

## **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 4.3 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 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 the Chief Financial Officer or Monitoring Officer in relation to a Council function.
- (9) Appointment and Membership of Committees.

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- (10) Election/Appointment of Chair and Vice-Chair 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) Authorisations of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings in respect of Council Tax, National Non Domestic Rates 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 an amendment to the Members' Allowance 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 Chair and Vice Chair 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 Rules in Part 4.2 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 by-laws 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 Contract 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

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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 contain 1,000 signatures or more from residents of the District.

### 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, in consultation with the Leader, Deputy Leader and the Service Director Governance & Legal Services 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.

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- (12) Town Police Clauses Act 1847 section 21 – Temporary Street/Road 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 functions.
- (8) The provision of such resources (including expenditure from Reserves) 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

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leaseholds, the letting of Council houses in accordance with the Housing Act 1996 and the granting of contractual licences.

- (11) The approval of mandatory disabled facilities grants (DFGs).
- (12) The approval of discretionary disabled facilities grants (DFGs).
- (13) 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.
- (14) The implementation and monitoring of the Council's Treasury Management policies and practices.
- (15) Agreeing any agency arrangements with any local authorities or other bodies in so far as they relate to Executive functions.
- (16) To monitor and enforce the effective implementation and review of the Council's Equality Plan and Objectives.
- (17) The management of the ICT Strategy for the Council.
- (18) The opening and consideration, and if appropriate, acceptance, subject to scrutiny, of tenders for works in excess of £75,000.
- (19) The promotion of economic development and employment opportunities in the District.
- (20) Monitoring the finances of the Council.
- (21) The granting of discretionary relief for National Non Domestic Rates / Community Charge / Council Tax, including the management of the Council Tax and Housing Benefit Schemes.
- (22) The collection of sundry and other debts, administration of mortgages and determination of any matter relating to the Council's insurance cover.
- (23) Monitoring level of homelessness and Council's responsibilities for this under the Housing Act 1996 - Part VII (as amended by the Homelessness Reduction Act 2018).
- (24) The maintenance of good relations with the Council's tenants.
- (25) The development of sports and recreational facilities and opportunities within the District and the development and promotion of tourism.
- (26) The co-ordination of and assistance to the arts provided throughout the District.
- (27) The fostering of community development and liaison with parish councils and voluntary bodies within the District.

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- (28) The management of any Council markets including the level of rents for market stalls and any other level of charges relating to markets.
- (29) The development of international partnerships and friendships.
- (30) All other functions not specifically designated as Council functions and not required by law to be exercised by the Council.
- (31) Regular monitoring of Ombudsman and Corporate Complaints.
- (32) Regular monitoring of Freedom of Information Act 2000 requests for information.
- (33) 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 of Council 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**

<b>CABINET MEMBER</b>	<b>PORTFOLIO</b>
Councillor Jane Yates, Leader	<b>Policy, Strategy and Communications</b>
Councillor Donna Hales, Deputy Leader	<b>Corporate Performance and Governance</b>
Councillor Tom Munro  Councillor Rowan Clarke (Junior Cabinet Member)	<b>Growth</b> <ul style="list-style-type: none"> <li>• Dragonfly Client and all Dragonfly Services (including housing repairs and maintenance)</li> <li>• Planning Development Management</li> <li>• Planning Policy</li> <li>• Housing Strategy (Planning)</li> </ul>
Councillor Rob Hiney-Saunders  Councillor Jeanne Raspin (Junior Cabinet Member)	<b>Environment</b> <ul style="list-style-type: none"> <li>• Environmental Health &amp; Licensing</li> <li>• Emergency Planning</li> <li>• Street Scene Services</li> <li>• Corporate Health &amp; Safety</li> <li>• Climate Change</li> </ul>
Councillor Phil Smith  Mark Hinman (Junior Cabinet Member)	<b>Housing</b> <ul style="list-style-type: none"> <li>• Housing and Tenancy Management</li> <li>• Housing Stock</li> <li>• Estate Management</li> <li>• Homelessness</li> <li>• Housing Strategy (Housing)</li> </ul>
Councillor Mary Dooley  Councillor Catherine Jeffery (Junior Cabinet Member)	<b>Partnerships, Health &amp; Wellbeing</b> <ul style="list-style-type: none"> <li>• Leisure</li> <li>• Customer Services</li> <li>• Partnerships</li> <li>• Safeguarding</li> <li>• Leisure Go Fuel Café</li> <li>• Arts</li> </ul>
Councillor Clive Moesby  Councillor Duncan Haywood (Junior Cabinet Member)	<b>Resources</b> <ul style="list-style-type: none"> <li>• Finance</li> <li>• Human Resources / Payroll</li> <li>• Community Safety &amp; Enforcement Team</li> <li>• Audit</li> <li>• Risk Management</li> <li>• Legal</li> <li>• ICT</li> </ul>
Councillor John Ritchie	<b>Devolution</b>

