	Duty to make arrangements for the proper administration of financial affairs	Chief Finance Officer	Director of Finance/s151 Officer
27	Preparation of the Council's Statement of Accounts, Income and Expenditure and Balance Sheet including the preparation of the Annual Governance Statement	Audit & Governance Committee	In consultation with the Chief Finance Officer and the Director of Governance, the Head of Paid Service, Corporate Directors and the Head of Internal Audit
28	Appointments to outside bodies	Full Council	
29	Approval of the appointment to a post over £100,000 as required by the Localism Act 2011	Full Council	

## Officer Scheme of Delegation

### General Principles of Officer Delegations

1. The delegations set out below apply to both Executive functions and non-Executive functions.
2. Functions delegated to officers are to be exercised in compliance with other parts of the Constitution (including the restrictions on use of delegated powers set out in this Appendix of the Constitution) and in accordance with the budget and policy framework.
3. Functions delegated to officers shall also be exercised having full regard to:
  - a) Any advice given by the Chief Operating Officer & Head of Paid Service;
  - b) Any financial advice given by the Chief Finance Officer appointed under section 151 of the Local Government Act 1972;
  - c) Any legal advice given by the Director of Governance & Monitoring Officer; and
  - d) Any statutory codes or guidance, and any policies or protocols as may be approved by the Council and Executive.
4. “Function” is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. Where functions are delegated, these should be taken to include all powers and duties necessary to carry out those functions under all present and future legislation and all incidental powers including power to serve statutory notices (after consultation with the Director of Governance & Monitoring Officer) where specified, and carry out works in default.
5. The Chief Operating Officer and Chief Officers are not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers on their behalf. The Chief Operating Officer and Chief Officers must maintain an up-to-date list of all such authorisations, as part of a comprehensive Directorate Scheme of Delegation and a copy of which must be shared

with the Director of Governance & Monitoring Officer.

6. The fact that a function is delegated to the Chief Operating Officer and Chief Officers under this scheme does not preclude the Executive or an Executive Member (for Executive functions) or the Council or a Committee (for non- executive functions) from exercising the function in question.
7. The Chief Operating Officer and Chief Officers may refer any matter to Full Council, the Executive, an appropriate Committee of the Council or an Executive Member for decision at their discretion. The Chief Operating Officer and Chief Officers should exercise this discretion if in their opinion:
  - a) the matter is of significant political impact where Members might be expected to be accountable to the electorate for the decision;
  - b) it is a matter of substance relating to a key or significant project;
  - c) where significant risks have been identified in proceeding with the issue;
  - d) where there is a significant deviation from the original intention of a proposal previously reported to Members; or
  - e) the decision could have significant consequences for another directorate.
8. The Chief Operating Officer and Chief Officers have responsibility to report to Council, Executive, the appropriate Committee or Committee Chair or appropriate Ward Members, matters that are of particular significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
9. In the absence or the unavailability of an officer, any function delegated to that officer may be exercised by an Officer acting as their deputy either generally or in relation to a particular service area.



10. For the purposes of this Constitution, the reference to Chief Officer shall include the Chief Operating Officer, a Corporate Director, Director and Assistant Director only.

### **Restrictions on the use of Delegated Powers**

11. All delegated decisions must be taken in compliance with the Constitution, the budget and policy framework, Financial Procedure Rules and Contract Procedure Rules. All decisions are recorded and published by Democratic Services.
12. The Chief Operating Officer and Chief Officers may, within the approved budget, therefore, exercise all matters of day-to-day administration and operational management of the services and functions for which they are responsible to the Council, the Executive or a committee which delegation shall include taking and implementing decisions including in particular any decision which is not a key decision and which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the Council's functions or which falls within the scope of a policy decision taken by the Council.
13. The scheme does not delegate to Chief Officers or any Officer any key decisions or delegate matters to individual Members of the Council's Executive. Key decisions are defined in Article 7 of this constitution.
14. All powers and duties that the Chief Operating Officer or any Officer is authorised to exercise or perform must be exercised or performed on behalf of and in the name of the Council and in accordance with the Constitution.
15. Where any matter involves professional or technical considerations not within the sphere of competence of the Chief Operating Officer and Chief Officers or other Officers they must consult the appropriate professional or technical Officer of the Council before authorising action.
16. Appointments to act as Authorised or Proper Officers must be made by the Director of Governance & Monitoring Officer unless specified later in

this Scheme.

17. The Director of Governance & Monitoring Officer is appointed to act as Authorised or Proper Officer for the purposes of any Act of Parliament or statutory instrument where qualified to do so and another Officer has not been appointed.
18. The Director of Governance & Monitoring Officer may appoint other Officers to act as Authorised or Proper Officers for the purposes of any Act of Parliament or statutory instrument and to appear on behalf of the Council in proceedings before the Magistrates or County Court.
19. The Leader of the Council, the relevant Executive Member and the Chief Operating Officer must be consulted about responses to consultation papers issued by Government Departments or National or Regional Bodies.
20. The appropriate Executive Member must be consulted about responses to long term or strategic plans of neighbouring planning authorities.

### **Financial thresholds**

21. An Officer may not make a key decision unless specifically authorised to do so under this Constitution or by the Executive.
22. An Officer may not award a contract with a value exceeding £250,000 except where the contract is treated as a routine procurement in accordance with the Contract Procedure Rules contained within this Constitution.

### **Planning Powers**

23. An Officer may not exercise a power in respect of a planning matter where the power to take the particular decision is specifically delegated under this Constitution to the Planning Committee A or Planning Committee B.

24. Unless where circumstances are urgent or require immediate action, an Officer may not authorise the issuing of a planning enforcement or stop notice without consultation with the Chair and Vice Chair of Planning Committee B.
25. The request to bring an application to Planning Committee B be made: -
  - a) by a Ward Councillor for the site of the application, and
  - b) in writing to the Chief Planning Officer, and
  - c) within the consultation or re-consultation period, and
  - d) include the planning reason(s) for the request. (For the avoidance of doubt matters such as the loss of a private view, loss in value of a property or 'to allow the matter to be heard in a public arena' would not constitute valid planning reasons.
26. An Officer may only exercise powers in relation to the designation of a neighbourhood area under the Localism Act 2011 where the Council is statutorily obliged to designate the area specified in the application.

### **Licensing functions**

27. An Officer may not exercise a Council function in respect of a licensing matter where the function has been specifically reserved under this Constitution to Council, a Committee or a Sub Committee.

### **Executive functions**

28. An Officer may not exercise an executive function where the relevant Executive Member or the Leader of the Council has reserved the power to themselves by giving written notice to the officer holding the delegated power or to the Chief Operating Officer.

## **Legal Action**

29. An Officer may only commence legal proceedings in accordance with an approved enforcement policy and / or with the approval of the Director of Governance.

## **Delegated Powers in respect of Academy Conversions**

30. The Corporate Director of Children and Education and the Director of Governance, in consultation with the Executive Member for Children, Young People and Education, have delegated powers to negotiate and conclude the Commercial Transfer Agreements and Land Leases in future academy conversions where there are no proposals to change the designation of land currently used for educational purposes.
31. The Executive has agreed to delegate the Private Finance Initiative (PFI) academy conversion process to officers, in consultation with the Executive Member for Children, Young People and Education.

## **Powers of the Corporate Directors and Directors**

32. All Corporate Directors and Directors have the power to take decisions in relation to the discharge of the Council's and the Executive's functions within their area of responsibility and which have not been reserved to Council, the Executive and Executive Member or a Committee.

*Note that this delegation is subject to the general provisions and limitations set out in this Constitution.*

33. Each Corporate Director and Director shall have all the powers and duties delegated to other staff within their portfolio so far as is legally permissible and in accordance with the specified provisions contained within this constitution.

## **Powers of Officers**

34. All Officers will have delegated authority required to: -
- a) Effectively manage and promote the services for which they are responsible;
  - b) Exercise the functions delegated to Officers under the Financial Procedural Rules and the Contract Procedure Rules;
  - c) Exercise all functions delegated under the Officer Employment Procedure Rules and to manage all staff in accordance with any of the Council's Policy and Procedures.

## **SPECIFIC POWERS DELEGATED TO THE CHIEF OPERATING OFFICER, CORPORATE DIRECTORS, DIRECTORS AND ASSISTANT DIRECTORS IN THE DISCHARGE OF THE FUNCTIONS OF THE COUNCIL**

### **Chief Operating Officer**

#### Statutory Responsibilities

1. The Chief Operating Officer is the Head of Paid Service and has authority over all Chief Officers. This means that the Chief Operating Officer can exercise all of the powers delegated to any Corporate Director, Director or Assistant Director or other officer so far as the law allows. However, the Head of Paid Service cannot substitute for the Monitoring Officer, and can only substitute for the Chief Finance Officer if they are a fully qualified member of one of the six accountancy bodies that constitute the Consultative Council of Accountancy Bodies (CCAB).
2. As the designated Head of Paid Service, and where they consider it appropriate to do so, they will prepare a report to the council for approval by Elected Members, detailing any proposals relating to the tasks below in so far as they relate to the discharge of the council's functions and the staff required to undertake those functions
  - a) The manner in which the authority discharges its functions and how the different functions are co-ordinated;
  - b) The structure, number and grades of staff required by the authority for the discharge of their functions at a chief officer level to safely discharge the council's different functions.
3. As the designated Head of Paid Services, they will:
  - a) Approve the Officer structure of the council below Chief Officer level; and
  - b) Take responsibility for the appointment (excluding chief officers) and effective management of the authority's Officers.

4. To act as the Council's (Local) Returning Officer, (Acting) Returning Officer and Counting Officer for the purposes of elections and referendum.
5. To act as the Council's Electoral Registration Officer.
6. The Chief Operating Officer will have responsibility for all management, operational and decision making functions (other than in respect of those functions expressly delegated within this constitution).
7. To invoke powers under the Public Order Act 1986 to ensure the protection of the local authority's land and assets.

