

PART 3 RESPONSIBILITY FOR FUNCTIONS

3.1 Responsibility for Functions

Section 101 of the Local Government Act 1972 as amended by the Local Government Act 2000 permits the Council to arrange any of its functions to be carried out by:-

- The Executive,
- Any Committee of the Council,
- Another local authority.

The following lists the allocation of functions between the above parts of the Council:-

3.2 Council Functions

These are as follows:-

1. The adoption and any amendment to the Constitution,
2. The approval of the Budget and Policy Framework as defined in the Budget and Policy Framework Rules in Part 4 of the Constitution including;
 - The adoption (with or without modification) of the plan or strategy,
 - The giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted to the Executive for consideration,
 - The amendment of any draft plan or strategy submitted to the Council by the Executive for consideration.
3. Any application to the Secretary of State in respect of any Housing Land Transfer.
4. Calculations relating to and setting of Council Tax.
5. Setting the level of Council House rents.
6. The appointment and dismissal of the Chief Executive Officer and Head of Paid Service
7. The appointment and dismissal of Chief Officers and Deputy Chief Officers.
8. Consideration of a report by the Head of Paid Service on management of the Council or by Director of Resources or Monitoring Officer in relation to a Council function.

9. Appointment and Membership of Committees.
10. Election/Appointment of Chairman and Vice-Chairman of the Council.
11. The appointment of the Leader.
12. The appointment of and any amendment to Terms of Reference of Committees and Sub-Committees and Working Groups.
13. Authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings in respect of Council Tax, NNDR and Community Charge.
14. In accordance with the provisions of section 101(4) of the Local Government Act 1972, where it is expedient to do so to exercise the powers or duties in relation to any matter contained in the Terms of Reference of any Committee, Sub-Committee or other Council Body other than the Executive.
15. To make determination in respect of the Council's Borrowing and Investment Strategy.
16. National and Provincial Council decisions and recommendations.
17. Approval of and amendment to the Members' Allowances Scheme including the level of allowances within the scheme following the consideration of report from the Independent Remuneration Panel.
18. Determining the amount of any allowance payable in respect of the Chairman and Vice Chairman of the Council's expenses, allowances for attending conferences, travelling and subsistence allowances under the Local Government Act 1972.
19. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary or not wholly in accordance with the Budget and Policy Framework.
20. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
21. The function of specifying a value or description for the purposes of Regulation 8 of the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 in respect of Contracts Standing Orders.
22. All local choice functions set out in 3 below, which the Council has decided, should be undertaken by itself rather than the Executive.

23. The authorisation of applications by the Executive under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (Programme for Disposals) and sections 32 and 43 of the Housing Act 1985 for the disposal of housing land other than under Right to Buy legislation.
24. Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.
25. All other matters which by law must be reserved to the Council, including those functions which cannot be the responsibility of the Executive, but which can be delegated to a Committee by the Council. These functions are listed in the Appendix to this part of the Constitution.
26. Debate petitions to the Authority which contains 1% of the population of the District (700 signatures)

3.3 Local Choice Council Functions

1. All regulatory functions under the Derbyshire Act 1981.
2. The determination of an appeal made against any decision made by or on behalf of the Council.
3. Any function related to contaminated land.
4. The discharge of any function relating to the control of pollution or the management of air quality.
5. The service of an Abatement Notice in respect of statutory nuisance.
6. The passing of a resolution that the Noise and Statutory Nuisance Act 1993 should apply.
7. The inspection of the area for statutory nuisance.
8. The investigation of any complaint as to the existence of statutory nuisance.
9. The making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a Parish Council where so requested be delegated to the Chief Executive Officer, in consultation with the Leader, Deputy Leader and the Assistant Director – Governance and Monitoring Officer.
10. The obtaining of information under section 330 of the Town and Country Planning 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.
12. Town Police Clauses Act 1847 section 21 – Temporary Street Closures.
13. The licensing of markets to operate within the District including the level of fee.
14. The designation of Clearance Areas and Renewal Areas.
15. The making and revocation of appointments to outside bodies where the appointments relate to Council functions.

3.4 Executive Functions

1. The making and revocation of appointments to outside bodies where the appointments relate to Executive functions.
2. Any function under the Derbyshire Act 1981 other than those relating to licensing, registration or regulatory matters.
3. The formulation or preparation of plans or strategies for consideration by Council where the plan or strategy is required to be approved by Council.
4. The amendment, variation, revocation of such plan or strategy required to give effect to a requirement of the Secretary of State or Minister of the Crown in relation to a plan submitted for his approval.
5. The making of applications for disposal of land (following authorisation by the Council) under section 135 of the Leasehold Reform, Housing & Urban Development Act 1993 (Programme for disposals) and sections 32 and 43 of the Housing Act 1985 for disposal of housing land other than under Right to Buy legislation.
6. The implementation of the requirements of the Health and Safety at Work Etc. Act 1974 in respect of the Council as an employer and all its operations.
7. The appointment, terms of reference and membership of sub-committees to deal with matters within the Executive's terms of reference.
8. The provision of such resources as may be necessary for the proper operation of the Council provided the resources are within the Budget and Policy Framework.
9. The level of grant aid and other assistance to Parish Councils and voluntary organisations of a cultural, sporting or other philanthropic nature.

10. The management of all the Council's properties and land including (for the avoidance of doubt) the purchase and disposal of freeholds and leaseholds, the letting of Council houses in accordance with the Housing Act 1996 and the granting of contractual licences.
11. The approval of the level of any fee, charge, rent or other payment due to the Council provided they are within the Budget and Policy Framework.
12. The implementation and monitoring of the Council's Treasury Management policies and practices.
13. Agreeing any agency arrangements with any local authorities or other bodies in so far as they relate to executive functions.
14. To monitor and enforce the effective implementation and review of the Council's Single Equality Scheme.
15. The management of the IT Strategy for the Council.
16. The opening and consideration and, if appropriate acceptance subject to scrutiny, of tenders for works in excess of £50,000.
17. The promotion of economic development and employment opportunities in the District.
18. Monitoring the finances of the Council.
19. The granting of discretionary relief for NNDR/Community Charge/Council Tax including the management of the Council Tax and Housing Benefit Schemes.
20. The collection of sundry and other debts, administration of mortgages and determination of any matter relating to the Council's insurance cover.
21. Monitoring level of homelessness and Council's responsibilities for this under the Housing Act 1996 - Part VII.
22. The maintenance of good relations with the Council's tenants.
23. The development of sports and recreational facilities and opportunities within the District and the development and promotion of tourism.
24. The co-ordination of and assistance to the arts provided throughout the District.
25. The fostering of community development and liaison with Parish Councils and voluntary bodies within the District.

26. The management of any Council markets including the level of rents for market stalls and any other level of charges relating to markets.
27. The development of international partnerships and friendships.
28. All other functions not specifically designated as Council functions and not required by law to be exercised by the Council.
29. Regular monitoring of Ombudsman and Corporate Complaints.
30. Regular monitoring of Freedom of Information Act 2000 requests for information.
31. Responsibility for the implementation and monitoring of its treasury management policies and practices.
32. To respond to the views of the Council on petitions which have been debated at Council where the petition relates to an executive function or executive matters.

3.5 Individual Member Responsibilities

1. The Executive will be responsible for guiding the Council in the formulation of its aims and objectives. Within the Budget and Policy Framework, which is approved by Council, the Executive has responsibility for the implementation of the Council's aims and objectives.
2. Each Member of the Executive will be involved in the activities of all the Council's Departments, focusing on those issues relative to the cross cutting nature of the cabinet responsibilities they undertake.
3. The Leader can appoint an Executive of up to nine other members at the first Annual Meeting following the elections and this may be reviewed from time-to-time. The Leader will allocate each Executive Member a Portfolio responsibility to lead on.

CABINET MEMBERS – ROLES AND RESPONSIBILITIES

	Leader	Cabinet Member	Cabinet Member	Cabinet Member	Cabinet Member	Cabinet Member
Portfolio	Finance and Policy-Economic Growth	Customer Services and Revenues and Benefits	Community Cohesion, Audit, Legal and Governance Safety	EnvironmentHealth and Wellbeing	Regeneration Corporate Plan, HR and Leisure	Social Inclusion Housing and IT
Corporate Aims and Cabinet Responsibilities	All	Customer-Focussed Services Providing excellent customer service Providing customers with excellent service Transforming our organisation	Community Safety Ensuring that communities are safe and secure Community Cohesion Audit Legal Governance	Environment Promoting and enhancing a clean and sustainable environment Helping communities to be healthier, safer, cleaner and greener	Regeneration Developing healthy, prosperous and sustainable communities All	Social Inclusion Promoting fairness, equality and lifelong learning Helping communities to be healthier, safer, cleaner and greener Transforming our organisation
Service Plans	1/ Medium Term Financial Plan Finance Partnerships Economic Development Regeneration Planning Property and Estates	1/ CSPD 2/ Contact Centres 3/ Customer Services Revenues and benefits	Community and Street Services Community Safety Governance Internal Audit	1/ Planning 2/ Environmental Health Street-scene Public Health	1/ Regen 2/ CEPT Performance HR Social Inclusion Leisure	1/ Leisure Housing IT
Scrutiny Committee	Budget All	Customer Services and Transformation	Healthy, Safe, Clean and Green Budget Scrutiny	Healthy, Safe, Clean and Green	GrowthAll	Healthy, Safe, Clean and Green