	<ul style="list-style-type: none"><li>• East Midlands Mayoral Combined County Authority</li><li>• Devolution</li></ul>
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### 3.6 Committee Terms of Reference

#### **SCRUTINY COMMITTEES**

##### (1) Purpose and Responsibilities – ALL SCRUTINY COMMITTEES

Within their themed areas as outlined above, all 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;
  - i The Council's Corporate Plan and priorities including quarterly performance monitoring.
  - ii Areas of poor performance identified within service provision.
  - iii Policy development activity at the earliest possible opportunity.
  - iv 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) Consider or examine existing or proposed Council policies, strategies or plans within the remit of the Executive.
- (6) 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.
- (7) 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.
- (8) Review the performance of other public bodies in the area and invite reports, as required, by asking them to address the Committee about their activities and performance.
- (9) Exercise functions relating to Call-In or Councillor Call for Action.

- (10) Contribute to the Annual Scrutiny report to Council on the scrutiny function and the work of the Committees.

(2) Purpose and Responsibilities – FINANCE AND CORPORATE OVERVIEW  
SCRUTINY COMMITTEE

In addition to the above powers conferred on Scrutiny, this Committee shall have the following specific functions;

- (1) To be responsible for ensuring effective scrutiny of the Treasury Management Strategies and associated policies.
- (2) To receive the Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution, to include:
  - i Making recommendations to the Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
  - ii. Monitoring the Council's Budget, (General Fund, Capital Programme and Housing Revenue Account), on a quarterly basis.
  - iii. Questioning the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.
  - iv. Making recommendations to the Executive in respect of financial issues arising out of the Budget Monitoring.
  - v. Referring to the relevant thematic Scrutiny Committee any performance or other non-financial issues arising out of the quarterly monitoring of the Council's Budget.
- (3) Receive a quarterly update on performance against relevant Corporate Plan targets from the Portfolio Holders, to include:
  - i Monitoring performance management of the Council including reviewing performance against service plans and indicators relating to the corporate aims.
  - ii Referring continued exceptions in performance to the relevant thematic Scrutiny Committee for further investigation/detailed review.
- (4) To enable each of the Scrutiny Chairs to present update information from their respective Committees.

## Part 3 Responsibility for Functions

The table below outlines the service areas to be scrutinised by each themed committee:

Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
Local Growth Scrutiny Committee	<ul style="list-style-type: none"> <li>• Growth/ Economic Development</li> <li>• Housing</li> <li>• Corporate Governance</li> </ul>	<ul style="list-style-type: none"> <li>• Economic and Business Development</li> <li>• Property Services</li> <li>• Estates Management</li> <li>• High Street Development</li> <li>• Facilities Management</li> <li>• Strategic Development and Investment</li> <li>• Planning</li> <li>• Enterprise and Skills</li> <li>• Tourism</li> <li>• Dragonfly Developments Limited</li> </ul>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Environment</li> <li>• One Public Estate</li> <li>• Transformation Programme</li> <li>• HS2</li> <li>• Highways</li> <li>• D2N2</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Performance monitoring of assigned service areas</li> </ul>
Climate Change and Communities Scrutiny	<ul style="list-style-type: none"> <li>• Corporate Governance</li> <li>• Environmental Health and Licensing</li> <li>• Enforcement and Partnerships</li> <li>• Leisure and Tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Health and Safety (Council responsibility)</li> <li>• HR/Legal/ Governance</li> <li>• Community Safety Partnership/ Police</li> <li>• Bolsover Partnership Strategy</li> <li>• All Local Authority enforcement/ Enforcement Team</li> <li>• Food Safety</li> <li>• Health and Wellbeing</li> <li>• Leisure</li> <li>• Environmental Health</li> </ul>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Performance monitoring of assigned service areas</li> </ul>