### **Areas of Responsibility**

- a) Acting as Head of the Paid Service, including providing clear, strong and motivational leadership for all officers, and being responsible for all related operational staffing matters;
- b) Develop and lead the Council's Corporate Management Team that operates corporately, strategically and operationally;
- c) Developing corporate strategies, policies and briefs for all service areas;
- d) Take a lead strategic role in the development and implementation of the Council Plan
- e) Having overall responsibility for promoting the Council's values, delivering its strategic aims and priorities and for promoting a positive culture across the organisation;
- f) Giving directions and/or advice to other officers in the exercise of their powers and duties under this scheme;
- g) Promoting high standards of governance (including ethical governance) and ensure that robust systems are in place for decision-making, budgeting, planning, performance management and risk management and that the organisation complies with all of its statutory responsibilities;
- h) Delivering high quality, impartial policy advice and support to the Leader and all Elected Members and to promote high

standards of governance and strong and transparent, member/officer relationships and to develop and maintain effective working relationships with the Leader of the Council, the Executive and all Elected Members of the Council;

- i) To determine the date of Full Council meetings, including the cancellation/amendment of published Full Council meetings where necessary;
- j) To approve the inclusion of any other business within the agenda for Annual Council.
- k) To determine any matters relating to civic or ceremonial activities that are not specifically considered elsewhere
- l) Lead the management, development performance and continuous improvement of all services across the Council
- m) Monitoring the achievement, impact and effectiveness of the council's corporate aims, priorities and policies;
- n) Dealing with corporate personnel functions including reviews, policy and industrial relations, equalities and employee development;
- o) Responsibility for the effective delivery of resolutions of Council, unless stipulated otherwise.
- p) The following responsibilities linked with the Shareholder Committee:
  - i. approving changes to the location in which the company works;
  - ii. altering the company's name or registered office;
  - iii. matters relating to the employees or agents of the company other than its senior management team;
  - iv. where required giving any further specific approval to a matter provided for within the approved business plan;
  - v. approving changes to accounting arrangements; and
  - vi. entering, terminating or amending any agreements which create a potential liability for the company not exceeding £250,000.
- q) Making decisions on behalf of the Council in cases of urgency as detailed within Appendix 21 in discharge of any nonexecutive functions of the council other than those which



are already delegated to an officer under this scheme or which by law can be discharged only by the Council.

- r) In consultation with the Chief Finance Officer and the Director of Governance, authorising payments for Officers (excluding chief officers) in the case of early retirement, voluntary redundancy, compulsory redundancy and redeployment.
- s) Granting extensions of sickness pay to officers (excluding chief officers).
- t) Responsibility for the health, safety and wellbeing of the workforce and to take such actions which are necessary following consultation with the Head of HR.
- u)

### **Deputy to the Chief Operating Officer**

8. The Chief Operating Officer will designate one or more of the Corporate Directors or Directors as being able to exercise the powers of the Chief Operating Officer. Such designation shall carry with it the delegation to exercise all and any of the Chief Operating Officer's specific delegated functions, during any period where the Chief Operating Officer is absent in the sense that they are not in a position to exercise the powers of Chief Operating Officer, for example due to sickness, incapacity, or being out of contact in the case of emergency.

### **Chief Officer HR & Support Services**

9. The functions of the Chief Officer HR & Support Services are set out below:
  - a) To develop review and monitor personnel policy and standards across the Council.
  - b) To advise on cases of voluntary redundancy, compulsory redundancy, dismissal and early retirement and other such employment related activities.
  - c) To establish and maintain effective consultation and negotiation arrangements with recognised Trade Unions.
  - d) To develop, review and monitor Employment Policy in relation to Equality of Opportunity.

- e) To approve the implementation of grades resulting from the job evaluation process.
- f) To approve changes to terms of conditions of employment where there is a cost of less than £120,000.
- g) Preparation of the Annual Pay Policy including its implementation and any subsequent amendments required in line with national standards/guidance. Approval of any annual increase to the salary scales is in accordance with awards negotiated nationally by the respective National Joint Councils and applicable from 1<sup>st</sup> April annually. Progression through the salary scale for the Chief Operating Officer is dependent upon performance and approval by the Leader of the Council.
- h) Health, Safety and Wellbeing of Workforce in consultation with the Chief Operating Officer, to take all steps necessary to promote the health, safety and wellbeing of the workforce.

### **Staffing Conditions**

10. Following consultation with the Chief Operating Officer, the Corporate Directors, Directors and Assistant Directors (who report directly to the Chief Operating Officer) will be responsible for appointing, managing, disciplining and dismissing all employees (excluding chief officers) within their Departments subject to complying with:
- a) Corporate Employment Policies and Conditions of Service.
  - b) Any appropriate schemes or arrangements laid down by the Council or the Executive.
  - c) Any directions that may be issued from time to time by the Director of Governance & Monitoring Officer.
  - d) The Officer Employment Procedure Rules at Appendix 12 of this Constitution.
11. The following matters must be dealt with in conjunction with the Chief Officer HR & Support Services:
- a) Departmental Monitoring of Equal Opportunities, attendance, ill health retirement etc.
  - b) Implementation of Workforce Development Plans.

- c) Temporary Secondments and similar arrangements in accordance with the Council's policies and procedures.
- d) Appeals against discipline, grievance etc.
- e) Ill health retirements within Policy.
- f) Work experience placements.
- g) Secondary employment.
- h) Reviewing and authorising changes to departmental structures and establishments.
- i) Authorising overtime payments for employees not otherwise entitled.
- j) Authorising the creation of additional temporary posts where budgetary provision exists, following formal evaluation of posts.
- k) Paying compensation to employees for pain and suffering incurred by them as a result of assault and or harassment and/attacked by animals whilst undertaking their duties and responsibilities.
- l) Authorising the payment of injury allowances.
- m) Allocating relocation allowances
- n) Approval to appoint to higher the first point of the salary Grade; it should be noted that progression through the salary scale for Chief Officers is dependent upon performance and achievements of objectives, approved by the line manager.

Specific approvals for employee exit and special severance payment

Item	Authorisation by	Staffing Matters Urgency role	Information given to meeting
Standard compulsory redundancy	Directorate Management Team & Section 151 Officer	For noting	Copy of Business Case
Voluntary redundancy	Directorate Management Team & Section 151 Officer	For noting	Copy of Business Case
Compulsory redundancy after 55 and before	Directorate Management Team &	For noting	Copy of Business Case

normal pension age	Section 151 Officer		
Flexible retirement	For Chief Officers - Staffing Matters Urgency  All other staff - Directorate Management Team & Section 151 Officer	Approval  For noting	Copy of Business Case
Special Severance Payments (as per Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments)	For Head of Paid Service – Monitoring Officer & Section 151 Officer  For Monitoring Officer - Section 151 Officer & Head of Paid Service  For Section 151 Officer – Monitoring Officer & Head of Paid Service Chief Officers  Other Chief Officers	Approval  Approval  Approval  For Chief Officers – Approval	Copy of Business Case

	All other staff – Chief Officers and relevant Executive Member, Head of Paid Service, Section 151 Officer & Monitoring Officer	For all other staff – Noting	
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### **Monitoring Officer and Chief Finance Officer**

12. The functions of the Monitoring Officer and Chief Finance Officer are set out below. The Council will provide the Monitoring Officer and Chief Finance Officer with such offices, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
13. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
14. The Council has appointed the Director of Governance as the Monitoring Officer.

### **Functions of the Director of Governance & Monitoring Officer**

15. The powers and functions of the Monitoring Officer are:
  - a) To be the Council's solicitor and Chief Legal Officer and in that capacity to take all necessary steps, including the obtaining of Counsel's advice in connection with any matter concerning the Council.

- b) To be the Proper Officer for any purpose for which the Council has not designated another officer to be Proper Officer.
- c) To maintain the Registers of:
  - The financial and other interests of Members and co-opted members of the Council as required by the Local Government Act 2000
  - Officers' declarations of interest in contracts and other pecuniary interests.
  - Any other matter relating to the interests of Members and co-opted members which the Council may from time to time establish.
- d) To maintain an up to date version of the Constitution and ensure that it is widely available for consultation by Members, Officers and the public. This responsibility includes the power to make such amendments to the Constitution and related documents as may be necessary. Such changes should not include any changes of substance but is restricted to changes which the Monitoring Officer considers are required to reflect and take account of changes in legislation, guidance, Council policy. This includes decisions of the Council and the Executive or drafting changes and/or improvements;
- e) To report to Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and Chief Finance Officer, if they consider that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- f) To contribute to the corporate management of the Council, in particular by providing professional legal advice;
- g) To contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Joint Standards Committee;
- h) To jointly advise with the Chief Finance Officer whether the decisions of the Executive are in accordance with the budget and policy framework;

- i) In conjunction, where necessary, with the Chief Finance Officer, to provide advice to all Members on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues;
- j) Where necessary, in conjunction, with the Chief Finance Officer, to exercise powers of sanction and intervention where they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration or otherwise contravene the corporate governance of the authority;
- k) To ensure that Executive decisions as required under this Constitution, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- l) As solicitor to the Council the power to;
  - Take any action intended to give effect to a decision of the Council, the Executive, a Committee of the Council or an Officer.
  - Institute, defend, participate in, settle or withdraw from any legal or other proceedings or procedures in any case where such action is necessary to give effect to decisions of the Council, the Executive, a Committee of the Council or an Officer or in any case where they consider that such action is necessary to protect the Council's interests.
- m) To authorise Officers of the Council as being authorised under Section 223 of the Local Government Act 1972 to institute, prosecute, defend or appear on the Council's behalf in proceedings before a Magistrates' Court and to conduct such proceedings notwithstanding that the officer concerned may not be a solicitor holding a current practising certificate.
- n) To appoint, in writing, in pursuance of Section 60 of the County Courts Act 1984 (as amended) officers of the Council to address or appear before the District Judge in the County Court in proceedings which relate to the recovery of possession of a property belonging to the Council and for the recovery of rent, mesne profits, damages or other sums claimed by the Council in respect of the occupation by any person of such property.