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3.6 Committee Terms of Reference

The committees will have responsibility for the following scrutiny functions:

Customer Service and Transformation Scrutiny Committee	Healthy, Safe, Clean and Green Communities Scrutiny Committee	Growth Scrutiny Committee
<p>Corporate Plan Aims:</p> <p>Proving our Customers with Excellent Service</p> <p style="text-align: center;"><i>and</i></p> <p>Transforming our Organisation</p>	<p>Corporate Plan Aim:</p> <p>Supporting our Communities to be Healthier, safer, Cleaner and Greener</p>	<p>Corporate Plan Aim:</p> <p>Unlocking our Growth potential</p>
<ul style="list-style-type: none"> • Employees • Equality • Shared Services • Strategic Alliance • Transformation Programme • Specific Services <ul style="list-style-type: none"> ○ Access to Information ○ Audit ○ Communication ○ Consultation ○ Contact Centres ○ Finance ○ Governance ○ Human resources ○ ICT ○ Legal ○ Procurement ○ Revenues and Benefits ○ Scrutiny 	<ul style="list-style-type: none"> • Community Safety • Emergency Planning • Environmental Health (<i>including Licensing</i>) • Estates and Property • Health & Wellbeing • Housing Management • Leisure • Social Inclusion • Street Scene 	<ul style="list-style-type: none"> • Asset Management • Economic Development • Local Enterprise Partnerships and Combined Authorities • Partnerships • Planning • Regeneration • Strategic Housing • Tourism

(2) BUDGET SCRUTINY COMMITTEE

1. To receive the Cabinet/Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
2. To make recommendations to the Cabinet/Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
3. To monitor the Council's Budget (General Fund, Capital Programme and Housing Revenue Account) on a quarterly basis.
4. To raise questions with the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.
5. To make recommendations to the Cabinet/Executive in respect of financial issues arising out of the Budget Monitoring.
6. To refer to the relevant Scrutiny Committee any performance or other non financial issues arising out of the quarterly monitoring of the Council's Budget.
7. To enable the three Scrutiny Chairs' to present update information from their respective Committees.

Powers of all scrutiny committees

Working within the above remits, the Scrutiny Committees will:

1. Set an annual work plan which can include items from the service areas listed above for the individual Scrutiny Committees and include the following areas of focus;
 - The Council's Corporate Plan and priorities including quarterly performance monitoring.
 - Areas of poor performance identified within service provision
 - Policy development activity at the earliest possible opportunity
 - Following up recommendations from past reviews in order to demonstrate the impact of Scrutiny work
2. Carry out the reviews in the Committee's annual work plan in a timely and efficient manner taking into consideration the work plans of the other Scrutiny Committees.

3. Make recommendations to the Executive and/or Council arising from work undertaken by the Committee.
4. Scrutinise and monitor the performance of the Executive and the holders of the relevant Portfolios.
5. Receive a quarterly update on performance against relevant Corporate Plan targets from the Portfolio Holders.
6. Monitor performance management of the Council including reviewing performance against service plans and indicators relating to the corporate aims.
7. Consider or examine existing or proposed Council policies, strategies or plans within the remit of the Executive.
8. Carry out additional reviews to those in 2 above provided the review is within the area of reference of the particular Scrutiny Committee including collaborating with other Scrutiny Committees and bodies carrying out similar functions outside the Council.
9. Undertake any duties specified in legislation that are relevant to each Scrutiny Committee, e.g. Statutory Crime and Disorder Responsibility under the Police and Justice Act 2006.
10. Exercise functions relating to Call In or Councillor Call for Action.
11. Contribute to the annual scrutiny report to Council on the scrutiny function and the work of the Committee.

(3) **STANDARDS COMMITTEE**

1. Promoting and maintaining high standards of conduct by Members and co-opted Members of the Council.
2. Assisting Members and co-opted Members of the Council to observe the Bolsover Members' Code of Conduct.
3. Advising the Council on the adoption or revision of a Code of Conduct.
4. Monitoring the operation of the Bolsover Members' Code of Conduct.
5. Advising, giving training and arranging to train Members and co-opted Members of the Council on matters relating to the Bolsover Members' Code of Conduct.
6. Member Training (including the attendance of Members at courses) in relation to matters affecting their conduct and probity.
7. All matters relating to dispensations for Members to speak and vote where the Members concerned have interests.
8. To conduct determination hearings into complaints against Members.
9. To promote and maintain high standards of conduct within Town/Parish Councils and to assist them in following their own Codes of Conduct.
10. To deal with complaints against Town and Parish Councillors in accordance with 8 above.
11. To grant exemptions for politically restricted posts.
12. Responsibility for the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures, to include monitoring, revisions and approval.

TO RECOMMEND TO COUNCIL WITH REGARD TO:-

13. Overseeing the Council's "whistle blowing" policy and arrangements and to amend them as appropriate.
14. Changes required to the Constitution as a result of the monitoring and reviewing undertaken by the Committee.

(4) AUDIT COMMITTEE

1. Statement of Purpose

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment. The Audit Committee will also oversee the Authority's corporate governance arrangements.

2. Reporting Framework

The Audit Committee will report directly to the Council, and provide information to the Executive for action, whilst maintaining its independence.

3. Membership and Structure of Meetings

The Audit Committee will have a membership of six plus one co-opted member and reflect the political composition of the Council. A quorum will constitute at least three members of the Committee, including the co-opted member.

The Chair and Vice Chair of the Committee will be elected from its membership.

The Audit Committee will meet at least four times per year.

4. Principal Responsibilities

- (1) To ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions to include the following:-
 - i) Arrangements for the assessment and management of risk within the Authority and ensuring they are embedded within the organisation.
 - ii) Approving and modifying the terms of reference and strategy for internal audit.
 - iii) Receiving and approving the annual internal audit plan and reviewing the external audit plan.
 - iv) Receiving quarterly reports on the progress against the annual audit plan.
 - v) Reviewing and adopting the Annual Governance Statement.
 - vi) Reviewing the Council's anti-fraud policy.
- (2) To consider the Council's Code of Corporate Governance and approve the annual statement in that respect.

- ~~(3) To review, scrutinise and approve the Draft Statement of Accounts as soon as possible after 31st June May and prior to review by External Audit and report such to Council.~~
- (43) To consider the External Auditors findings from their review of the Statement of Accounts.
- (54) To consider and approve, after review by External Audit, ~~if the review is available,~~ the Statement of Accounts and report such to Council. The date by which this must be achieved is 30th September each year.
- (65) To review and adopt the detailed and summary Annual Governance Statement in light of the Internal Audit Annual review, report on the effectiveness of Internal Audit, Governance letters and the financial details shown in the statement of Accounts. In addition when these items are scheduled for consideration the Leader, Deputy Leader and the appropriate Cabinet member would be invited to attend the Audit Committee and participate in the debate and discussion, but no voting rights would be associated with the invitation.
- (76) To review the Council's internal audit function and monitor performance.
- (87) To monitor and ensure implementation of internal and external audit recommendations.
- (98) To be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

(5) LICENSING COMMITTEE

TO EXERCISE THE POWERS AND DUTIES OF THE COUNCIL WITH REGARD TO:-

1. Application, renewals, variations, transfers, cancellations, [suspensions](#) or revocations ([including the imposition of conditions](#)) of the following licences ~~including conditions~~:-
 - (i) Private Hire Operators Licences,
 - (ii) Hackney Carriage/Private Hire Drivers Licences,
 - (iii) Street Trading Licences under the Local Government (Miscellaneous Provisions) Act 1982,
 - (iv) Licensing issued under the Licensing Act 2003,
 - (v) Scrap Metal sites and operators.
2. Any action required to enforce the decisions of the Committee or one of its sub committees or any action ancillary to the functions delegated to this Committee.
3. The appointment of sub committees to hear matters as detailed in the Licensing Policy issued by the Council pursuant to its duties under the Licensing Act 2003.
4. The approval or refusal of grant applications submitted pursuant to the Housing Acts.
5. Adjudication on Certificate of Title to ex council properties, each case being considered on its individual merits.
6. The approval, refusal or deferral of an application under the minor works provisions of the Local Government and Housing Act 1989.
7. The licensing of Animal Establishments and all animal welfare issues under relevant legislation.
8. Any matter relating to the control of sex establishments pursuant to the passing of a resolution under section 2 of the Local Government (Miscellaneous Provisions) Act 1982.
9. Any matter relating to the functions of the Council required by the Licensing Act 2003 or consequent secondary legislation.
10. Determining applications for Gaming Machine Licences in accordance with the Licensing Act 2003.
11. The delegation of such matters within its terms of reference as may be appropriate to the Chief Executive or other appropriate officer.