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Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
		<ul style="list-style-type: none"> <li>• Licensing</li> <li>• Public Health</li> <li>• Relationship with other authorities including Derbyshire County Council and Parish Councils.</li> <li>• Energy management in relation to the Council's own Estates and Property</li> <li>• Community Transport</li> <li>• Climate Change</li> <li>• Social Inclusion</li> </ul>	
Customer Services Scrutiny Committee	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Environmental Health and Licensing</li> <li>• Finance</li> <li>• Corporate Governance</li> </ul>	<ul style="list-style-type: none"> <li>• BDC Housing including Strategic Housing</li> <li>• Emergency Planning</li> <li>• Revenues and Benefits</li> <li>• Street Scene</li> <li>• Grounds maintenance</li> <li>• Customer Services and Customer Standards</li> <li>• ICT</li> <li>• Communications</li> <li>• Waste Collection</li> <li>• Monitoring Corporate Complaints</li> <li>• Local Government and Social Care Ombudsman – complaints and annual letter</li> </ul>	<ul style="list-style-type: none"> <li>• Environment</li> <li>• Finance</li> <li>• Transformation Programme</li> <li>• Environmental Health</li> <li>• Governance</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Elections</li> <li>• Performance monitoring of assigned service areas</li> </ul>

## Part 3 Responsibility for Functions

Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
Finance and Corporate Overview Scrutiny Committee	<ul style="list-style-type: none"> <li>Finance</li> </ul>	<ul style="list-style-type: none"> <li>Audit</li> <li>Accountancy</li> <li>Procurement</li> <li>Improvement and Performance Monitoring</li> <li>Payroll</li> <li>Treasury Management</li> <li>Annual budget setting process</li> <li>Budget Monitoring</li> <li>Monitoring collection rates for Council Tax and other income.</li> <li>Societal Impact of any Budget Reductions</li> <li>Reviewing the financial and value for money outcome of the implementation of strategic projects</li> </ul>	<ul style="list-style-type: none"> <li>Environment</li> <li>Legal Requirements</li> <li>Governance</li> <li>Staffing and other resources for projects</li> </ul>

### (3) Joint Scrutiny Arrangements

The Authority is part of a Shared Services Scrutiny Panel alongside North East Derbyshire District Council and Chesterfield Borough Council, which scrutinises the joint working arrangements across the three Councils.

### (4) Membership and Structure of Meetings

The Chair and Vice Chair of each Scrutiny Committee will be appointed by Council from its allocated membership.

All Scrutiny Committees will reflect the political composition of the Council, in accordance with the proportional allocation of seats. The quorum for each scrutiny committee meeting will be one quarter of the whole number of Members or three voting Members, whichever is the greater.

All Scrutiny Members shall be invited to Finance and Corporate Overview Scrutiny Committee once a year, for consideration of the annual Council Budget proposals, prior to submission to Executive and Council.

All thematic Chairs and/or Vice-Chairs shall be invited to attend Finance and Corporate Overview Scrutiny Committee when it is considering quarterly performance reports, to enable informed discussion and referrals where required. They will not attend with voting rights.

The Committees will meet in accordance with the agreed meeting schedule, with additional extraordinary meetings as required.

## **AUDIT COMMITTEE**

### **(1) Purpose and Responsibilities**

The Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to the Members of the Authority of the adequacy of the risk management framework and the associated internal control environment. It provides independent review of the Authority's governance, risk management, and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

In addition to the above powers conferred, this Committee shall have the following specific functions:

#### **Governance, risk and control**

- (1) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- (2) To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- (3) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (4) To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (5) To monitor the effective development and operation of risk management in the Council.
- (6) To monitor progress in addressing risk-related issues reported to the Committee.
- (7) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

- (8) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (9) To monitor the counter-fraud strategy, actions and resources.
- (10) To review the governance and assurance arrangements for significant partnerships or collaborations.

**Internal audit**

- (11) To approve the internal audit charter
- (12) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (13) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- (14) To make appropriate enquiries of both management and the Head of the Internal Audit Consortium to determine if there are any inappropriate scope or resource limitations.
- (15) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of the Internal Audit Consortium. To approve and periodically review safeguards to limit such impairments.
- (16) To consider reports from the Head of the Internal Audit Consortium on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - i. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
  - ii. Regular reports on the results of the quality assurance and improvement programme (QAIP).
  - iii. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- (17) To consider the Head of the Internal Audit Consortium's annual report:
  - i. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that

support the statement – these will indicate the reliability of the conclusions of internal audit.