- o) To take any action remitted to them under corporate procedures, with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration.
- p) In consultation with the Chair of the Joint Standards Committee the power to grant dispensations allowing Members to participate in meetings where they have a disclosable pecuniary or prejudicial interest in the business being considered at the meeting.
- q) To undertake any revisions or amendments to the Constitution required as a consequence of amendments or variations to legislation, or the implementation of new legislation. Such amendments to be retrospectively approved by Council.
- r) To appoint an independent person of another authority's Standard Committee, where necessary because of a conflict of interest or non-availability, to serve a temporary member of the Joint Standards Committee.
- s) To make arrangements for dealing with the following kinds of appeal under the Schools Standards and Framework Act 1998:
  - Admission Appeals
  - Appeals against exclusion
  - Appeals by Governing Bodies
  - And to make arrangements for appeals against School exclusion or admission decisions.
- t) To maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to Section 100G Local Government Act 1972.
- u) To act as the Council's Senior Information Risk Officer (SIRO).
- v) To act as the Senior Responsible Officer for the purposes of the Council's Regulation of Investigatory Powers Act (RIPA) activities;
- w) To undertake the recruitment and selection, and to appoint Independent persons to the Audit & Governance Committee and the Joint Standards Committee in consultation with the Chair and Vice Chairs of the respective Committee
- x) To act as the Deputy Returning Officer (with full powers) for the purposes of elections and referenda;



- y) To act as the Deputy Electoral Registration Officer
- z) Managing corporate consultation and communication policies and initiatives;
- aa) Preparing and publicising the council's national performance indicators;
- bb) Drawing up and implementing corporate policies on performance management.

### Functions of the Chief Finance Officer & s151 Officer

16. The functions of the Chief Finance Officer are:

- a) To be the Council's Chief Finance Officer under Section 151 of the Local Government Act 1972. This means that they are responsible for determining the way the Council administers its financial systems and processes.
- b) To carry out all Treasury Management activities within the Treasury Management Policy Statement and Annual Treasury Management Strategy approved from time to time by the Executive and in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the raising of loans and the issuing of Council bills in the case of emergency.
- c) To take and implement any decision which they are empowered to take in accordance with Financial Procedure Rules and the Contract Procedure Rules.
- d) Reporting to the Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and the Monitoring Officer and send a copy of the report to all Members of the Council and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully;
- e) To be responsible for the administration of the financial affairs of the Council. This involves providing effective financial management arrangements and systems, an effective internal

- audit function and internal controls arrangements, effective treasury managements, safeguarding assets and probity;
- f) To contribute to the corporate management of the Council, in particular by providing professional financial advice;
  - g) To determine the commercial fees charged for use of council owned property by third parties as appropriate;
  - h) To provide advice to all Members on the scope of powers and authority to take decisions, maladministration in relation to financial matters, financial impropriety, probity and budget and policy framework issues and to support and advise Members and staff in their respective roles (in liaison, as necessary, with the Monitoring Officer);
  - i) Where required by law or authorised by the Council, to provide financial information to the media, members of the public and the community;
  - j) Where necessary, and in conjunction with the Monitoring Officer as appropriate, to exercise powers of sanction and intervention when they consider that any proposal, decision, omission or course of action is likely to incur unlawful expenditure or otherwise contravene the corporate governance interests of the Council;
  - k) To undertake any revisions or amendments to the Financial Procedure Rules including the Contract Procedure Rules as required as a consequence of amendments or variations to legislation, or the implementation of new legislation. Such amendments to be retrospectively approved by Council;
  - l) Establishing insurance arrangements as appropriate to safeguard the assets of, and services to, the council in consultation with the Director of Finance as to the valuation of interests in land and property.

### **Treasury management scheme of delegation**

#### **17. Executive / Full Council:**

- a) receiving and reviewing reports on treasury management policies, practices and activities
- b) approval of annual strategy and annual outturn

18. Executive:

- a) approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices
- b) budget consideration and approval
- c) approval of the division of responsibilities

19. Audit & Governance Committee:

- a) receiving and reviewing reports on treasury management policies, practices and activities
- b) reviewing the annual strategy, annual outturn and mid-year review.

20. Chief Finance Officer (section 151 officer):

- a) reviewing the treasury management policy and procedures and making recommendations to the responsible body
- b) all operational decisions are delegated by the council to the Chief Finance Officer, who operates within the framework set out in this strategy and through the treasury management policies and practices
- c) Approving the selection of external service providers and agreeing terms of contract in accordance with the delegations in financial regulations.

21. The treasury management role of the section 151 officer:

- a) recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance
- b) all operational decisions delegated by the council to the Chief Finance Officer (s151 officer), who operates within the framework

set out in this strategy and through the treasury management policies and practices

- c) submitting regular treasury management policy reports
- d) submitting budgets and budget variations
- e) receiving and reviewing management information reports
- f) reviewing the performance of the treasury management function
- g) ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function
- h) ensuring the adequacy of internal audit, and liaising with external audit
- i) recommending the appointment of external service providers.
- j) preparation of a capital strategy to include capital expenditure, capital financing, non-financial investments and treasury management, with a long term timeframe
- k) ensuring that the capital strategy is prudent, sustainable, affordable and prudent in the long term and provides value for money
- l) ensuring that due diligence has been carried out on all treasury and non-financial investments and is in accordance with the risk appetite of the authority
- m) ensure that the authority has appropriate legal powers to undertake expenditure on non-financial assets and their financing
- n) ensuring the proportionality of all investments so that the authority does not undertake a level of investing which exposes the authority to an excessive level of risk compared to its financial resources
- o) ensuring that an adequate governance process is in place for the approval, monitoring and ongoing risk management of all non-financial investments and long term liabilities
- p) provision to members of a schedule of all non-treasury investments including material investments in subsidiaries, joint ventures, loans and financial guarantees
- q) ensuring that members are adequately informed and understand the risk exposures taken on by an authority
- r) ensuring that the authority has adequate expertise, either in house or externally provided, to carry out the above
- s) creation of Treasury Management Practices which specifically deal with how non-treasury investments will be carried out and managed, to include the following: -

- Risk management, including investment and risk management criteria for any material non-treasury investment portfolios;
- Performance measurement and management, including methodology and criteria for assessing the performance and success of non-treasury investments;
- Decision making, governance and organisation, including a statement of the governance requirements for decision making in relation to non-treasury investments; and arrangements to ensure that appropriate professional due diligence is carried out to support decision making;
- Reporting and management information, including where and how often monitoring reports are taken;
- Training and qualifications, including how the relevant knowledge and skills in relation to non-treasury investments will be arranged.

### **Statutory Scrutiny Officer**

22. The statutory scrutiny officer cannot be the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
23. The Council has appointed the Head of Civic and Democratic and Scrutiny Services as the Statutory Scrutiny Officer.
24. The functions of the statutory scrutiny officer are:
  - a) to promote the role of the authority's scrutiny committee or committees;
  - b) to provide support to the authority's scrutiny committee or committees and the members of that committee or those committees;
  - c) to provide support and guidance to:
    - members of the authority,
    - members of the executive of the authority, and
    - officers of the authority,

in relation to the functions of the authority's scrutiny committee or committees.

### **Director of Housing and Communities**

25. To be responsible, for the preparation, maintenance, monitoring, review and implementation of the Council's Information Technology Strategy, which embraces the Council's Information Security Policy.
26. To act as the Proper Officer for the Council's Registration Service, including:
  - a) To approve premises for the solemnisation of marriages;
  - b) To carry out the Council's duties under the Marriage Acts 1949 and 1994 (other than those relating to fees and final appeals)
  - c) To set such fees as are appropriate for ensuring full costs recovery to the Council in respect of civil marriage ceremonies on local authority approved premises;
  - d) To act as Proper Officer for the Council's Registration Service pursuant to the Registration Service Act 1953 (as amended by the Statistics and Registration Service Act 2007);
  - e) Determination of a Deputy to become Interim Superintendent Registrar or Interim Registrar for births and deaths if the Superintendent Registrar or Registrar ceases to hold office;
  - f) Appointment of Interim Superintendent registrar or Registrar of Births and Deaths if there is no Deputy;
  - g) Powers conferred in relation to the Local Scheme of Organisation for Registration Service.
27. To undertake responsibility for the following statutory executive functions:
  - a) To undertake all functions of the council in respect of Council Tax and national non-domestic rates, except where these are reserved to Council or the Executive;
  - b) To undertake all necessary actions under the Housing and Council Tax benefit schemes;
  - c) All executive functions of the council in relation to the Libraries & Archives service;

- d) To undertake all necessary actions under the council's Equalities Policies.

28. Other areas of responsibility:

- a) Managing Customer Service Channels;
- b) Managing Bereavement Services and the Mansion House;
- c) Commissioning and contracting of or with the following services: Explore York, the council's leisure facilities including York Community Stadium, York Museums Trust, York CVS, Citizen's Advice York, Welfare Benefits Unit, Make It York, other cultural organisations;
- d) Delivery of the Business Support function including the payroll, pensions and creditors financial systems operating within related policies and statutory requirements;
- e) Managing area and neighbourhood working, including:
  - ward schemes, committees and funding;
  - oversight of Armed Forces Covenant and Parish Charter;
  - community sport and health development;
  - family information & advice;
  - community centres, children's centres;
  - Local Area Coordination;
  - Community/Adult Learning.