12. Matters relating to Motor Salvage Operators Licences.
13. The licensing of houses in multiple occupation.
14. Hearing all applications for premises licences, applications for a variation to a licence, applications for a provisional statement and applications for a club gaming/club machine permits under the Gambling Act 2005 where representations have been received and have not been withdrawn.
15. Hearing all reviews of premises licences and any cancellations of club gaming/club machine permits.
16. Hearing all applications for a transfer of a licence under the Gambling Act 2005 where representations have been received from the Gambling Commission.
17. Making of any decision to give a counter notice to a temporary use notice under the Gambling Act 2005.
18. Any hearing delegated to the Licensing Committee under the provisions of the Licensing Act 2003 or the Gambling Act 2005 may be conducted by a sub-committee thereof.

TO RECOMMEND TO THE COUNCIL WITH REGARD TO:-

19. Policies for the licensing of private hire and hackney carriage vehicles and drivers and private hire operators including standard conditions and the fixing of hackney carriage vehicle fare scales.
20. The provision, siting, designation and establishment of Hackney Carriage Stands.
21. The fee for any licence referred to above which the Council is authorised to grant or renew.
22. Matters relating to Hackney Carriage Bylaws.
23. Policies under the Licensing Act 2003.
24. Policies under the Gambling Act 2005.

(6) **PLANNING COMMITTEE**

TO EXERCISE THE POWERS AND DUTIES OF THE COUNCIL WITH REGARD TO:-

1. The control of development under planning legislation including inter alia historic buildings, conservation, advertisement control, lawful development certificates, hazardous substances control and enforcement of legislation, subject to:-

Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Development Control Manager, the resolution adopted shall make reference to the material considerations taken into account by the Committee which warrant such a decision, and those material considerations shall be recorded in the minutes.

2. Tree Preservation Orders, the need for planning agreements and obligations, notices under section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of the neighbourhood), Article 4 Directions and the Hedgerows Regulations 1997.
3. Grants for the repair of historic buildings.
4. Decisions relating to the commencement, publication or submission of local development documents associated with the preparation of the Council's Local Plan, including Duty to Co-operate issues.
5. Decisions relating to the approval of the Local Development Scheme, Statement of Community Involvement and Annual Monitoring Reports.
6. Decisions relating to the preparation of local development documents and supplementary planning documents.
7. Decisions relating to recommendations from the Local Plan Steering Group.
8. Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and annual monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district councils, provided that the response is consistent and compatible with the policies of the Council contained in the Council's adopted or preferred option planning documents, failing which the consultation shall be referred to Council.
9. The operation of any function of the Council as a Local Planning Authority not otherwise covered, including commenting on development plan documents prepared by adjoining authorities, and government consultations on the planning legislation.

10. The delegation of such matters within the terms of reference as may be appropriate to the Chief Executive or other appropriate officer.
11. To issue Notices under Section 31 of the Clean Neighbourhoods and Environment Act 2005.
12. The designation of conservation areas.
13. Schemes for any town centre development including pedestrianisation and new road schemes.

TO RECOMMEND TO THE COUNCIL WITH REGARD TO:-

14. Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.

(7) HIGH HEDGES COMMITTEE

TO EXERCISE THE POWERS AND DUTIES OF THE COUNCIL WITH REGARD TO:-

1. The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders made under that Act, in accordance with procedures approved by the Council.

TO RECOMMEND TO THE COUNCIL WITH REGARD TO:-

2. Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003 concerning high hedges.

(8) UNION/EMPLOYEE CONSULTATION COMMITTEE

1. OBJECTS

The general objectives of this Union/Employee Consultation Committee are:-

- (i) To bring together representatives of Management and employees in consultation with the object of furthering the aims of and improving the efficiency of the Council.
- (ii) To afford a regular basis of consultation and negotiation as appropriate on matters relevant to these objectives and also on matters appertaining to employee relations, working and other arrangements and terms and conditions of employment which are not reserved for negotiation at national, provincial or other agreed local level.
- (iii) Thus, to give the employees concerned a wider interest and greater responsibility in these matters.

2. FUNCTIONS

In pursuance of these general objectives the following are cited as specific matters for consideration by the Committee:-

- (i) Operational matters which are for Management to decide but which Management should explain to the employees with the objective of affording them an opportunity of seeking views and thus encouraging a sense of personal involvement, e.g. organisational and reorganisation and provision of equipment and use.
- (ii) Monitoring that, at every point where decisions are made about individuals including their engagement, promotion, training, treatment, remuneration, hours and other conditions there are no signs that:-
 - (a) Prejudice about sex, ethnic origin, age disability sexual orientation or religion/belief or any other prejudice against a minority group are influencing decisions.
 - (b) Indirect discrimination, e.g. in the form of non essential age limits or qualifications criteria, or word of mouth recruitment is having an adverse impact on women, ethnic minorities, people with disabilities or older people or any other minority group.
- (iii) Ensuring that necessary data is recorded to ensure monitoring is possible.
- (iv) Administrative matters on which Management should keep the employees informed as to plans and intentions particularly in regard to changes, which will affect them. This will involve consultation with a view to assisting Management in decision making or negotiation according to

the subject. Examples of the two types of classification are:-

3. Consultation on:-

- (i) Current and probable business developments.
- (ii) Restructuring of employment and possible redundancies.
- (iii) Decisions likely to lead to substantial changes in work organisation or contractual relations, including collective redundancies or business transfers.
- (iv) Content and conduct of local training programmes, procedure for selection and promotion, physical and social welfare amenities, formulation and application of disciplinary rules and other people management policies.

Consultation is defined by ACAS as the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation does not remove the right of managers to manage – they must still make the final decision – but it does impose an obligation that the views of employees will be sought and considered before decisions are taken.

- (v) With regard to point (iii), consultation must take place with a view to reaching agreement.

4. Negotiation

- (i) Local terms and conditions of employment not reserved to the national, provincial or agreed local procedures; incentive bonus schemes and efficiency agreements; application of National and Provincial agreements and grievance procedure.

5. CONSTITUTION

(1) MEMBERSHIP

- (i) The Committee shall comprise representatives of Management and Employees holding office for a period of one year and eligible for reappointment or re-election.
- (ii) The composition of the Employers' Side of the Committee shall be six elected Members (including the Portfolio Holder for Social Inclusion) with voting rights and substitutes in the event of nominated Members being unable to attend. The Chief Executive, Assistant Director - Human Resources and Payroll and Chief Financial Officer shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.

- (iii) The Employees Side of the Committee shall comprise six representatives selected by the local branch of the Trade Union representing the employees, together with full-time Trade Union officials (if required).
- (iv) The Trade Unions shall submit the names of their representatives forming the employees' side to the Committee to the Chief Executive Officer of the Council not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chairman and Vice Chairman from among the Committee. When the Chairman is appointed from one side of the Committee the Vice-Chairman will be appointed from the other side. The Chairmanship and Vice Chairmanship of the Committee will rotate annually between each side. These Officers will also act as Chairman of their respective sides of the Committee.
- (vi) The Chief Executive Officer will act as Secretary to the Joint Committee.
- (vii) The Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises.

(2) ADVISERS

- (i) Either side shall have the right to have in attendance upon them, persons with a specialised knowledge, in a consultative or advisory capacity but without the right to vote. Such attendant shall be notified to the Secretary of the Employers' Side who will arrange for notices of meetings, agendas and minutes to be forwarded to such representatives unless requested otherwise.

(3) PROCEDURE

- (i) The tenure of office of the Committee shall be from May each year to the following May (the Annual Meeting of the Council to the following Annual Meeting) (one year).
- (ii) Regular meetings shall be convened during working hours at three monthly intervals and held at The Arc, Clowne.
- (iii) Meetings may be called by the Chairman at any time at the request of either side submitted through their respective Chairmen.
- (iv) Employees will be granted time off with pay to attend meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (v) Separate meetings of the Employers' Side and of the Employees Side of the Committee shall take place immediately prior to the meeting of the Union/Employee Consultation Committee and facilities for this purpose will be provided at the venue of the meeting.

- (vi) The Employees Side shall submit to their respective secretaries' items which they wish to be included on the agendas of regular meetings, and they will be responsible for forwarding this information to the Chief Executive Officer not later than fourteen days prior to a meeting.
- (vii) In the event of a scheduled meeting being due and there being no items from either side, following consultation with the Chairman and Vice Chairman, the meeting be cancelled and members advised accordingly.
- (viii) The agenda for business of regular meetings shall be circulated by the Chief Executive Officer to each member and to any consultative or advisory representative not later than 10 days before a meeting. The matters to be discussed at any meetings of the Committee shall be stated on the agenda with a notice summoning the meeting provided that any other business may be considered if admitted by a majority vote of each side. Nominated Trade Union Officers shall be provided with six copies of the agenda and reports to circulate to their Members as appropriate and to their full-time Trade Union Officials.
- (ix) Two members of the Employers' Side and two members of the Employees Side of the Committee shall together constitute a quorum.
- (x) Recommendations shall be reached only by a majority of each of the two sides voting separately.
- (xi) An individual employee wishing to raise with the Committee any question within the function shall do this through his/her appropriate representative on the Committee.
- (xii) If the Committee cannot agree to a negotiable issue, officers of the Trade Union shall negotiate with the appropriate administrative officers of the Council. Failing agreement appropriate matters may thereafter be referred by either side the provincial joint secretaries if necessary.
- (xiii) The draft minutes of the Committee to be agreed between the Chairman and Vice Chairman of the Committee prior to submission to the Council and circulated to members of the Committee.
- (xiv) Both sides accept that this agreement is binding in honour upon them but both expressly agree that it is not intended to constitute a legally enforceable agreement between them. It is further agreed that the parties to the agreement will use their best endeavours to ensure that the spirit and intention of the agreement is honoured at all times.