- ii. The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the AGS.

- (18) To consider summaries of specific internal audit reports as requested.
- (19) To receive reports outlining the action taken where the Head of the Internal Audit Consortium has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (20) To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (21) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- (22) To provide free and unfettered access to the audit committee chair for the Head of the Internal Audit Consortium, including the opportunity for a private meeting with the Committee.

**External audit**

- (23) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) as appropriate.
- (24) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (25) To consider specific reports as agreed with the external auditor.
- (26) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (27) To commission work from internal and external audit.
- (28) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

**Financial reporting**

- (29) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (30) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

**Accountability arrangements**

- (31) To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- (32) Where the Council has undergone an external inspection, peer review or other intervention, and an improvement programme is developed, the Audit Committee will support the effective implementation and review of agreed actions.
- (33) To report to Council on an annual basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose, via completion of an annual self-assessment and production of any required improvement plan.
- (34) To publish an annual report to Council on the work of the Committee, to include reference to the Committee's self-assessment and any associated improvement plan.

(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 Chair and Vice Chair of the Committee will be appointed by Council from its allocated membership and reflect the political composition of the Council, in accordance with the proportional allocation of seats.

The Committee will have no more than 8 Members, to include 6 members of the Authority and two co-opted Independent Non-Voting Members.

The quorum for the Committee will be one quarter of the whole number of Members or three voting Members, whichever is the greater.

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The Committees will meet in accordance with the agreed meeting schedule and for a minimum of four times per year, with additional extraordinary meetings as required.

## **BOLSOVER EMPLOYEE APPEALS COMMITTEE**

### **(1) Purpose**

There will be an Employee Appeals Committee to consider and determine appeals against dismissals arising from the Council's employment procedures (e.g. disciplinary, capability, sickness absence, etc). These procedures apply to all employees other than those who are covered by any special provisions of their terms and conditions.

### **(2) Membership**

- (i) The Employee Appeals Committee will comprise of three Elected Members determined at the Annual Council Meeting and will reflect the rules or proportionality. Each Member on the Committee can have a deputy appointed by Council who can deputise for them if they are unable to make the meeting or have a conflict of interest.
- (ii) 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 nomination of the relevant party leader.
- (iii) The Head of Paid Service or their representative 'Management Representative' will make the management case. Witnesses may be called.

### **(3) Function**

- (i) The Committee will conduct a review of the original decision to see if it was reasonable in the circumstances. This may involve rehearing the original evidence and any evidence that has come to light following the decision and considering any matters raised relating to the original decision whether or not they were known to the Management Representative at the time the initial decision was taken. No unrelated matters shall be considered.
- (ii) The Committee will decide whether to allow or dismiss the appeal.

#### (4) Rules and Procedures

##### 4.1 Secretariat

In order to maintain impartiality and confidentiality, the Human Resources department will administer meetings of the Appeals Committee. This will include organising meetings, producing confidential documents for Members and taking a record of the proceedings. Minutes will be produced and kept on record.

##### 4.2 Frequency of Meetings

Meetings of the Employee Appeals Committee will be convened when required.

##### 4.3 Quorum and Voting

Each of the three Members appointed to the Committee are required to be present for the meeting to commence. The three Members are allocated one vote each and the Chairman does **not** have a casting vote in this instance.

##### 4.4 Proceedings

The Employee shall be given at least five working days' notice in advance of the time and place of the hearing and he/she must be told that he/she shall be entitled to be represented by their representative and shall be able to call witnesses and to present the documents relevant to his/her case. Copies of any documents relevant to the case and intended for submission/consideration and names of witnesses the parties intend to call should be exchanged by both parties at this time.

The Appeals Hearing shall proceed as follows:-

- (i) The Chair shall introduce all persons in the room, and their respective roles, emphasising the limited role of the advisers.
- (ii) If the Employee is alone he/she should be asked if they are aware that they may have a representative and whether they would like to adjourn in order to arrange for one to attend.
- (iii) The Management Representative will make a statement as to why the decision to dismiss was taken and may call witnesses.
- (iv) Witnesses will wait outside until called.