**Corporate Director of Place**

- 29. The Corporate Director of Place is authorised to discharge, subject to the provisions of this constitution, functions which fall within the Place Directorate.
- 30. The Corporate Director of Place will be responsible as strategic lead for all aspects of the development and subsequent implementation of a Local Plan for York in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This includes the provision of support to the Local Plan Working Group.

31. Where a Director from the Place Directorate is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, the Corporate Director of Place shall undertake, allocate or reallocate responsibility for exercising particular delegations to any officer of the council in the interests of effective corporate management as they think fit.
32. Where the Council has a material interest in a key, major development project within the City, for example as a landowner, potential investor or development partner, and there is a potential for a conflict to arise in relation to the roles undertaken by the separate arms of the Council, in particular in relation to Local Planning Authority and Highway Authority decision making, the Major Projects Conflicts Protocol at Appendix 30 shall be applied.

### **Director of Housing & Communities**

33. To undertake all administrative duties under the legislation detailed in the list below including lawfully sharing and receiving information. Administrative duties include providing advice and assistance (for which a charge may be made).
34. The Director of Housing & Communities is responsible for appointing any members of staff to act as authorised or proper officers under the following acts insofar as the appointment relates to the functions listed below. The Director of Housing & Communities may also authorise anyone (subject to any required qualifications) from another authority or organisation to act as an authorised or proper officer, and authorise staff to work on behalf of other authorities or organisations in relation to the functions listed below.
35. To enforce, make applications and representations exclusively relating to housing related matters to a Court or Magistrate and authorise, institute and defend proceedings under any enactment or common law provision listed below in consultation with the Director of Governance.



This will also be applicable to City of York's support to National Trading Standards:

- Economic Development (including Economic Strategy) and Tourism activity under the following Acts:
  - [Small Business, Enterprise and Employment Act 2015](#)
- Business Engagement
- Regeneration including Major Projects delivery activity under the following Acts:
  - Health & Safety at Work etc. Act 1974
  - The Construction (Design and Management) Regulations 2015
- Property including asset management and facilities management and activity under the following Acts:
  - Landlord and Tenant Act 1985
  - [Infrastructure Act 2015](#)
  - Health & Safety at Work etc. Act 1974
  - Local Authorities (Land) Act 1963
  - Localism Act 2012
  - Office Shops and Railway Premises Act 1963
  - Party Wall etc. Act 1996 s10(8)
  - The Construction (Design and Management) Regulations 2015
- Housing related activity under the following Acts:
  - Anti-Social Behaviour Act 2003
  - Anti-Social Behaviour Crime and Policing Act 2014
  - Building Act 1984
  - Caravan Sites and Control of Development Act 1960
  - Caravan Sites Act 1968
  - Consumers, Estate Agents and Redress Act (CEARA) 2007 including Requirement to Belong

- to a Scheme etc.) (England) Order 2014 made under this Act
- Consumer Rights Act 2015
  - Crime and Disorder Act 1998
  - Criminal Attempts Act 1981
  - Criminal Justice Act 1988
  - Criminal Justice and Police Act 2001
  - Criminal Justice & Public Order Act 1994
  - Commonhold and Leasehold Reform Act 2002
  - The Construction (Design and Management) Regulations 2015
  - Defective Premises Act 1972
  - Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
  - Energy Conservation Act 1981
  - Energy Acts 2011 and 2013
  - The Enterprise and Regulatory Reform act 2013
  - Environmental Protection Act 1990
  - Estate Agents Act 1979
  - European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty
  - Health and Safety at Work etc Act 1974
  - Home Energy Conservation Act 1995
  - Homes (Fitness for Human Habitation Act) 2018)
  - Housing Acts 1985, 1988, 1996, 2004
  - Housing and Planning Act 2016
  - Housing and Regeneration Act 2008
  - Housing Grants, Construction and Regeneration Act 1996
  - Homelessness Act 2002
  - Homelessness Reduction Act 2017
  - Land Compensation Act 1973 Section 39
  - Land Drainage Act 1991

- Landlord and Tenant Act 1985
- Local Government and Housing Act 1989
- Mobile Homes Act 2013
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Local Government Act 2000
- Local Government Act 1972 and 2003
- Prevention of Damage by Pests Act 1949
- Proceeds Of Crime Act 2002
- Protection from Eviction Act 1977
- Tenant Fees Act 2019
- Public Health Acts 1936 and 1961
- Public Health (Control of Disease) Act 1984
- Public Health Acts Amendment Act 1907
- Refuse Disposal Act 1976

Together with:

- any Orders or Regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Union (Withdrawal Agreement) Act 2020 any byelaws in relation to the foregoing;
  - any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and
  - any modification or re-enactment to the foregoing.
36. To discharge the Council's functions under section 17 of the Crime and Disorder Act 1998 to prevent crime and disorder.
37. To authorise the sharing of council information in accordance with section 115 of the Crime and Disorder Act.

### **Director of Environment, Transport & Planning**

38. To undertake all powers, enforcement, administrative and, where necessary Proper Officer functions for council services which fall within the remit of this Department including those related to national trading standards issues.
39. The Director of Environment, Transport and Planning will provide administrative support and guidance to the Safety Advisory Group.
40. To undertake enforcement and administrative duties under the legislation detailed in the list below. The Director of Environment, Transport and Planning is responsible for appointing any members of staff to act as authorised or proper officers under the following acts insofar as the appointment relates to the functions listed:
  1. Agriculture Act 1970
  2. Agriculture (Miscellaneous Provisions) Act 1968
  3. Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020
  4. Air Quality (Taxis and Private Hire Vehicles Database) England Wales Regulations 2019
  5. Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003
  6. Animals Act 1971
  7. Animal Boarding Establishments Act 1963
  8. Animal By-Products Order 1999
  9. Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
  10. Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015
  11. Animal Gatherings Order 2010
  12. Animal Health Act 1981
  13. Animal Welfare Act 2006
  14. Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
  15. Anti-social Behaviour Act 2003

16. Anti-Social Behaviour, Crime and Policing Act 2014
17. Betting, Gaming and Lotteries Act 1963
18. Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
19. Birmingham Commonwealth Games Act 2020
20. Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
21. Breeding of Dogs Act 1921, Breeding of Dogs Act 1973, Breeding of Dogs Act 1991
22. Breeding and Sale of Dogs (Welfare) Act 1999
23. Brucellosis (England) Order 2015
24. Building Act 1984
25. Burials Act 1957
26. Cancer Act 1939
27. Cattle Identification Regulations 1998
28. Charities Act 2006
29. Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
30. Children and Families Act 2014
31. Children and Young Persons Act 1933
32. Children and Young Persons (Protection from Tobacco) Act 1991
33. Christmas Day (Trading) Act 2004
34. Civil Contingencies Act 2004
35. Clean Air Act 1993
36. Clean Neighbourhoods and Environment Act 2005
37. Companies Act 2006
38. Consumer Credit Act 1974, Consumer Credit Act 2006
39. Consumers, Estate Agents and Redress Act (CEARA) 2007 including Requirement to Belong to a Scheme etc.) (England) Order 2014 made under this Act
40. Consumer Protection Act 1987
41. Consumer Rights Act 2015
42. Control of Dogs Order 1992
43. Control of Pollution Act 1974
44. Control of Pollution (Amendment) Act 1989
45. Copyright, Designs and Patents Act 1988
46. Cinema Act 1985

47. Crime and Disorder Act 1998
48. Criminal Attempts Act 1981
49. Criminal Justice Act 1988
50. Criminal Justice and Police Act 2001
51. Criminal Justice & Public Order Act 1994
52. Crossbows Act 1987
53. Customs & Excise Management Act 1979
54. Customs and Inland Revenue Act 1883
55. Dairy Products (Hygiene) Regulations 1995
56. Dangerous Dogs Act 1991
57. Dangerous Substances and Explosive Atmospheres Regulations 2002
58. Dangerous Wild Animals Act 1976
59. Deregulation Act 2015
60. Dogs Act 1871 and 1906
61. Dogs (Fouling of Land) Act 1996
62. Disability Discrimination Act 1995
63. Disabled Person Parking Badges Act 2013
64. Education Reform Act 1988
65. Egg Products Regulations 1993
66. Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
67. Energy Information Regulations 2011
68. Energy Performance of Buildings (England and Wales) Regulations 2012
69. Enterprise Act 2002
70. Environment Act 1995 and 2021
71. Environmental Protection Act 1990
72. Environmental Protection (Microbeads)(England) Regulations 2017
73. Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020
74. Estate Agents Act 1979
75. European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:
76. Advanced Television Services Regulations 2003

77. African Horse Sickness (England) Regulations 2012
78. Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015
79. Animal By-Products (Enforcement)(England) Regulations 2013
80. Animal Feed (Basic Safety Standards) (England) Regulations 2019
81. Avian influenza (Preventative Measures) (England) Regulations 2006
82. Avian Influenza (Vaccination)(England) Regulations 2006
83. Beef and Veal Labelling Regulations 2010
84. Biofuel Labelling Regulations 2004
85. Bluetongue Regulations 2008
86. Business Protection from Misleading Marketing Regulations 2008
87. Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
88. Cattle Identification Regulations 2007
89. Construction Products Regulations 2013
90. Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
91. Consumer Protection from Unfair Trading Regulations 2008
92. Consumer Rights (Payment Surcharges) Regulations 2012
93. Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009
94. Country of Origin of Certain Meats (England) Regulations 2015
95. Crystal Glass (Descriptions) Regulations 1973
96. Detergents Regulations 2010
97. Diseases of Swine Regulations 2014
98. EC Fertilisers (England and Wales) Regulations 2006
99. Eggs and Chicks (England) Regulations 2009
100. Electrical Equipment (Safety) Regulations 2016
101. Electromagnetic Compatibility Regulations 2016
102. Energy Information Regulations 2011
103. Energy Performance of Buildings (England and Wales) Regulations 2012
104. Equine Identification (England) Regulations 2018