(9) SAFETY COMMITTEE

1. The overall purpose of the Safety Committee is to promote cooperation between the council and its employees in developing and carrying out measures to manage health and safety risks and to secure the health and safety of employees, service users, contractors and any others who may be affected by the work of the Council.
 - (i) To promote the development of a safety culture throughout Bolsover District Council.
 - (ii) Reviewing the adequacy of and effectiveness of Bolsover District Council's Corporate Health and Safety Policy and any task specific or local health and safety policies, practices, procedures or safe systems of work.
 - (iii) Reviewing accident and industrial disease information and trends, to identify unhealthy or unsafe conditions and practices, along with recommendations for remedial action.
 - (iv) Review of health and safety information, risk assessments, audit reports, safety inspections and other monitoring information, making appropriate recommendations for remedial action.
 - (v) Analysis of information, reports and correspondence from enforcing authorities (Health and Safety Executive, fire service etc.).
 - (vi) Consideration of reports from safety representatives.
 - (vii) To receive reports from the Health and Safety Adviser in relation to point (vi).
 - (viii) To approve new health and safety policies and procedures and amendments to existing policies and procedures.
 - (ix) To review arrangements for health and safety information and training.
 - (x) To review the impact of proposed or new legislation, codes of practice or legal judgements.
 - (xi) To consider any other health and safety matters raised by committee members.
 - (xii) To resolve any issues referred from the Joint Safety Management Forum.

2. MEMBERSHIP

- (i) The Committee shall comprise representatives of Management and Employees holding officer for a period of one year and eligible for reappointment or re-election.

- (ii) The composition of the Employers Side of the Committee shall be 5 elected Members with voting rights. The Assistant Director - Human Resources and Payroll and the Health and Safety Adviser shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.
- (iii) The Employees Side of the Committee shall comprise 5 representatives selected by the local branch of the Trade Union representing the employees.
- (iv) The Union Side shall submit the names of their representatives forming the Employees side to the Committee to the Chief Executive Officer of the Council not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chairman and Vice Chairman from among the Committee. When the Chairman is appointed from one side of the Committee the Vice-Chairman will be appointed from the other side. These Officers will also act as Chairman of their respective sides of the Committee.
- (vi) The Governance Team will act as Secretary to the Joint Committee.
- (vii) The Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by the relevant side.

3. ADVISORS

- (i) Either side shall have the right to have in attendance upon them, persons with a specialised knowledge, in a consultative or advisory capacity but without the right to vote. Such attendance shall be notified to the Secretary of the Employers' Side who will arrange for notices of meeting, agendas and minutes to be forwarded to such representatives unless requested otherwise.

4. PROCEDURE

- (i) Regular meeting shall be convened during working hours at 3 monthly intervals and held at The Arc, Clowne.
- (ii) Meetings may be called by the Chairman at any item at the request of either side, such requests to be submitted through their respective Chairmen.
- (iii). Employees will be granted time off with pay to attend a reasonable number of meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (iv) The Employees Side shall submit to their respective secretary's items which they wish to be included on the agendas of regular meetings, and they will be responsible for forwarding this information to the Governance Team not later than 14 days prior to a meeting.

- (v) In the event of a scheduled meeting being due and there being no items from either side, following consultation with the Chairman and Vice-Chairman, the meeting may be cancelled and Members advised accordingly.
- (vi) The agenda for business of regular meetings shall be circulated by the Chief Executive Officer to each Member and to any consultative or advisory representative not later than 10 working days before a meeting. The matters to be discussed at any meetings of the Committee shall be stated on the agenda with a notice summoning the meeting provided that any other business may be considered if admitted by a majority vote of each side. Nominated Trade union Officers shall be provided with 6 copies of the agenda and reports to circulate to their Members as appropriate and to their full-time Trade Union Officials.
- (vii) Two Members of the Employers' Side and two members of the Employees' Side of the Committee shall together constitute a quorum.
- (viii) An individual employee wishing to raise with the Committee any question within the function shall do this through his/her appropriate representative on the Committee.

(10) **BOLSOVER CONSERVATION AREA ADVISORY COMMITTEE**

1. **STATUS**

- (i) The Bolsover Conservation Area Advisory Committee ("the Committee") is a Joint Committee of Bolsover District Council, Derbyshire County Council and Old Bolsover Town Council ("the Councils") established under section 102(3) of the Local Government Act 1972.

2. **PURPOSE**

- (i) The purpose of the Committee is to consider conservation and design issues in Bolsover Conservation Area and to advise the councils upon them.

3. **MEMBERSHIP**

The Committee shall comprise of the following members:-

- (i) 8 members appointed by Bolsover District Council (Chairman and Vice Chair of Planning and all Bolsover Members);
- (ii) 2 members appointed by Derbyshire County Council
- (iii) 2 members appointed by Old Bolsover Town Council
- (iv) The Committee will have the power to co-opt members from local groups active in the area who have an interest in the proceedings of the Partnership Committee.

4. **FUNCTION**

- (i) The Committee shall have no Executive function.

5. **RULES AND PROCEDURES**

Qualification and Period of Office

- (i) The Chairman and Vice Chairman of the Committee shall be elected annually by the Committee. Both Chairman and Vice Chairman shall continue to hold office until their successors are appointed.
- (ii) Upon ceasing to be a Member of the appointing Council any Member will cease to be a member of the Committee.
- (iii) If both the Chairman and Vice Chairman are absent from any meeting the remaining members shall elect one of their members to be chairman for the meeting.

6. **Secretariat**

- (i) The Clerk to the Committee shall be an officer of Bolsover District Council who will provide the secretariat to the Committee and convene meetings and record minutes.

7. Frequency of Meetings

- (i) The Committee shall meet twice a year with such further meetings as the Chairman or any two members of the Committee may consider necessary.
- (ii) At least 5 clear days notice will be given of the business to be conducted at the meetings except in the case of an emergency in which event such notice shall be given as is reasonably practicable in the circumstances.

8. Quorum and Voting

- (i) The quorum for any meetings of the Committee shall be 2.
- (ii) Voting shall be by simple majority of all those present and entitled to vote.

9. Nature of Meetings

- (i) Meetings of the Committee shall be held in public unless Members of the Committee wish to discuss matters of a confidential or sensitive nature in which event they shall have the right to exclude members of the press and public.
- (ii) The Committee shall apply the provisions of section 100 of the Local Government Act 1972 (Access to Information).

10. AMENDMENT

- (i) The Constitution and Terms of Reference may be amended at any time by resolution of the Committee subject to the express approval of the Councils.

11. EXPENSES

- (i) The expenses incurred by the Committee shall be defrayed by the Councils in the same proportions as their representation on the Committee. All expenses and allowances to which a Member of the Committee may be personally entitled shall be met by the Council which that Member represents.

(11) PLEASLEY PARK AND VALE CONSERVATION AREA JOINT ADVISORY COMMITTEE

1. STATUS

- (i) The Pleasley Park and Vale Conservation Area Advisory Committee ("the Committee") is a Joint Committee of Bolsover District Council and Mansfield District Council ("the Councils") established under section 102(3) of the Local Government Act 1972.

2. PURPOSE

- (i) The purpose of the Committee is to consider conservation and design issues in Pleasley Park and Vale Conservation Area and to advise the Councils upon them.

3. MEMBERS

The committee shall comprise of the following members:

- 5 members appointed by Bolsover District Council ;
 - 4 members appointed by Mansfield District Council;
- (i) The Committee will have the power to co-opt members from local groups active in the Pleasley Park and Vale Conservation Area who have an interest in the proceedings of the Partnership Committee.

4. FUNCTION

- (i) The Committee shall have no executive function.

5. RULES AND PROCEDURES

(1) Qualification and Period of Office

- (i) The Chairman and Vice-Chairman of the committee shall be elected annually by the Committee. Both Chairman and Vice-Chairman shall continue to hold office until their successors are appointed and shall continue to be members of the Committee notwithstanding (ii) below.
- (ii) Upon ceasing to be a Member of the appointing Council any member will cease to be a member of the Committee.
- (iii) If both the Chairman and Vice-Chairman are absent from any meeting the remaining members shall elect one of their members to be chairman for the meeting.

(2) Secretariat

(i) The secretariat for the Committee shall be shared by the Councils. The clerk to the Committee will alternate between the Councils.

(3) Frequency of Meetings

(i) The Committee shall meet twice a year with such further meetings as the Chairman or any two members of the Committee may consider necessary.

(ii) At least five clear days notice will be given of the business to be conducted at a meeting.

(4) Quorum and Voting

(i) The quorum for any meetings of the committee shall be 3.

(ii) Voting shall be by simple majority of all those present and entitled to vote.

(5) Nature of Meetings

(i) Meetings of the committee shall be held in public unless members of the committee wish to discuss matters of a confidential or sensitive nature in which event they shall have the right to exclude members of the press and public in accordance with (ii) below.

(ii) The Committee shall apply the provisions of section 100 of the Local Government Act 1972 (Access to Information).