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- (v) The Employee (or Representative) shall have the opportunity to ask questions of the Management Representative and witnesses.
- (vi) The Committee shall have the opportunity to ask questions of the Management Representative and witnesses. The witnesses shall leave having given their evidence.
- (vii) The Employee may put his/her case and may call witnesses. Witnesses will wait outside until called.
- (viii) The Management Representative shall have the opportunity to ask questions of the Employee and his/her witnesses.
- (ix) The Committee shall have the opportunity to ask questions of the Employee and his/her witnesses. The witnesses shall leave having given their evidence.
- (x) The Management Representative (the original Hearing Officer) and the Employee shall have the opportunity to sum up their case if they so wish, with the Management Representatives submission being received first.
- (xi) The Management Representative (the original Hearing Officer), the Employee and their representative shall withdraw.
- (xii) Any advisors to the Committee remain in the room during the deliberation.
- (xiii) The Committee shall deliberate only recalling the Management Representative (the original Hearing Officer) and the Employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties and representatives are to return, notwithstanding that only one may be concerned with the points giving rise to doubt.
- (xiv) The Committee will decide whether to allow or dismiss the appeal and will announce the decision to the Employee personally. The outcome will be confirmed in writing with reasons within five working days.
- (xv) The decision of the Committee is final and there shall be no further appeals to the Council.

## **HOUSING ALLOCATIONS REVIEW PANEL (HARP)**

The objective of the HARP is to ensure that housing decisions are made fairly and transparently.

- (1) The HARP will be made up of three members:-
  - The Community Safety and Enforcement Manager
  - The Housing Enforcement Manager
  - A Housing Needs Officer or a Tenancy Management Officer (on a rota)
- (2) The Housing Enforcement Manager or the Community Safety and Enforcement Manager must be in attendance with at least one other panel member.
- (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

Minutes will be kept of each meeting and decisions noted. 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) 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 Assistant Director of Environmental Health. 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.

(11) Appeals

Any other appeal will be considered by an Appeal Board consisting of:-

- The Assistant Director of Environmental Health
- The Portfolio Holder for Housing
- An officer member of Senior Leadership 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).

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,

### Part 3 Responsibility for Functions

- (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.

## Employment and Appeals Committee

There will be an Employment and Appeals Committee (EAC) of four Councillors

The membership shall include the Leader of the Council and Deputy Leader, an Executive Member and the Leader of the Largest Minority Group or their appointed substitute. Substitutes if called upon will replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed.

The Employment and Appeals Committee will meet as a Committee in relation to all appointments of the Senior Leadership Team which includes the Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions).

Where there are two Leaders of the Opposition, of groups of equal size, both Leaders of the Opposition will be Members of the Employment and Appeals Committee – increasing the size of the Committee to 5.

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

<b>Functions</b>	<b>Matters not delegated</b>
<p>To interview candidates for posts within the Senior Leadership Team (Directors and Assistant Directors)</p> <p>To appoint candidates to posts within the Senior Leadership Team, with the exception of the Head of Paid Service, Chief Financial Officer and Monitoring Officer</p> <p>To recommend to Council the appointment of the Head of Paid Service, Chief Financial Officer, and Monitoring Officer</p> <p>To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers</p> <p>To deal with appeals from Chief Officers/Deputy Chief Officers including Statutory Officers, against action taken against them</p>	

### Part 3 Responsibility for Functions

<p>In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Employment and Appeals Committee shall make a recommendation to Council which will be supported via a report from two of the Councils Independent Persons.</p>	
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## **LICENSING COMMITTEE**

### **Licensing and Gambling Acts Committee**

There will be a Licensing and Gambling Acts Committee of 10 Councillors which must meet at least once a year by law.

It is a legislative requirement that the Council maintains a committee that deals solely with matters related to the Licensing Act 2003 and the Gambling Act 2005. These committee functions cannot be combined with any others.