105. Financial Services (Distance Marketing) Regulations 2004
106. Fluorinated Greenhouse Gases Regulations 2015
107. Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020
108. Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016
109. Food Information Regulations 2014
110. Food Safety and Hygiene (England) Regulations 2013
111. Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006
112. Footwear (Indication of Composition) Labelling Regulations 1995
113. Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
114. General Product Safety Regulations 2005
115. Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004
116. Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019
117. Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to feed law*
118. Materials and Articles in Contact with Food (England) Regulations 2012
119. Measuring Container Bottles (EEC Requirements) Regulations 1977
120. Measuring Instruments Regulations 2016
121. Non-automatic Weighing Instruments Regulations 2016
122. Novel Foods (England) Regulations 2018
123. Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to food law*
124. Olive Oil (Marketing Standards) Regulations 2014
125. Organic Products Regulations 2009
126. Package Travel and Linked Travel Arrangements Regulations 2018
127. Packaging (Essential Requirements) Regulations 2015



128. Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
129. Personal Protective Equipment (Enforcement) Regulations 2018
130. Poultry meat (England) Regulations 2011
131. Pressure Equipment (Safety) Regulations 2016
132. Products of Animal Origin (Disease Control) (England) Regulations 2008
133. Pyrotechnic Articles (Safety) Regulations 2015
134. Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
135. Quick-frozen Foodstuffs (England) Regulations 2007
136. Radio Equipment Regulations 2017
137. REACH Enforcement Regulations 2008
138. Recreational Craft Regulations 2017
139. Registration of Establishments (Laying Hens) (England) Regulations 2003
140. Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
141. Scotch Whisky Regulations 2009
142. Simple Pressure Vessels (Safety) Regulations 2016
143. Specified Products from China (Restrictions on First Placing on the Market)
144. (England) Regulations 2008
145. Spirit Drinks Regulations 2008
146. Supply of Machinery (Safety) Regulations 2008
147. Textile Products (Labelling and Fibre Composition) Regulations 2012
148. Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
149. Tobacco and Related Products Regulations 2016
150. Toys (Safety) Regulations 2011
151. Trade in Animals and Related Products Regulations 2011
152. Transmissible Spongiform Encephalopathies (England) Regulations 2018
153. Veterinary Medicines Regulations 2013
154. Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

- 155. Weights & Measures (Packaged Goods) Regulations 2006
- 156. Welfare of Animals at Time of Killing (England) Regulations 2015
- 157. Wine Regulations 2011
- 158. Zoonoses (Monitoring) (England) Regulations 2007
- 159. Explosives Act 1875 and 1925
- 160. Explosives (Age of Purchase etc) Act 1976
- 161. Explosives Regulations 2014
- 162. Equality Act 2010
- 163. Factories Act 1961
- 164. Farm and Garden Chemicals Act 1967
- 165. Food Act 1984
- 166. Food and Environment Protection Act 1985 [Note: Authorisation must be issued directly to the officer by the FSA.]
- 167. Food Premises (Registration) Regulations 1991
- 168. Food (Promotion and Placement) (England) Regulations 2021
- 169. Food Safety Act 1990
- 170. Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- 171. Food Safety (General Food Hygiene) Regulations 1995
- 172. Forgery and Counterfeiting Act 1981
- 173. Firearms Act 1968
- 174. Fireworks Act 2003
- 175. Fire Precautions Act 1971
- 176. Fire Safety and Safety of Places of Sport Act 1987
- 177. Fraud Act 2006
- 178. Gambling Act 2005
- 179. Game Act 1831
- 180. Game Licensing Act 1860
- 181. Hallmarking Act 1973
- 182. Health Act 2006
- 183. Health and Safety at Work etc Act 1974
- 184. Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 as amended (*expected to be revoked on 24<sup>th</sup> March 2022*)
- 185. Highways Act 1980
- 186. House to House Collections Act 1939

187. Hypnotism Act 1952
188. Intoxicating Substances (Supply) Act 1985
189. Knives Act 1997
190. Land Drainage Act 1991
191. Late Night Refreshment Houses Act 1969
192. Legal Services Act 2007
193. Licensing Act 2003
194. Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018
195. Local Government Act 1874, 1972, 2000 and 2003
196. Local Government (Miscellaneous Provisions) Act 1976 and 1982
197. Lotteries and Amusements Act 1976
198. Magistrates Court Act 1980
199. Meat Products (Hygiene) Regulations 1994
200. Medicines and Medical Devices Act 2021
201. Minced Meat and Meat Preparations (Hygiene) Regulations 1995
202. Money Laundering Regulations 2007
203. Motor Cycle Noise Act 1987
204. National Assistance Act 1948
205. Noise Act 1996
206. Noise and Statutory Nuisance Act 1993
207. Nurses Agencies Act 1957
208. Offensive Weapons Act 2019
209. Office Shops and Railway Premises Act 1963
210. Olympic Symbol etc. (Protection) Act 1995
211. Ozone-Depleting Substances Regulations 2015
212. Pet Animals Act 1951
213. Petroleum (Consolidation) Act 1928
214. Petroleum (Consolidation) Regulations 2014
215. Petroleum (Transfer of Licences) Act 1936
216. Performing Animals (Regulation) Act 1925
217. Pigs (Records, Identification and Movement) Order 1995
218. Poisons Act 1972
219. Police, Factories etc. (Miscellaneous Provisions) Act 1916
220. Pollution Prevention and Control Act 1999

- 221. Prevention of Damage by Pests Act 1949
- 222. Prices Acts 1974 and 1975
- 223. Price Marking Order 2004
- 224. Proceeds of Crime Act 2002
- 225. Protection of Animals Act 1911, Protection of Animals (Amendment) Act 1954
- 226. Public Health Act 1875
- 227. Public Health Acts Amendment Act 1907
- 228. Public Health Acts 1936 and 1961
- 229. Public Health (Control of Disease) Act 1984
- 230. Psychoactive Substances Act 2016
- 231. Redress Schemes for Letting Agencies Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014
- 232. Registered Designs Act 1949
- 233. Refuse Disposal (Amenity) Act 1978
- 234. Regulatory Enforcement Sanctions Act 2008
- 235. Regulatory Reform (Fire Safety) Order 2005
- 236. Reservoirs Act 1975
- 237. Riding Establishments Acts 1964 and 1970
- 238. Road Traffic Acts 1988 and 1991
- 239. Road Traffic (Foreign Vehicles) Act 1972
- 240. Road Traffic (Vehicle Emission)(Fixed Penalty)(England) Regulations 2002
- 241. Safety of Sports Grounds Act 1975
- 242. Scotch Whisky Act 1988
- 243. Scrap Metal Act 2013
- 244. Single Use Carrier Bags Charges (England) Order 2015
- 245. Slaughterhouses Act 1974
- 246. Solicitors Act 1974
- 247. Sunbeds (Regulation) Act 2010
- 248. Sunday Trading Act 1994
- 249. Tenant Fees Act 2019 and the Housing and Planning Act 2016 as it relates to Client Money Protection Schemes
- 250. Telecommunications Act 1984
- 251. Theatres Act 1968
- 252. Theft Act 1968

- 253. Tobacco Advertising and Promotion Act 2002
- 254. Town Police Clauses Act 1847 and 1889
- 255. Town and County Planning Act 1990 (as amended)
- 256. Town and Country Planning (Churches and Places of Religious Worship and Burial Grounds) Regulations 1950
- 257. Trade Descriptions Act 1968
- 258. Trademarks Act 1994
- 259. Trading Representations (Disabled Persons) Act 1958
- 260. Traffic Management Act 2004
- 261. Transport Act 1985 and 1991
- 262. Unsolicited Goods and Services Acts 1971 and 1975
- 263. Video Recordings Act 1984 and 2010
- 264. Vehicles (Crime) Act 2001
- 265. Water Industry Act 1991
- 266. Weights and Measures Act 1985
- 267. Welfare of Animals (Transport) (England) Order 2006
- 268. Worship and Burial Grounds Regulations 1950
- 269. Zoo Licensing Act 1981

41. Together with:

- any Orders or Regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Union (Withdrawal Agreement) Act 2020;
- any byelaws in relation to the foregoing;
- any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and
- any modification or re-enactment to the foregoing.

### **Chief Planning Officer**

42. The Head of Planning and Development Control will be designated as the council's Chief Planning Officer.
43. The Chief Planning Officer is authorised (save where the Leader of the Council or relevant Portfolio Holder has directed or the Chief Officer considers that the matter should be referred to the Executive for consideration) to discharge the following functions in relation to the authority's role as Local Planning Authority including:
- Development Plan Functions including preparation, monitoring and review of the Development Plan (including the core strategy, site allocation plan, action plan and waste development plan)
  - Planning policy and guidance functions including the preparation, monitoring, review and adoption of other planning policy and guidance notes (including supplementary planning documents)
  - Neighbourhood Planning Functions
  - Conservation Area Functions including designation and review of Conservation Area appraisals and management plans.
44. The Chief Planning Officer's delegations do not cover those functions delegated to the Director of Environment, Transport and Planning.

### **Corporate Director of Adult Social Care and Integration**

45. The Corporate Director of Adult Social Care & Integration will hold the statutory designation of Director of Adults Social Services and will carry out the functions of the Council as an Adults Social Care in line with section 6 of the Local Authority Act 1970 and undertake the functions required by Section 18 of the Children Act 2004, as amended from time to time including sections 58 - 66 of the Care Act 2014 and The Care and Support (Children Carers) Regulations 2014 supporting transitions to adult social care SEND and young people on EHCPs preparing for

adulthood, but excluding those provisions which related directly to children and young people under the age of 18 years.