6. AMENDMENT

(i) The Constitution and terms of reference may be amended at any time by resolution of the Committee subject to the express approval of the Councils.

7. EXPENSES

(i) The expenses incurred by the Committee shall be defrayed by the Councils in the same proportions as their representation on the committee. All expenses and allowances to which a member of the committee may be personally entitled shall be met by the Council, which that member represents.

(12) HOUSING ALLOCATIONS REVIEW PANEL (HARP)

Objective - To ensure that housing decisions are made fairly and transparently.

1. The HARP panel will be made up of three members:
 - The Housing Needs Manager
 - The Housing Enforcement Manager
 - A Housing Needs Officer or a Tenancy Management Officer (on a rota)
2. The Housing Needs Manager or the Housing Enforcement Manager must be in attendance.
3. The panel will seek information from others as needed. This will include the housing team for the area. However, neither the applicants nor their advocates will be able to attend the meeting.
4. The panel will meet monthly, or as needed to consider urgent cases. The panel will have several functions including:
 - (i) to consider applicants to be barred from the waiting list. To set timescales or conditions that would allow the person to be reconsidered.
 - (ii) to confirm the level of priority given to applicants to be considered for smaller accommodation.
 - (iii) to consider cases whose housing needs are not met through the normal guidance. For example families who need additional rooms to cope with medical conditions, or families who are suffering from harassment or serious Anti-Social Behaviour.
 - (iv) to ensure that the authority makes best use of its housing stock by making direct allocations to unusual properties (examples may be properties with extensive adaptations).
5. The Panel will be able to consider unusual and emergency applications. For example people with multiple and complex housing needs, those who have a need to be rehoused in a particular type of property, or to ensure that the council makes best use of particular properties or adaptations.
6. The panel will be able to make the following decisions:
 - (i) To award absolute priority to an applicant – to ensure they are awarded a particular property.
 - (ii) To award additional points to reflect the needs of the applicant.

- (iii) To waive the normal rules on property size and location.
 - (iv) To request additional information or clarification. This may include seeking independent advice or medical or other complex issues.
 - (v) To award no priority.
7. Minutes will be kept of each meeting and decisions noted. Over time it is hoped that this will ensure that decisions made are robustly checked against other decisions.
 8. Applicants will be informed of their case within 10 working days of each meeting.
 9. Information and trends from the panel will inform future revisions of the allocations policy. Anonymous summaries of decisions made will be circulated to the portfolio holder for housing.
 10. A list of cases to be considered by the HARP panel will be circulated to local members prior to the scheduled meeting of the Panel. If the panel is meeting to consider an urgent case officers will attempt to contact appropriate members by telephone or e-mail. If the case involves any councillor of the authority (either as an applicant or other personal involvement) members will not be asked for comments. (Such cases must always be authorised by the Head of Housing or an Officer member of the Senior Management Team)) Members will only be asked to comment on cases where;
 - (i) Applicants may be barred from the register
 - (ii) Cases where housing needs are not met through normal guidance.
 11. All decision letters from the panel should inform the applicant of their right to appeal any decision, and of the role that elected members can play as advocates in this process. Any appeal should be considered initially by the Head of Housing. If he/she believes there may have been an error in the process of the panel, or receives 'significant' new information he/she can refer the case back to the Panel to reconsider.
 12. Any other appeal will be considered by an Appeal Board consisting of:
 - The Head of Housing
 - The Portfolio Holder for Housing
 - An Officer member of Senior Management Team

(Note: In cases that are within the Portfolio Holder's ward, the Portfolio Holder will be excluded from the Appeal Board with their place taken by another member of the Executive)
 13. The Appeal Board will look at individual cases and determine if the panel has made a decision that :
 - (i) Is consistent with other decisions made by the panel

- (ii) Has taken account of all the information made available.
- (iii) Taken into account information it shouldn't have taken into account

The Appeal Board can decide either to uphold the original panel decision or to ask the panel to reconsider the case. The Appeal Board cannot make any other decision.

(13) NEW BOLSOVER JOINT PARTNERSHIP COMMITTEE

1. STATUS

1) New Bolsover Partnership Committee is a Joint Committee of Bolsover District Council and Derbyshire County Council established under section 101 (5) and 102(1) of the Local Government Act 1972 in order to discharge the functions of those Councils in relation to the New Bolsover Heritage Lottery Fund Heritage Grant.

2) The Committee has power to co-opt members to the Partnership Committee pursuant to section 102 (3) of the Local Government Act 1972 but these co-opted members shall not hold voting rights (section 13 of the Local Government and Housing Act 1989).

3) The Committee is not a partnership as defined in section 1 of the Partnership Act 1890 and further the Partnership Committee is a non-profit making group.

2. PURPOSE

(1) The purpose of the Partnership Committee is to oversee jointly the Development phase of the New Bolsover Heritage Grant scheme in accordance with the grant offer dated 8 April and the application form dated 18 November and all associated documents. This will include:-

- The development of all documents required for the round 2 application, to include activity plan, conservation plan, management and maintenance plan, business plan, specification for energy works and match funding, tender documentation to RIBA/L1 Stage C
- Community consultation and community development work to be carried out by partners including CVP, Derbyshire Environmental Services, Junction Arts, the Heritage Skills Hub
- Work with local organisations and residents to development as many opportunities as possible for resident involvement in the scheme, including in its management, with appropriate support and development opportunities for individuals
- Development of training and skills development proposals, prioritising opportunities for local residents
- Development of interpretation proposals for the scheme, both during and after delivery
- Development of proposals to ensure public benefits exceed private gain for privately owned properties, including security measures to allow grant repayment in the event of sale and to ensure appropriate management and maintenance
- Development of robust monitoring and evaluation proposals for all aspects of the project

3. GOALS AND OBJECTIVES OF THE PARTNERSHIP COMMITTEE

Working in partnership with a range of organisations the Partnership Committee aims to stimulate a conservation-led regeneration project for New Bolsover Model Village with the following objectives:

The main aims of the project are:-

- To implement a programme of repair and restoration which will include the reinstatement of architectural detailing such as windows
- To work in partnership with community organisations to strengthen community spirit and promote pride in local heritage
- To improve housing and housing conditions for local people through physical improvement, better maintenance, and improved thermal efficiency
- To provide local training and volunteering opportunities

4. POWERS OF THE PARTNERSHIP

- (1) The issuing of grants in accordance with regulations set down by Heritage Lottery Fund
- (2) Approval of documents outlined in Paragraph 2(1) and Stage 2 Grant applications.

5. MEMBERSHIP OF THE PARTNERSHIP COMMITTEE AND VOTING

- (1) The Initiative Committee shall comprise the following members:-

VOTING MEMBERS:-

- (i) 10 members appointed by Bolsover District Council
- (ii) 2 members appointed by Derbyshire County Council

NON VOTING CONSULTEE MEMBERS:-

- (i) 1 member appointed by English Heritage from the English Heritage East Midlands Conservation Team.
- (ii) 1 representative from Heritage Lottery Fund
- (iii) 1 representative from each of the following:- Residents Association, Heritage Hub, Derbyshire Environmental Studies, Groundwork Creswell, Bolsover Local Strategic Partnership, Junction Arts.

THE PARTNERSHIP COMMITTEE WILL BE ADVISED BY

- (i) Assistant Director - Planning and Environmental Health
- (ii) Head of Housing , Bolsover District Council.
- (iii) Housing Asset Manager
- (iv) Housing Strategy Manager
- (iv) Conservation and Design Manager, Derbyshire County Council..
- (v) Project Manager – New Bolsover Heritage Grant Scheme .
- (vi) Community Consultation officer

And other officers of Bolsover District Council as necessary.

SECRETARIAT

(1) The Clerk to the Partnership Committee shall be the Monitoring Officer of Bolsover District Council who will provide the secretariat to the Partnership Committee and, in particular, will be responsible for convening meetings and recording the minutes.

| The Treasurer of the Committee shall be the Chief Financial Officer for the time being of Bolsover District Council or that Officer's representative.

. FREQUENCY OF MEETINGS

(1) The Partnership Committee shall meet quarterly with such further meetings as the Chairman or any two members of the Initiative Committee or the Chief Executive Officer may consider necessary or may request in the event of urgent business arising

(2) At least five clear days notice will be given by the Monitoring Officer of the business to be conducted at a meeting, except in the case of an emergency, in which event the secretariat will give such notice as is reasonably practicable in the circumstances.

6. QUORUM

(1) The quorum and voting for any meetings of the Partnership Committee shall be 3.

(2) Voting shall be by simple majority of all those present and entitled - to vote.

7. NATURE OF MEETINGS

(1) Meetings of the Partnership Committee shall be held in public unless members of the Partnership Committee wish to discuss matters of a confidential or exempt nature in which event they have the right to exclude members of the press and public in accordance with the Local Government Act 1972 and related provisions.

(2) The provisions of the Local Government Act 1972 including section 100 (Access to Information) and any amending legislation or Regulations apply to meetings of the Partnership Committee.

(3) . Bolsover District Council's Procedure Rules shall apply to the proceedings of meetings of the Partnership Committee.

8. MINUTES

(1) Minutes shall be kept of each meeting by the Monitoring Officer and shall be signed as an accurate record at the beginning of the following meeting by the person presiding. Copies of minutes shall be forwarded to the Bolsover District Council and Derbyshire County Council upon signature.