**The functions of the Licensing and Gambling Acts Committee include:**

<b>Functions</b>	<b>Matters Reserved to <i>Council Meeting</i></b>
<p>To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005</p> <p>To recommend to Council statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005</p> <p>To make any minor changes and updates to the Statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements.</p> <p>To recommend to Council to resolve whether to issue a Casino Licence</p>	<p>The following matters are reserved to the Council Meeting:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005</p> <p>(ii) The power to resolve to issue a Casino Licence</p>

### **Licensing and Gambling Acts Sub Committee**

Licensing and Gambling Acts Sub Committees will be established comprising 3 Members who are Members of the Licensing and Gambling Acts Committee to consider any matters referred to them which relate to matters arising under the Licensing Act 2003 or the Gambling Act 2005.

3 Members on the Sub Committee (drawn from the full Committee) will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

## Part 3 Responsibility for Functions

Licensing and Gambling Acts Sub Committees will be arranged by the Monitoring Officer as and when required.

### **The functions of the Licensing and Gambling Acts Sub-Committee include:**

To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Licensing Act 2003, including: -

- Application for a personal licence where there are relevant unspent convictions;
  - The review of a premises licence or club premises certificate; other than minor variations
  - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
  - Determination of a police or environmental health objection to a temporary event notice.
  - Where a relevant representation has been made in respect of the following applications:
    - personal licence;
    - premises licence or club premises certificate;
- provisional statement;
- variation to a premises licence or club premises certificate;
  - variation to a designated personal licence holder;
  - transfer of a premises licence;
  - interim authority.

To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Gambling Act 2005, including: -

- Application for a premises licence where representations have been received and not withdrawn.
- Application for variation to a licence where representations have been received and not withdrawn.
- Application for a transfer of a licence where representations have been received from the Gambling Commission.
- Application for a provisional statement where representations have been received and not withdrawn.
- Review of a premises licence.
- Application for a club gaming/club machine permits where objections have been received and not withdrawn.
- Cancellation of club gaming/club machine permits.

**Delegation of functions to officers**

The following functions may be exercised the Head of Environmental Health save for the matters reserved for Licensing and Gambling Acts Committee or Sub-Committees, or for full Council:

- All matters arising under the Licensing Act 2003.
- All matters arising under the Gambling Act 2005.

## **General Licensing Committee**

There will be a General Licensing Committee of 10 Councillors which will meet at least once a year.

As a result of the legislative restriction that the Licensing and Gambling Acts Committee can only deal with matters relating to the Licensing Act 2003 and the Gambling Act 2005 the Council will maintain a General Licensing Committee to deal with all other matters relating to licensing.

**The functions of the General Licensing Committee include:**

<b>Functions</b>	<b>Matters Reserved to Council Meeting</b>
<p>To consider all licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators.</p> <p>To recommend to Council any licensing policies except the Licensing Act 2003 and the Gambling Act 2005 policies.</p> <p>To make any minor changes and updates to the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council</p> <p>To make any minor changes and updates to other relevant licensing policies as required</p>	<p>The following matters are reserved to the Council Meeting:</p> <p>(i) Determination of the Council's Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy</p> <p>(ii) Determination of other licensing policies, as required</p>

## **General Licensing Sub Committee**

General Licensing Sub-Committees will be established, comprising 3 Members who are Members of the General Licensing Committee to consider any matters referred to them which relate to:

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

but not at the same meeting.

3 Members on the Sub Committee (drawn from the full Committee) will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

### **Schedule of Meetings**

A Schedule of General Licensing Sub-Committee meetings will be agreed by Council at the start of each municipal year. This schedule of meetings will be subject to amendment, as required, to enable the Sub-Committees to deal effectively with the matters referred to them.

The membership of any unscheduled General Licensing Sub-Committee meetings that are arranged will be determined by the Monitoring Officer in consultation with the Chair of the General Licensing Committee.

### **The functions of the General Licensing Sub-Committee include:**

- To consider all hackney carriage and private hire licensing issues which are referred to it in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- The determination of applications for sexual establishments (including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations have been received and not withdrawn.
- To determine applications for house-to-house collections under the House to House Collections Act 1939 (as amended) where representations are received from Police and not withdrawn or where officers have reasonable grounds for referral to Committee.
- To determine applications and revocations under the Scrap Metal Dealers Act 2013 where representations have been received and not withdrawn.

### **Delegation of functions to officers**

The following functions may be exercised to the Head of Environmental Health save for the matters reserved for General Licensing Committee or Sub-Committees, or for Full Council:

- All hackney carriage and private hire licensing issues in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- All matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- All matters concerning the discharge by the Council of its licensing function under the House to House Collections Act 1939 (as amended).
- All matters concerning the discharge by the Council of its licensing function under the Scrap Metal Dealers Act 2013.
- All other licensing matters delegated from time to time by the General Licensing Committee.