- a) To exercise the functions of the Council with regard to, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to social services, safeguarding adults, Mental Health services including the deprivation of liberty and Health functions.
- b) To ensure market oversight, management and commissioning of all age social care services in accordance to the duty imposed in section 4 Care Act 2014.
- c) Lead on Multi-agency local adult safeguarding board (SAB) to prevent abuse, neglect and stop it when it happens in accordance with the legal safeguarding framework set out within the Care Act 2014 as well as the Safeguarding Vulnerable group's act 2006 and the Protection and Freedom Bill sexual offences Act 2003, ill treatment or wilful neglect under section 44 Mental capacity Act and Public Interest Disclosure Act 1998.
- d) To exercise all the powers and duties of the Council in accordance with general policies from time to time laid down by the Executive for the administration of any arrangements made under relevant legislation with respect to services for adults including people with disabilities.
- e) To undertake quality spot visits, to make permanent or temporary variations in the approved number of places at any Adult Social Care establishment in line with CQC 5 standards of care.
- f) To support integration, co-operation and partnerships within section 15.2 section 3,6,7 of the Care Act 2014 including, Planning, Commissioning, assessment and information, delivery of care, Joint Needs assessment JSNA and Joint health and wellbeing strategies.
- g) To carry out the functions of the Council which fall within this directorate remit under the NHS Health and Care Act 2012 and any other health legislation (as amended or replaced from time to time) to enter into arrangements with the NHS

or other bodies for the exercise of the NHS or health functions or health related Council functions so far as those functions relate to Adults).

h) As well as the legislation (which may be amended from time to time) listed below but not limited to:

- National Assistance Act 1948
- Mental Health Act 1983 (amended)
- Care Act 2014
- Equality Act 2010
- Health and Social Care Act 2012
- Mental Capacity Act 2005
- Carers Equal Opportunities Act 2004
- Community Care Delayed Discharges Act 2003
- Housing Act 1996
- Community Care Direct Payments Act 1996
- Local Government Act 2000
- Human Rights Act 1998
- SEND Code of Practice 0-25yrs 2014

46. Where litigation is conducted in Court with respect to those who are aged 18 and over, instructions are provided in the name of the Corporate Director of Adult Social Care & Integration.
47. To approve the utilisation of funds received under Section 106 of the Town and Country Planning Act 1990 to the project named in the relevant Section 106 agreement, up to a maximum value of £150,000 per Section 106 agreement. A schedule of such expenditure will be maintained and reported quarterly to the Executive Member for Health, Wellbeing & Adult Social Care.
48. Where a Director from the Adult Social Care & Integration Directorate is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, the Corporate Director of Adult Social Care & Integration shall undertake, allocate or reallocate responsibility for exercising particular delegations to any officer



of the council in the interests of effective corporate management as they think fit.

### **Corporate Director of Children and Education**

49. The Corporate Director of Children and Education will hold the statutory designation of Director of Children's Services and will carry out the functions of the Council as they relate to Children's Social Care and Education and undertake the functions required by section 18 Children Act 2004, as amended from time to time, but excluding those provisions which directly relate to Adults Social Care for persons over the age of 18 years.
- a) To exercise the functions of the Council with regard to powers and duties of Children's Services Authority and Local Education Authority, (or Local Authority in the context of children's social care matters and/or educational matters), under all relevant legislation.
  - b) To carry out the functions of the Council's Local Education Authority (or Local Authority in the context of educational matters) including the functions of the Council relating to education, child employment in the youth service but excluding functions relating to adult learning and further and higher education set out in Section 18 (3) of the Children Act 2004 (as amended from time to time).
  - c) To be responsible for the general duties under sections 13(1) and 13A of the Education Act 1996 (as amended from time to time). To carry out the functions of the Council as local education authority in relation to adult/family learning and further and higher education including the functions set out in section 18(3) of the Children Act 2004 (as amended from time to time).
  - d) To undertake all the powers and duties of the Council as an Adoption Agency having regard to the recommendations of

the adoption panel and to approve the charge for home study assessments for inter country adoptions in accordance with the policy agreed by Executive, and to appoint the members (except for the appointment of any members who are Councillors) of the adoption and permanence panels in accordance with the Adoption Regulations 2011 or as amended from time to time.

- e) To carry out the functions of the Council under the NHS Act 2006 and any other health legislation (as amended or replaced from time to time) to enter into arrangements with the NHS or other bodies for the exercise of the NHS or health functions or health related Council functions so far as those functions relate to children).
- f) To carry out the functions of the Council under Section 23(C) to 24(D) of the Children Act 1989 and the Children and Social Work Act 2017 (as amended from time to time) in relation to aftercare arrangements etc.
- g) To carry out the functions of the Council under Sections 10 to 13 and 17(A) of the Children Act 2004 (as amended from time to time) in relation to arrangements to safeguard and promote the welfare of children and young person's plans.
- h) To carry out the functions of the Council in relation to Early Help/Sure Start and the Childcare Act 2006.
- i) To carry out the functions of the Council in relation to youth justice services.
- j) To be responsible for the development of corporate parenting and supporting City of York Council's Commitment to Corporate Parenting as detailed within this constitution.
- k) To ensure the sufficiency of the child protection service and to promote and participate fully within multi-agency

safeguarding arrangements to ensure that children within the Council's area are adequately safeguarded and protected.

- l) To ensure the effectiveness of the Multi Agency Safeguarding Arrangements within the City of York in accordance with the Children and Social Work Act 2017 and Working Together to Safeguard Children 2018.'
- m) To undertake statutory visits to children's homes and to make permanent or temporary variations in the approved number of places at any children services establishments.
- n) To enforce, make applications and representations to a Court or Magistrate and authorise, institute and defend proceedings under any enactment which stand referred to the Executive, in consultation with the Director of Governance.
- o) To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.
- p) To respond to alcohol licensing applications to highlight any concerns in relation to child safety.
- q) To institute, intervene, or defend, on the Council's behalf, wardship proceedings and to appear on the Council's behalf on any wardship proceedings involving the Council in consultation with the Director of Governance

- 50. To approve the utilisation of funds received under Section 106 of the Town and Country Planning Act 1990 to the project named in the relevant Section 106 agreement, up to a maximum value of £150,000 per Section 106 agreement. A schedule of such expenditure will be maintained and reported quarterly to the Executive Member for Children, Young People and Education.

51. Where a Director from the Children and Education Directorate is absent from the workplace for a period of time that requires others to exercise delegated authority in that Officer's absence, the Corporate Director of Children & Education shall undertake, allocate or reallocate responsibility for exercising particular delegations to any officer of the council in the interests of effective corporate management as they think fit.

### **Director of Public Health**

52. To undertake such statutory responsibilities as may be required by legislation or delegated to the authority or the Director by the Secretary of State from time to time.
53. To commission public health services on behalf of the Secretary of State in consultation with the relevant Executive Member and on behalf of the Council to address local Public Health challenges identified through the Public Health Outcomes Framework and tackle local priorities as set out in the joint Health and Wellbeing Strategy for City of York. The final decision rests with the Director of Public Health.
54. To provide public health and population healthcare advice to NHS Commissioners and Providers. Contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.
55. To undertake the Council's statutory duties for health protection.
56. To authorise Consultants in Communicable Disease Control of Public Health England and/or their deputies to act on behalf of the Council as Proper Officer in the exercise of statutory functions relating to the control of infections and other disease and food poisoning.
57. To authorise allowances to persons excluded from work because of notifiable disease.

58. Lead the Council's development of the Local assessment of health and care needs. This to be done in partnership with local NHS Organisations and Clinical Commissioning Groups with a shared statutory duty to develop and deliver the JSNA for their defined population.
59. To be accountable for the use of the local authority Public Health ring fenced grant.
60. To be the Council's lead registered Caldicott Guardian with the responsibility for protecting the confidentiality of people's health and care information, and making sure such data is used properly including overseeing the use and sharing of clinical information. This is to be done with support from an additional registered Caldicott Guardian from Children's Services and Adult Care and Health.
61. To carry out functions in relation to the following legislation:
  - a. Health and Social Care Act 2012
  - b. Public Health (Control) of Disease Act 1984
  - c. The Health Act 2006
  - d. Public Health (Control of Disease) Act 1984
  - e. Health Protection Regulations:
    - The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 as amended (expected to be revoked on 24<sup>th</sup> March 2022)
    - The Health Protection (Coronavirus, Restrictions) (Self Isolation) (England) Regulations 2021 as amended

## **Proper Officer Functions**

### Meaning of Proper Officer Functions

- i. Certain legislation requires the Council to designate a particular Officer as "Proper Officer" for the performance of certain functions.

- ii. The following officers are designated to perform the functions of Proper Officer in relation to the matters set out below in the following tables.
- iii. The Director of Governance & Monitoring Officer will:
- a) act as authorised or proper officer for the purposes of any Act of Parliament or Statutory Instrument where qualified to do so and no other Officer has been appointed.
  - b) appoint officers to act as authorised/proper Officers for the purposes of any Act of Parliament or Statutory Instrument.