9. CORRESPONDENCE

(1) The official correspondence of the Partnership Committee shall be conducted through the Monitoring Officer of Bolsover District Council.

3.7 JOINT ARRANGEMENTS

The following joint arrangements are in place:-

- (1) Chesterfield and District Joint Crematorium Committee and Market town and town centre project - Details of their Terms of Reference may be obtained from the Chief Executive Officer.

(2) JOINT WORKING PROTOCOL

This protocol sets out the agreed principles for the undertaking of joint working between Chesterfield Borough Council, North East Derbyshire District Council and Bolsover District Council.

1. INTRODUCTION

- (i) This protocol forms the basis for joint working and the joint provision of services to the citizens of Chesterfield Borough, North East Derbyshire and Bolsover District Councils. The protocol sets out the framework and key issues to be considered in the development of the joint provision of services.

2. INFLUENCES AND DRIVERS

- (i) There are a number of statutory and non-statutory influences/drivers which highlight the need for the joint provision of services:-
- White Paper on Strong Local Leadership Quality Public Services.
 - Best Value (Local Government Act 1999).
 - Community Strategies (LGA 2000).
 - Circular 03/03 on Best Value and Performance Improvement.
 - Comprehensive Performance Assessment – focus on ‘Use of Resources’
 - Best Practice in UK (e.g. Beacon Councils) and elsewhere.
 - Gershon Report on Public Service Efficiency 2004.
 - Government Spending Review 2004 – 2.5% target for efficiency gains and annual efficiency statement (AES).
 - Local Strategic Partnerships.
 - Development of the role of regional forums. Delivering Efficiency in Local Services, 2004.

3. CONTEXT

- (i) This protocol has been approved by the Borough/District Councils of Chesterfield, North East Derbyshire and Bolsover. Its implementation will be monitored (and revised as appropriate) by a Steering Group consisting of:-

- The Leaders, Deputy Leaders and Chief Executive Officers of Chesterfield Borough Council, North East Derbyshire and Bolsover District Councils.
- The group will be facilitated and administered by the Strategic Support Policy and Head of Best Value, Quality and Improvement Officers of the Councils with other members and officers as appropriate.

The Directors of each Council as appropriate.

- (ii) The members of the Steering Group are committed to the provision of improved services to the citizens of all three Councils. The group considers that this will, in certain instances, be best achieved by the joint provision of services, joint working and the development of common standards and protocols. To assist that aim it requires that all Service Reviews be undertaken with the objective that joint working/service provision between the three Councils could be possible and should therefore be positively promoted.
- (iii) Reports on the final outcomes of all joint Service/Efficiency including Best Value Reviews and joint service initiatives are to be submitted for consideration to the Steering Group.
- (iv) Joint consultation exercises are to be undertaken on all appropriate Service Reviews whether the reviews are joint or not joint undertakings.
- (v) All proposals for the setting up of any new services are in the first instance to be subject to an investigation into the suitability of providing such services, as a joint service for all three Councils
- (vi) All three Councils agree to operate all reviews in an open and transparent manner. This will include the sharing of all information

4. SERVICE/EFFICIENCY REVIEW TEAMS

- (i) Joint Review teams will follow the framework set out in the Service Review 'Toolkit' and include officers from each Council. All Members of the teams will need to work together effectively and pull together a range of expertise and knowledge of each Council.

5. EXAMPLES OF JOINT WORKING

- (i) Chesterfield and North East District Derbyshire District Councils having commenced the partnership in 2001 have already undertaken a wide range of joint working initiatives. Examples include: provision of a Joint Tourism Service/Joint Economic Development and Tourism/Joint Land and Property Register Strategy; a Joint Community Strategy; successful joint publicity campaigns e.g. on recycling, healthy communities/youth and grant applications; dog/pest control services; provision of printings function; Joint Best Value Reviews; Adoption of Joint PIs and standards.

- (ii) The three Councils have, in April 2005, now commenced a programme of investigating joint working on a number of further service areas including Building Control, Internal Audit, Procurement and Corporate Services.

6. CONCLUSION

- (i) This protocol is agreed by both Chesterfield Borough Council and North East and Bolsover District Councils as the framework to progress the aims set out in the document.
- (ii) It is intended to assist Members and Officers of all three Councils in implementing the provision of joint Best Value Reviews and services.

(3) JOINT BOARD

1. INTRODUCTION

- (i) Since the signing of the Protocol, the Executives of Bolsover and North East Derbyshire District Councils and of Chesterfield Borough Council has each agreed that a Joint Board with formal decision making powers should replace the member-level Steering Group referred to in the Protocol.
- (ii) Each Council's Executive has authorised its Leader to decide all matters relating to joint working, in consultation with the Leaders of the other two Executives. The scope of this authorisation is set out in Part Three of this constitution. Other Executive members are authorised to act in the absence or unavailability of the Leader as shown in Part Three. The authorisation covers matters leading up to and following any decision to operate joint working or a shared service, but that decision itself is reserved to each authority's full Executive meeting.
- (iii) This type of member-level governance for joint working is a variation of the DCLG's option of Simultaneous Executive Meetings (SEM's).
- (iv) Any decision of the three Leaders (or their reserve executive members) shall bind the three executives only if all three Leaders (or their reserve executive members) agree. In the case of any project affecting two of the three councils, both Leaders must agree, and the third Leader has consultative status only.
- (v) The Joint Board shall be the overall member-level governance body for each approved shared service. The Board may approve alternative types of operating model in any appropriate shared service (eg a local authority company).

2. OFFICER SUPPORT AND JOINT UNION CONSULTATION

The Board shall from time to time decide on the nature and resourcing of officer support and union consultation arrangements. These are currently:

(i) Chief Executive's Joint Working Group

Comprising the chief executive of each authority, other relevant officers and consultants. This Group's function is to discuss and co-ordinate joint working issues and to put forward proposals for the Joint Board's consideration. Administrative services for this group are currently provided by Bolsover District Council at their own expense.

(ii) Other Officer Working Groups

The Joint Board may authorise other officer joint officer working groups in relation to specific joint working proposals and projects.

3. ADMINISTRATIVE AND DEMOCRATIC SERVICES FOR THE JOINT BOARD

The Joint Board shall from time to time decide its arrangements for administrative and democratic services consistent with those applying in each authority. At present the arrangements are:

(i) Pre- Meeting Procedures:

Democratic Services are at present provided by Chesterfield Borough Council, at their own expense.

The relevant proper officer (currently CBC) shall determine whether or not any report for the joint board is to be marked as likely to disclose exempt or confidential information, in consultation with the proper officers of the other two authorities.

The responsible Democratic Services Officer (currently CBC) will send agenda and written reports for Joint Board meetings to the relevant Democratic Services Officer in each of the other 2 authorities at least 7 working days before each meeting of the Joint Board, to allow public reports to be made available to the public under regulation 9 of the Local Authorities (Executive Arrangements) (England) Regulations 2000.

Any question of exemption from call-in on the grounds of urgency or any other reason (in accordance with each authority's rules) shall be decided before the Joint Board meets by the Chief Executives of each authority in consultation with their Leaders.

(ii) Joint Board Meetings

The Joint Board shall meet every 2 months, unless it decides otherwise.

Unless it otherwise decides, the Board shall meet in public, except when considering exempt or confidential items. In the case of all items, (whether or not exempt or confidential), the Board may invite any person to attend and speak for the purpose of decision making and consultation.

Chesterfield Borough Council's Leader's non-executive support members may attend Board meetings and may speak.

For the purposes of consultation, each of the three Leaders, hosting a meeting at their own authority, will Chair that meeting (or their reserve executive members)

The three Chief Executives, or their representatives shall attend Board meetings, with appropriate Directors, Strategic Support Policy and Best Value, Quality and Improvement (or equivalent) Officers of the 3 Councils and other members or officers as agreed by the Board

Overview and Scrutiny members may attend Joint Board meetings as observers as mentioned below.

(iii) Joint Board: Records of Decision and Call-in

Within 2 working days of the date of a decision, the Democratic Services Officer (currently CBC) will forward a formal Record of Executive Decision, signed by each Leader (or reserve member) to a nominated officer in each of the other two authorities. The relevant officers in each authority will then be responsible for:

- Compliance with the access to information regulations on publication of executive decisions
- Reporting the Record of Decision to each authority's executive, and
- Call-in procedures

The decision shall be subject to the call-in procedures in each authority, provided that the decision shall not be implemented by any authority until the expiry of 9 working days from the date of the decision. (9 working days is the call-in period of Bolsover DC, which is the longest of the three authorities' call-in periods).

If no valid request for call-in is received under any of the three authorities' call-in procedures, the decision may then be implemented.

If there is a valid request for call-in under any of the authorities' call-in procedures, the decision shall not be implemented until that authority's call-in procedure has been completed.