## **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, with the default delegation of this function (1) to officers with the exception of:

The following matters which will be determined by the Planning Committee and not under delegation to officers:

- i) applications that have been called in to be considered by the Planning Committee by a Ward Councillor with reference to valid planning reasons for referral and where the outcome of the application is of particular significance to the environmental quality of the local area and/or the socio-economic well-being of the local community. The Ward Councillor will have until the end of the overall consultation period in order to refer an item to Planning Committee. This date is set out on the Council's public access website;
- ii) applications that are referred to the Planning Committee by officers because it is considered the final decision on a particular application is of strategic importance to the District;
- iii) applications that are referred to the Planning Committee by officers because there are twenty or more representations from individual households and/or other interested parties that have been made on valid planning grounds and are contrary to the officer recommendation on that application;
- iv) applications that propose significant changes to the size, scale or nature of proposals previously approved by the Planning Committee or propose the removal or variations of conditions or obligations imposed on a permission granted by the Planning Committee that are more than non-material minor amendments to the original permission; and
- v) applications that are recommended for approval but are contrary to planning policies in the Council's adopted Local Plan.

Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Planning Manager (Development Control), 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) The confirmation of Tree Preservation Orders which are subject to outstanding objections.
- (3) The designation of Article 4 Directions.

### Part 3 Responsibility for Functions

- (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 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 Implementation Advisory Group.
- (8) Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district council 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 Assistant Director of Development and Planning or other appropriate officer.
- (11) The designation of conservation areas.
- (12) Grants for the repair of historic buildings.

#### To Recommend to the Council with Regard to:-

- (13) 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.

## **SAFETY COMMITTEE**

### **(1) Purpose**

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 Manager 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.

(2) 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 Employer's Side of the Committee shall be 5 elected Members with voting rights. The Service Director of Governance and Legal Services, the HR Business Partner and the Health and Safety Manager 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 Governance Manager not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chair and Vice Chair from among the Committee. When the Chair is appointed from one side of the Committee the Vice-Chair will be appointed from the other side. These officers will also act as Chair of their respective sides of the Committee.
- (vi) The Governance and Civic Manager will act as Secretary to the 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 meetings shall be convened during working hours at 3 monthly intervals and held at The Arc, Clowne.
- (ii) Meetings may be called by the Chair at any time at the request of either side, such requests to be submitted through their respective Chairs.
- (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 Chair and Vice-Chair, the meeting may be cancelled and Members advised accordingly.
- (vi) The agenda for business of regular meetings shall be circulated by the Governance and Civic Manager 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.

## **STANDARDS COMMITTEE**

The role of the Standards Committee is to:

- (1) Promote and maintain high standards of conduct by Members and co-opted Members of the Council.
- (2) Assist Members and co-opted Members of the Council to observe the Bolsover Members' Code of Conduct.
- (3) Advise the Council on the adoption or revision of a Code of Conduct.
- (4) Monitor the operation of the Bolsover Members' Code of Conduct.
- (5) Advise, give training or arrange to train Members and co-opted Members of the Council on matters relating to the Bolsover Members' Code of Conduct.
- (6) Oversee Member Training, (including the attendance of Members at courses), in relation to matters affecting their conduct and probity including relevant information provided to newly elected District Councillors.
- (7) Consider all matters relating to dispensations for Members to speak and vote where the Members concerned have interests.
- (8) Conduct determination hearings into complaints against Members.
- (9) Promote and maintain high standards of conduct within town/parish councils and to assist them in following their own Codes of Conduct or adopt the Bolsover Code of Conduct.
- (10) Oversee training provided to parish councils on conduct and probity matters including relevant information provided to newly elected Parish Councillors.
- (11) Oversee the public face of the Standards Committee through the website and increase public awareness of the Code of Conduct and its application.
- (12) Deal with complaints against town and parish councillors in accordance with 8 above.
- (13) Oversee matters referred to the Monitoring Officer in relation to complaints against town and parish councillors where it is appropriate for the Monitoring Officer to take a decision.
- (14) Grant exemptions for politically restricted posts.