### Local Government Act 1972

No.	Section	Duties	Proper Officer
1	42	To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor.	Chief Operating Officer
2	83 (1)	To receive the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in their absence the Head of Democratic Governance.
3	83 (3)	To witness the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in their absence the Head of Democratic Governance.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
4	84	To receive written notice of resignation from any person elected to an office under the Local Government Act 1972.	The Monitoring Officer or in their absence the Head of Democratic Governance.
5	88 (2)	To convene a meeting of the Council for the election of Lord Mayor of the Council on a casual vacancy occurring.	Chief Operating Officer or in their absence the Monitoring Officer
6	89 (1) (b)	To receive written notice of a casual vacancy in the office of a Councillor from two local government electors.	The Monitoring Officer or in their absence the Head of Democratic Governance.
	Section 100C (2)	Making (without disclosing exempt information) a written summary to provide members of the public with a reasonable, fair and coherent record of the whole or part of the proceedings where part of the minutes of the meeting are not open to the public because they disclose exempt information	The Monitoring Officer or in their absence the Head of Democratic Governance.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
	Section 100D	Compilation of lists of background papers and identification of background papers	Chief Operating Officer and Corporate Directors (each Corporate Director for their service reports), Directors
	Section 100D	Papers not open to inspection by Members	The Monitoring Officer and the Chief Operating Officer
7	146 (1)(a) (re: transfer of securities of a company in the name of a local authority)	To make statutory declarations as to the securities and the change of name and identity of an authority on the transfer of those securities into the new name of the authority	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.
8	146(1)(b) (re: transfer of securities of a company in the name of a local authority)	To give a certificate confirming that a local authority has become entitled to securities, dividends or interest standing in the name of the name of another local authority.	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.
9	151	Officer responsible for the proper administration of financial affairs.	Chief Finance Officer



<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
10	191 (2)	To receive applications concerning surveying under section 1 of the Ordnance Survey Act 1841.	Corporate Director of Place.
11	210 (6) and (7)	Duties relating to charities.	Chief Finance Officer
12	225 (1)	To receive and retain such documents deposited with the Local Authority pursuant to the Standing Orders of either House of Parliament	The Monitoring Officer
13	229 (5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or any part of a document which is in the custody of, or has been destroyed while in the custody of a Local Authority.	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.
14	234 (1)	To sign on behalf of the Authority any notice, order or other document which the Authority is authorised or required to authorise or required to give, make or issue.	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
15	238	To sign a certificate endorsed on a printed copy of any byelaws (relating to the authenticity of the byelaws).	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.
16	Schedule 12 Para 4	To receive written notice from a Member that the summons to a meeting of the Council shall be sent to some other address other than their place of residence.	The Monitoring Officer or in their absence the Head of Democratic Governance.
17	Schedule 14	To certify resolutions of the Council under Public Health Acts 1875-1925.	The Monitoring Officer
18	Schedule 16 (28)	To receive on deposit lists of buildings of special architectural or historic interest under section 54 (4) of the Town & Country Planning Act.	Corporate Director of Place

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
19	Schedule 29 Para 41 (3)	Substitution of Proper Officer for Clerk of Council in section 9 (1) of Registration Services Act 1953- the determination of a Deputy to become Interim Superintendent Registrar or Interim Registrar of births and deaths if the latter ceases to hold office.	Director of Customer & Communities

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
20	Schedule 29 Para 41 (4)	<p>Substitution of Proper Officer for Clerk of Council.</p> <ol style="list-style-type: none"><li>1. In section 9 (2) of Registration Service Act 1953- appointment of Interim Superintendent Registrar or Registrar of births and death were no Deputy.</li><li>2. In section 13 (2) (h) details of running of service hours in business Superintendent Registrars.</li><li>3. In section 13 (3) (b) general supervisory powers over administration of Registration Service Act.</li></ol>	Director of Customer & Communities
21	Schedule 29 Para 41 (5)	<p>Substitution of Proper Officer for Clerk of Council in section 20 (b) of Registration Service Act 1953- prescription of duties in regulation of Clerks of Council under Registration Acts.</p>	Director of Customer & Communities

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
22	Section 100 b (2)	Excluding from inspection by Members of the public, the whole or part of any report which in their opinion is likely to be excluded from consideration in public at a Council, Executive, Committee or sub Committee meeting.	The Monitoring Officer or in their absence the Head of Democratic Governance.
23	Section 100 B (7)	Deciding whether or not a newspaper should be supplied with copies of any documents supplied to a Member of the Council other than the agenda, report and statement, or particulars indicating the nature of the agenda items.	The Monitoring Officer or in their absence the Head of Democratic Governance.

### **The Highways Act 1980**

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	Section 205 (5) (re: private street works)	To certify a copy of the resolution of the Local Authority approving the specifications, estimates and apportionment and a copy of those documents	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.

		for keeping on deposit open to public inspection.	
2	Section 210 (2) (re: private street works)	To certify a document giving details of the amendment of any estimate and consequential amendment of any apportionment for keeping on deposit open to public inspection.	The Monitoring Officer or in their absence a solicitor nominated by the Monitoring Officer.

**Statutory non-executive functions, regulatory and other non-executive functions**

1. The following functions are either the responsibility of the responsible body named in the second column or the responsible officer named in the third column.
2. The responsible Officer will exercise the functions for all matters which fall outside of the Scheme of Delegations aforementioned in this constitution.

**KEY**

Responsible bodies

Planning Committee A and Planning Committee B (PC),  
Licensing & Regulatory Committee and any related sub-committees (LRC),  
Audit & Governance Committee (A&G),  
Executive (EX)

Responsible officers

Chief Operating Officer (COO)  
Corporate Director of Children & Education (CDCE)  
Corporate Director of Adult Social Care & Integration (CDASCI)  
Director of Governance (DG)  
Director of Finance (DF)  
Director Public Health (DPH)  
Director of Environment, Transport and Planning (DETP)

Director of Housing & Communities (DHC)  
Director of City Development (DCD)  
Chief Officer – HR & Support Services (COHRSS)

## NON EXECUTIVE FUNCTIONS

### Planning and Development Control Functions

Ref	Function	Responsible body	Responsible officer
1	Power to determine application for planning permission	PC	DETP
2	Power to determine applications to develop land without compliance with conditions previously attached	PC	DETP
3	Power to grant planning permission for development already carried out	PC	DETP
4	Power to decline to determine application for planning permission	PC	DETP
5	Duties relating to the making of determinations of planning Applications	-	DETP
6	Power to determine applications for planning permission made by a local authority, alone or jointly with another	PC	DETP
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	-	DETP
8	Power to enter into agreement regulating development or use of land	-	DETP following consultation with Chair and Vice Chair of PC
9	Power to issue a certificate of existing or proposed lawful use or development	-	DETP
9a	As per 9, but specifically in relation to existing use or redevelopment	-	DETP



<b>Ref</b>	<b>Function</b>	<b>Responsible body</b>	<b>Responsible officer</b>
10	Power to serve a completion notice		DETP following consultation with DG
11	Power to grant consent for display of advertisements	PC	DETP
12	Power to authorise entry on to land	-	DETP
13	Power to require discontinuance of land	PC	-
14	Power to serve a planning contravention notice, breach of condition notice or stop notice	-	DETP following consultation with DG
14a	Power to issue a temporary stop notice	PC	DETP
15	Power to issue an enforcement notice	-	DETP following consultation with DG
16	Power to apply for an injunction restraining a breach of planning control	-	DETP following consultation with DG
17	Power to determine applications for hazardous substances consent, and related powers	PC	DETP
18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating or mining sites, as the case may be, are to be subject	PC	DETP
19	Power to require proper maintenance of land	-	DETP
20	Power to determine application for listed building consent, and related powers	PC	DETP
21	Power to determine applications for conservation area consent	PC	DETP
22	Duties relating to applications for listed building consent and conservation area	-	DETP

	consent		
23	Power to serve a building preservation notice and related power	-	DETP following consultation with DG
24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	-	DETP following consultation with DG
25	Power to acquire a listed building in need of repair and to serve a repairs notice	-	DETP following consultation with DG
26	Power to apply for an injunction in relation to a listed building	-	DETP following consultation with DG
27	Power to execute urgent works	-	DETP

### Licensing and Registration Functions

Ref	Function	Responsible body	Responsible Officer
1	Power to issue licences authorising the use of land as a caravan site	LRC	DETP
2	Power to license the use of moveable dwellings and camping sites	LRC	DETP
3	Power to license Hackney Carriages and private hire vehicles	LRC	DETP
4	Power to license drivers of Hackney Carriages and private hire vehicles	LRC	DETP
5	Power to license operators of Hackney Carriages and private hire vehicles	LRC	DETP
7	Power to issue licenses in respect of premises where gambling takes place in accordance with the Gambling Act 2005	LRC	DETP following consultation with DPH

8	Power to issue permits in respect of premises where gambling takes place in accordance with the Gambling Act 2005	LRC	DETP following consultation with DPH
9	Power to issue licenses in respect of premises where activities take place in accordance with the Licensing Act 2003	LRC	DETP following consultation with DPH
10a	1) Functions relating to determining licensing policy and establishing licensing committees under sections 5 and 6 of the Licensing Act	Council	-
	2) Functions relating to the discharge of the council's licensing functions under section 7 of the Licensing Act 2003	LRC	DETP following consultation with DPH
	3) Functions relating to keeping a register of licensed premises under section 8 of the Licensing Act 2003	-	DETP following consultation with DPH
	4) Power to determine applications under the Minor Variations Procedure, Licensing Act 2003	-	DETP following consultation with DPH
10b	Power to resolve not to issue a casino premises licence	LRC	DETP following consultation with DPH
10c	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005	-	DETP
10d	Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005	-	DETP
10e	Power to exchange information in accordance with Section 350 of the Gambling Act 2005	-	DETP