4. TERMS OF REFERENCE AND FUNCTIONS OF THE JOINT BOARD

In general terms these are as described in the Leader's delegation in Part 3 of this constitution. Specific terms of reference within that general delegation include:

- Matters referred to in the Joint Working protocol above,
- Decisions on the operating model for any shared service (e.g. Lead Authority, local authority company)
- Procurement Issues
- Organisational and staffing issues which are executive functions
- Options Appraisal
- Monitoring the operation of approved shared services

The Joint Board may recommend that any issue which is a non-executive function (e.g. terms and conditions of employment of particular staff) be referred to the appropriate authority's non-executive decision-making body (e.g. employment committee).

5. OVERVIEW AND SCRUTINY

Each authority may arrange for one of its overview and scrutiny members to attend meetings of the joint Board as an observer, substitutes being allowed. In due course, the authorities may consider joint member-level arrangements for general overview and scrutiny of joint working, so as to avoid duplication of overview and scrutiny functions.

6. DISPUTE RESOLUTION

If there is a dispute or inability to reach a decision on a specific item at any joint officer working group, then that item will be referred to the Chief Executives group for decision. In the event of continuing disagreement the matter would be referred to the Joint Board, and from there if necessary to the respective Councils' Executives.

(4) STRATEGIC ALLIANCE JOINT COMMITTEE

1. Terms of Reference:

The Alliance Joint Committee is a joint committee of both North East Derbyshire District Council and Bolsover District Council.

Membership of the committee comprises of 9 councillors from each Council including the leader and deputy leader of each Council. Each block of 9 seats per Council will be assigned on the political proportionality of that Council.

The committee shall be quorate if 4 or more members from each Council are in attendance at the meeting

Unless determined otherwise by both Councils the Alliance Joint Committee will not be a decision-making body save where specific delegations have been made to it by the Councils. At present, the Council have delegated to the Alliance Joint Committee the power to form panels for the interview and appointment of Joint Directors.

Either Leader of the Council will chair the committee. Chairmanship will normally rotate annually. In the event of the absence of both leaders the committee will elect a chairman for that meeting alone by a majority show of hands.

Voting will be by a simple majority of those present on a show of hands. The chair of the committee will not have a casting vote on any matter. In the event of an equality of votes, the matter will be referred to each Council.

The frequency and scheduling of meetings will be as determined by the committee.

Functions:

- To develop a Strategic Transformation Programme for approval by the Councils.
- To monitor the implementation of the Strategic Transformation Programme.
- To develop an Action Plan for the implementation of the Strategic Transformation Programme for approval by the Councils.
- To make recommendations or reports in respect of the Strategic Alliance to either the Executives or full Council meetings of each Council where appropriate.
- To be the primary body for resolving any disputes that may arise over the interpretation of the Strategic Transformation Programme or over any joint arrangements within the Alliance.
- To deal with any matter in relation to the Alliance or joint working arrangements and to take such decisions under any power delegated to it by the Councils including decisions in respect of the appointment and terms and conditions of joint employees of the Councils.
- To appoint such sub-committees, working groups or panels as it considers appropriate to carry out these functions and to decide the terms of reference and membership of such sub-committees, working groups or panels.

(5) SHARED SERVICES SCRUTINY PANEL

Bolsover District Council
Chesterfield Borough Council
North East Derbyshire District Council

- (i) The Joint Scrutiny Panel will be made up of 9 members (3 from each authority). They will be responsible for the scrutiny function of the joint working/shared services. The terms of reference will be agreed by each authority's Scrutiny Committee and the Joint Scrutiny Panel.
- (ii) Appointment - The Joint Scrutiny Panel of each authority will nominate 3 members to make up the joint committee

(iii) Role - The Joint Scrutiny Panel will be responsible for overview and scrutiny arrangements for the three shared services of Building Control, Procurement and Internal Audit, and other areas of joint working (Crematorium, Home Improvement Agency) or additional shared services developed, covering the following elements:

- Monitoring – regularly receiving progress reports and updates against targets or objectives, and offering challenge and/or recommendations;
- Holding decision-makers to account - challenging decisions and performance;
- Adding value as a consultee – being consulted/engaged on policy proposals, draft strategies and proposed decisions;
- In-depth or spotlight reviews – a project based approach to reviewing an issue and gathering evidence to inform a report and recommendations – could be undertaken if the above activity identifies a need to;
- Monitoring progress for completed reviews and consultations

The Joint Scrutiny Panel may;-

- Conduct research, community and other consultation in the analysis of policy issues and possible options
- Consider and encourage community participation in the scrutiny function;
- Question members of the Joint Board and the Consortium/Service Managers about their views on issues and proposals affecting the area;
- Liaise with other external organisations operating on the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- Review and scrutinise the performance of the joint services in relation to its policy objectives, performance targets and/or particular service areas;
- Question members of the Joint Board and the Consortium/Service Managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- Make recommendations to the Joint Board arising from the outcome of the scrutiny process.

The Joint Scrutiny Panel may create a working group as required.

The Joint Scrutiny Panel may scrutinise the finances for the joint services.

The Joint Scrutiny Panel will report annually, by way of a report to the Joint Board and each Council, on their workings and make recommendations for future work programmes and amended working methods as appropriate.

(iv) Meetings of the Panel

The Joint Scrutiny Panel will meet quarterly for the business stated. Additional meetings will be arranged as required.

The date and time of each meeting will be agreed by the group.

The Joint Scrutiny Panel is not subject to statutory Access to Information rules, it may meet in private but where ever possible shall allow access to the public.

The host authority will be responsible for issuing the papers and producing the meeting notes to all the attendees.

(v) Quorum

The quorum for the Joint Scrutiny Panel shall be 3 members with a minimum of 1 representative per authority.

(vi) Chair of the Joint Scrutiny Panel

The Chair of Joint Scrutiny Panel will be rotated amongst each authority. The host authority members will agree the chair for each meeting.

Any working group created will elect their chair.

(iii) Agenda items

The Joint Scrutiny Panel shall consider the following:

- Minutes of the last meeting;
- Declarations of interest (including whipping declarations);
- Reports from the three shared services;

- Feedback from any reviews;
- Consideration of any matter that may be referred to each authority's Scrutiny Committee for a decision in relation to call in of a decision;

- Responses of the Joint Board to reports of the Scrutiny Committee;
- Business otherwise set out on the agenda for the meeting;
- Communication that will be issued from the group.

(viii) Additional items for the agenda

- Identifying and overseeing shared scrutiny reviews for the 3 authorities;
- Member development opportunities.

(xi) Members of the Joint Scrutiny Panel

Each member of the Joint Scrutiny Panel will also be responsible for:

- Updating their respective authorities on the services;
- Presenting reports on the services to their respective authorities;
- Identifying and overseeing shared reviews for the 3 authorities;
- Contributing to member development activities for scrutiny.

(x) Work Programme

The Scrutiny Panel will determine what items it will include in its work programme and in doing so shall take into account the wishes of Scrutiny Members. Cabinet Members will not decide the Joint Scrutiny Panel Work Programme. However, the Joint Scrutiny Panel will consider whether to include requests on the agenda from any other relevant stakeholder.

(xi) Call In

The Joint Scrutiny Panel will have no 'call in' powers. However the members of the panel may identify joint service items to call in by their respective authority.

(xii) Review of the Panel

The Joint Scrutiny Panel will review its progress and the terms of reference on an annual basis as part of the annual report to the Joint Board.

(6) SHARED SERVICES CONSULTATION PROTOCOL

1. INTRODUCTION

- (i) The decision to consider forming a shared service will be taken initially at a political/officer level based on a desk top outline business case presented to the Joint Board/Committee. The triggers for initial discussions are varied but may include:
- (i)
- A peer review of the service highlighting areas for improvement that may be achieved through sharing of resources/expertise.
 - A vacancy/vacancies resulting from employee turnover, which provides a catalyst for a review of the way in which the service is provided.

Employee/management ideas of how a service could be more cost effective/efficient if delivered in partnership.

(ii) Once the initial desk top outline business case has been considered by the Joint Board/Joint Committee a full business case will be produced, during which the following will need to be determined:

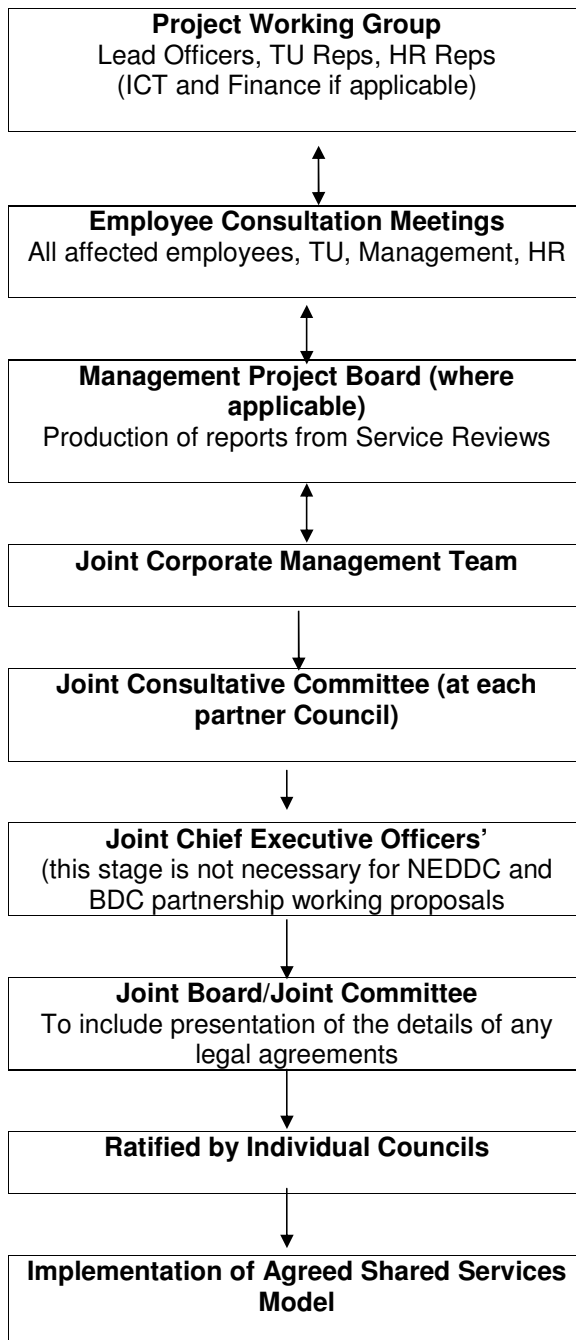
- What work/service is to be included?
- Which model of joint working is to be used, e.g. Joint Appointments, Lead Authority, Third Party Entity or just sharing of expertise?