10f	Function relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	LRC	DETP
11	Power to license sex shops and sex cinemas, other sex establishments and sexual entertainment venues	LRC	DETP
12	Power to license performances of hypnotism	LRC	DETP
13	Power to register premises for acupuncture, tattooing, cosmetic body piercing, electrolysis and semi-permanent skin colouring	LRC	DETP following consultation with DPH
14	Power to license pleasure boats and pleasure vessels	-	DETP
15	Power to issue consents for Street Trading	LRC	DETP
16	Power to license dealers in game and the killing and selling of game	LRC	DETP
17	Power to license and register premises for the preparation of food	LRC	DETP
18	Power to license scrap metal dealers	LRC	DETP
19	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	-	DETP following consultation with DPH
20	Power to issue, cancel, amend or replace safety certificates for regulated stands of sports grounds	-	DETP following consultation with DPH
21	Power to issue fire certificates	N/A	DETP
22	Power to license businesses involving animal licensable activities under the Animal Welfare Act 2006	-	DETP
23	Power to license zoos	LRC	DETP
24	Power to license dangerous wild animals	LRC	DETP
25	Power to license knackers yards	LRC	DETP
26	Power to license the employment of children	LRC	DETP in conjunction with CDCE
27	Power to approve premises for the	-	DETP

	solemnisation of marriages		
28	Power to register common land or town or village greens	PC	DETP
29	Power to register variations of rights of common	PC	DETP
30	Power to license persons to collect for charitable and other causes	LRC	DETP
31	Power to grant consent to use a loud speaker	-	DETP
32	Power to grant a street works licence	PC	DETP
33	Power to license agencies for the supply of nurses	N/A	DETP in conjunction with DPH
34	Power to issue license for the movement of pigs	LRC	DETP
35	Power to license the sale of pigs	LRC	DETP
36	Power to license collecting centres for the movement of pigs	LRC	DETP
37	Power to issue a license to move cattle from a market	LRC	DETP
38	Power to grant permission for provision of services, amenities, recreation and refreshment facilities on highway, and related powers	PC	DETP
39	Power to permit deposit of builder's skips on highways	-	DETP
40	Duty to publish notice in respect of proposal to grant permission under 115E of the Highways Act 1980	PC	DETP
41	Power to license planting, retention and maintenance of trees etc in part of the highway	PC	DETP
42	Power to authorise erection of stiles etc on footpaths or bridle ways	PC	DETP
43	Power to license works in relation to buildings etc which obstruct the highway	PC	DETP
44	Power to consent to temporary deposits or excavations in streets	PC	DETP

45	Power to dispense with obligation to erect hoarding or fencing	PC	DETP
46	Power to restrict the placing of rails, beams etc over the highway	PC	DETP
47	Power to consent to construction of cellars etc under streets	PC	DETP
48	Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	-	DETP
49	Power to issue licences to retail butchers carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat Foods	-	DETP
50	Power to approve wholesale food businesses supplying food of animal origin	-	DETP
51	Duty to keep a register of food business premises	-	DETP
52	Power to register food business premises	-	DETP

### **Functions Relating to Health and Safety at Work**

<b>Ref</b>	<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1	Functions under any of the relevant statutory provisions within the meaning of part 1 of the Health and Safety at Work Act 1974, other than those discharged in the council's capacity as an employer	-	COHRSS in conjunction with COO

### **Functions Relating to the Elections**

<b>Ref</b>	<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1	Duty to appoint an electoral registration officer	Council	COO

2	Power to assign officers in relation to requisitions of the electoral registration officer	-	COO
3	Functions in relation to parishes and parish councils	Council	DG
4	Power to dissolve small parish councils	Council	DG
5	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Council	DG
6	Duty to appoint returning officer for local elections	Council	DG
7	Duty to provide assistance at European elections	N/A	N/A
8	Duty to divide constituency into polling districts	Council	COO
9	Power to divide wards into polling districts at local government elections	Council	COO
10	Power to approve polling places for polling districts	-	COO
11	Powers in respect of holding elections (parish councils)	-	COO
12	Power to pay expenses properly incurred by electoral registration officers	-	COO
13	Power to fill temporary vacancies in the event of insufficient nominations (parish councils)	N/A	COO
14	Duty to declare vacancy in office in certain cases	-	DG
15	Duty to give public notice of casual vacancy	-	DG
16	Power to make temporary appointments to parish councils	N/A	DG
17	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	-	COO
18	Power to submit proposals to the Secretary of State for an order under Section 10 (Pilot Schemes for local elections in England and Wales, of the	Council	COO

	representation of the People Act 2000)		
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### **Functions Relating to Name and Status of Areas and Individuals**

<b>Ref</b>	<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1	Power to change the name of the city	Council	COO in conjunction with DG
2	Power to change the name of a parish	Council	DG
3	Power to confer title of honorary alderman or to admit to be an honorary freeman	Council	COO
4	Power to petition for a charter to confer borough status	N/A	N/A

### **Power to Make, Amend, Revoke, Re-enact or Enforce By Laws**

<b>Ref</b>	<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1	Power to make, amend, revoke, re-enact or enforce by laws	Council	DG

### **Power to Promote or Oppose Local or Personal Bills**

<b>Ref</b>	<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1	Power to promote or oppose local or personal bills	Council	DG

### **Functions Relating to Pensions**



Ref	Function	Responsible Body	Responsible Officer
1	Functions relating to local government pensions etc and key employer decisions	N/A	COO in consultation with COHRSS
2	Functions under the fireman's pension scheme	N/A	N/A

### Miscellaneous Functions

Ref	Function	Responsible Body	Responsible Officer
1	Power to create footpaths and bridleways by agreement	PC	DETP
2	Power to create footpaths and bridleways	PC	DETP
3	Duty to keep register of information with respect to maps, statements and declarations	-	DETP
4	Power to stop up footpaths and bridleways	PC	DETP
5	Power to determine application for public path extinguishments order at request of owner where land is used for agricultural purposes	PC	DETP
6	Power to make a rail crossing extinguishment order	-	DETP
7	Power to make a special extinguishment order to prevent crime	PC	DETP following consultation with DG
8	Power to divert footpaths and bridleways	PC	DETP
9	Power to make a public path diversion order	PC	DETP
10	Power to make a rail crossing diversion order	PC	DETP

11	Power to make a special diversion order to prevent crime	PC	DETP following consultation with DG
12	Power to require applicant for a special diversion order to enter into an agreement under section 119A of the Highways Act 1980	PC	DETP following consultation with DG
13	Power to make a SSSI diversion order	PC	DETP
14	Duty to keep register with respect to applications under sections 118Z, 118C, 119ZA and 119C of the Highways Act 1980	-	DETP
15	Power to decline to determine certain applications under section 121C of the Highways Act 1980	PC	DETP
16	Duty to assert and protect rights of the public for use and enjoyment of the highway	-	DETP
17	Duty to serve notice of proposed action in relation to an obstruction where a notice to remove the obstruction has been served on the council	-	DETP
18	Power to apply for variation of an order requiring the council to remove an obstruction under section 130B of the Highways Act 1980	-	DETP following consultation with DG
19	Power to authorise temporary disturbance on surface of footpath or bridleway	-	DETP
20	Power temporarily to divert footpath or bridleway	-	DETP
21	Functions relating to the making good of damage and the removal of obstructions	-	DETP
22	Powers related to the removal of things so deposited on the highways as to be a nuisance	-	DETP
23	Power to extinguish certain public rights of way in connection with the compulsory purchase of land	PC	DETP

24	Duty to keep a definitive map and statement under review	-	DETP
25	Power to include modifications in other orders	PC	DETP
26	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Country side act 1981	-	DETP
27	Duty to reclassify roads used as public paths	-	DETP
28	Power to prepare map and statement by way of consolidation of definitive map and statement	-	DETP
29	Power to designate footpath as cycle path	PC	DETP
30	Power to extinguish public right of way over land acquired for clearance	PC	DETP
30a	Power to authorise stopping up of diversion on highway	-	DETP
31	Power to authorise stopping up or diversion of footpath or bridleway	PC	DETP
32	Power to extinguish public rights of way over land held for planning purposes	PC	DETP
33	Power to enter into agreements with respect to means of access	-	DETP
34	Power to provide access in absence of agreement	PC	DETP
35	Functions relating to sea fisheries	N/A	N/A
36	Power to make standing orders	Council	DG
37	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	See relevant Articles and Appendices in this Constitution	
38	Power to make standing orders as to contracts	Council	DG
39	Duty to make arrangements for proper administration of financial affairs etc	A&G	DF
40	Power to appoint proper officers for particular purposes under section 270(3) of the Local Government Act 1972	-	DG

41	Power to make a limestone pavement order	PC	DETP
42	Power to make closing order with respect to take-away food shops	-	DETP
43	Duty to designate officer as Head of Paid Service, and carry out the functions in section 4(1) of the Local Government and Housing Act 1989,	Council	DG
44	Duty to designate officer to act as the Monitoring Officer, and to carry out the functions in section 5(1) of the Local Government and Housing Act 1989	Council	COO
44a	Duty to provide staff etc to person nominated as Monitoring Officer and S151 Officer	Council	COO
44b	Powers relating to scrutiny committees (voting rights of co-opted members)	Council	DG
45	Duty to approve the authority's accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	A&G	DF
46	Powers relating to the protection of important hedgerows	PC	DETP
47	Powers relating to the preservation of trees	PC	DETP
47a	Power to deal with complaints arising from high hedges	PC	DETP
48	Power to make payments or provide other benefits in cases of maladministration etc	-	DG
49	Power to issue Deprivations of Liberty authorisations	-	CDASCI in consultation with DG
50	Appointment of an independent member of another authority's Standards Committee, where necessary, because of a conflict of interest or non-availability, to serve as a temporary member of the Standards Committee.	-	DG

51	Power to consult with North Yorkshire Police on closure orders (Anti-Social Behaviour Crime & Policing Act 2014)	-	DETP in consultation with DG
52	Power to consult with North Yorkshire Police for the application of an injunction (Section 1 Anti-Social Behaviour Crime & Policing Act 2014)	-	DETP in consultation with DG
53	Power to apply for a Drink Banning Order (Sections 1-5 and 9- 14 Violent Crime Reduction Act 2006)	-	DETP in consultation with DG
54	Power to consult with North Yorkshire Police on the application for a Public Places Protection Order (Anti-Social Behaviour Crime & Policing Act 2014)	-	DETP in consultation with DG
55	Power to authorise directed surveillance and the use of covert human intelligence sources as prescribed for the purposes of s30(1) of the Regulation of Investigatory Powers Act 2000.	-	DG