The production of a full business case will be undertaken by a project working group which will include lead officers from the service, trade union representatives and HR representatives. Trade union representatives will have access to a full time officer for advice. Other representatives from services such as IT and Finance will also be included where this will assist the production of the business case.

(iii) The project working group will be provided with mandatory guidance for a range of models for joint service working which will include:

- HR advice on the implications of each model, in particular in relation to TUPE and secondments.
- Communications and consultation advice relevant to the model

The flowchart below sets out the process to be followed once approval has been given from the Joint Board/Joint Committee to proceed to a full business case appraisal. It needs to include a stage for preparation of legal agreements whether formal agreement and/or SLA. This would be carried on in parallel but would need finalising before the individual Councils approve the arrangements.



(6) JOINT MEMBER PANELS FOR STAFFING MATTERS

1. JOINT EMPLOYMENT COMMITTEE

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There will be a Joint Employment Committee of three councillors from North East Derbyshire District Council and three councillors from Bolsover District Council. The membership shall be determined by the Chief Executive, following consultation with the Leaders of the political groups, under rules of proportionality.

The Joint Employment Committee will have the following roles and functions:

- (i) To interview candidates to posts within the Strategic Alliance Management Team.
- (ii) To appoint candidates to posts within the Strategic Alliance Management Team, with the exception of the Head of Paid Service, the Chief Financial Officer and Monitoring Officer.
- (iii) To recommend to the Councils the appointment of the Head of Paid Service, Chief Financial Officer and Monitoring Officer.
- (iv) To deal with matters of capability (performance and sickness) relating to statutory officers and other chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions.)
- (v) In respect of the dismissal of any of the statutory officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment Committee make a recommendation to the Councils (following the conclusion of any appeal) which will be supported via a report from two of the Councils' Standards Committee Independent Persons.

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2. JOINT APPEALS COMMITTEE

There will be a Joint Appeals Committee of three Councillors from North East Derbyshire District Council and three Councillors from Bolsover District Council. The membership shall be determined by the Chief Executive, following consultation with the Leaders of the political groups, under rules of proportionality.

The Joint Appeals Committee will have the following roles and functions:

- (i) To deal with the final stages of the grievance and harassment procedures for all statutory officers and other chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions.)

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- (ii) To deal with appeals from the Chief Executive Officer and chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting statutory officers against dismissal.
- (iii) To deal with appeals from the Chief Executive Officer and chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting statutory officers, against disciplinary action to be taken against them.
- (iv) To deal with appeals from statutory officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary action taken against them by the Councils' Joint Employment Committee.
- (v) To deal with appeals against dismissal from statutory officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary or capability proceedings conducted by the Councils' Joint Employment Committee.

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(7) MEMBERS DELEGATION

LEADER OF THE COUNCIL

1. GENERAL

- (a) Delegated powers to distribute funding in relation to the Working Neighbourhood fund.

2. JOINT WORKING

- (a) Subject to the Conditions of Delegation listed below to decide all matters relating to joint working and shared services with Chesterfield Borough Council and North East Derbyshire District Council and the power to delegate the making of any such decision to officers.

3. CONDITIONS OF DELEGATION

- (a) Decisions under this delegation shall be made:

1. In consultation with the Executive members of Chesterfield Borough Council and North East Derbyshire District Council where necessary.

2. Within the overall budget approved from time to time by each Authority

3. In the absence or unavailability of the Leader, by the Deputy Leader, and in the absence or unavailability of both the Leader and Deputy Leader, by an Executive member nominated by the Leader

4. In accordance with:

- the principles of the Joint Working Protocol dated March 2006 and
- the Terms of Reference for joint meetings of the duly authorised executive members of Chesterfield Borough Council, Bolsover District Council and North East Derbyshire District Council

5. Any decision to enter into any formal joint working or shared services agreement shall not be within the scope of this delegation, and shall be reserved to the individual Councils.

MEMBERS GENERALLY

The determination in accordance with the approved scheme of all applications for grants made under the Bolsover District Voluntary and Community Small Grants Fund up to an aggregate value per Member as decided in the budget for the relevant year.

APPENDIX

MISCELLANEOUS LICENSING AND REGULATORY FUNCTIONS	
(1)	(2)
Function	Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Section 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of	Sections 191(4) and 192(2) of the Town and

	existing or proposed lawful use or development.	Country Planning Act 1990
10.	Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
11.	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12.	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13.	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990
14.	Power to service a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
15.	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
16.	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
17.	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)
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 to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act
19.	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990
20.	Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)
21.	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation

		Areas Act 1990, as applied by section 74(3) of that Act.
22.	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and Regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97
23.	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
24.	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
26.	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
27.	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
B.	Licensing and registration functions (in so far as not covered by any other paragraph of this Appendix)	
1.	Power to issue licences authorising the use of land as a caravan site (site licences).	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)
2.	Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49)
3.	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict.c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. C. 55)

		and Section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
4.	Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
5.	Power to licence operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
6.	Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)
7.	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
8.	Power to licence inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963
9.	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65)
10.	Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32)
11.	Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976
12.	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13)
13.	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
14.	Power to issue liquor licences.	The various licences under the Licensing Act 2003.
15.	Power to licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16.	Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c.46)

17.	Power to licence premises for acupuncture, tattooing, ear piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
18.	Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53)
19.	Power to licence market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Local Authorities Act 1994 (c.xii)
20.	Power to licence night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994
21.	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)
22.	Power to licence dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874(c.73) and section 213 of the Local Government Act 1972 (c.70)
23.	Power to register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16)
24.	Power to licence scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69)
25.	Power to licence premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)
26.	Power to licence pet shops and other establishments where	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding

	animals are bred or kept for the purposes of carrying on a business.	Establishments Act 1963 (c.43); the Riding Establishments Act 1964 and 1970 (1964 c.70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60) and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
27.	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38)
28.	Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)
29.	Power to licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976 (c.38)
30.	Power to licence knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)
31.	Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c. 44)
32.	Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)
33.	Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movements) Order 1995 (S.I. 1995/11)
34.	Power to licence the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
35.	Power to licence collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
36.	Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)
37.	Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)
38.	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
39.	Power to approve premises for the production of minced meat or	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995

	meat preparations.	(S.I. 1995/3205)
40.	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
41.	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)
42.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
43.	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)
44.	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
45.	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
46.	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
47.	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)
49.	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991
C. Functions relating to health and safety at work		
	Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.	Part 1 of the Health and Safety at Work Etc. Act 1974 (c.37).
D. Functions relating to elections		
1.	Duty to appoint an electoral	Section 8(2) of the Representation of the

	registration officer.	People Act 1983 (c.2).
2.	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3.	Functions in relation to parishes and Parish Councils.	Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.
4.	Power to dissolve small Parish Councils.	Section 10 of the Local Government Act 1972.
5.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6.	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7.	Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and 4(4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10).
8.	Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9.	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10.	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11.	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12.	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13.	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14.	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15.	Power to make temporary appointments to Parish Councils.	Section 91 of the Local Government Act 1972.
16.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)

17.	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 Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c.2).
E. Functions relating to name and status of areas and individuals		
1.	Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
2.	Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3.	Power to confer title of honorary alderman/woman or to admit to be an honorary freeman/woman.	Section 249 of the Local Government Act 1972.
4.	Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact bylaws.		
		Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978
G. Power to promote or oppose local or personal Bills.		
		Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.		
1.	Functions relating to local government pensions etc.	Regulations under section 7, 12, or 24 of the Superannuation Act 1972 (c.11).
I. Miscellaneous functions		
1.	Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980 (c.66).
2.	Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
3.	Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
4.	Duty to approve Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1006/590)
5.	Powers relating to the preservation of trees.	Section 197 to 214D of the Town and Country Planning Act 1990 and the Trees

	Regulations 1999 (S.I. 1999/1892).
6. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
7. Power to make Standing Orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
8. Power to appoint staff.	Section 112 of the Local Government Act 1972.
9. Power to make Standing Orders as to contracts.	Section 135 of the Local Government Act 1972.
10. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.