### Part 3 Responsibility for Functions

- (15) Have responsibility for the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and procedures, to include monitoring, revisions and approval.
- (16) Review the Gifts and Hospitality Register on an annual basis.
- (17) Review Members' attendance at meetings on a bi-annual basis.

#### **To Recommend to Council with regard to:-**

- (18) Overseeing the Council's "Whistle Blowing" Policy and arrangements and to amend them as appropriate.
- (19) Changes required to the Constitution as a result of the monitoring and reviewing undertaken by the Committee.
- (20) Reports of the Independent Remuneration Panel

## **UNION/EMPLOYEE CONSULTATION COMMITTEE**

### **(1) Objectives**

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

5.1 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 Head of Paid Service, Service Director of Governance and Legal Services 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 Head of Paid Service of the Council not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chair and Vice Chair from among the Committee. When the Chair is appointed from one side of the Committee the Vice-Chair will be appointed from the other side. The Chairship and Vice Chairship of the Committee will rotate annually between each side. These officers will also act as Chair of their respective sides of the Committee.
- (vi) The Governance and Civic Manager 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.

(6) 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.

(7) 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 Chair at any time at the request of either side submitted through their respective Chairs.
- (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 Governance and Civic Manager 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 Chair and Vice Chair, the meeting be cancelled and Members advised accordingly.

### Part 3 Responsibility for Functions

- (viii) The agenda for business of regular meetings shall be circulated by the Governance and Civic Manager 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 Unions 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.

## BOLSOVER DISTRICT COUNCIL STRUCTURE

<p style="text-align: center;"><b>Karen Hanson</b> Chief Executive</p> <p style="text-align: center;">Head of Paid Service Returning Officer and Elections Emergency Planning Local Resilience Forum Strategic Lead Dragonfly Group Sponsor and Client Management Lead</p>			
<p style="text-align: center;"><b>Steve Brunt</b></p> <p style="text-align: center;"><b>Strategic Director of Services</b></p> <p style="text-align: center;">Emergency Planning Tactical Lead Corporate Health and Safety</p>	<p style="text-align: center;"><b>Pam Brown</b></p> <p style="text-align: center;"><b>Service Director Executive, Corporate Services and Partnerships</b></p> <p style="text-align: center;">Safeguarding Lead Corporate Transformation Lead Climate Change Lead</p>	<p style="text-align: center;"><b>Theresa Fletcher</b></p> <p style="text-align: center;"><b>Service Director Finance and Section 151 Officer</b></p> <p style="text-align: center;">Statutory Officer</p> <p style="text-align: center;">Dragonfly Development Ltd Financial Lead</p>	<p style="text-align: center;"><b>Jim Fieldsend</b></p> <p style="text-align: center;"><b>Service Director Governance and Legal Services and Monitoring Officer</b></p> <p style="text-align: center;">Statutory Officer</p> <p style="text-align: center;">Dragonfly Development Ltd Legal Lead</p>
<p style="text-align: center;"><b>Mark Giles</b> <b>Assistant Director (Streetscene/Community Safety and Enforcement)</b></p> <p style="text-align: center;">Waste and Recycling Fleet Management Drainage and Engineering Grounds Maintenance Street Cleansing</p>	<p style="text-align: center;">Executive and SLT Support Partnerships Team Customer Services HR and Payroll Communications Safeguarding</p>	<p style="text-align: center;">Finance and Accountancy Audit Revenues and Benefits ICT</p>	<p style="text-align: center;">Legal Procurement Governance Scrutiny Performance and Improvement</p>

<p><b>Ken Eastwood</b></p> <p><b>Assistant Director of Environmental Health (50%)</b></p> <p>Environmental Enforcement Commercial (food and H&amp;S) Private Sector Housing Environmental Protection Licensing</p>			
<p><b>Victoria Dawson</b></p> <p><b>Assistant Director of Housing Management and Enforcement</b></p> <p>Housing Needs Housing Strategy (part) Rent and Rent Recovery Community Safety and ASB Tenancy Management Central Control &amp; Careline Homelessness</p>			

<p><b>Sarah Kay</b></p> <p><b>Assistant Director of Planning and Planning Policy</b></p> <p>Development Management Local Plan and Planning Policy Housing Strategy (part) Land Charges Enforcement</p>			
<p><b>Wayne Carter</b></p> <p><b>Assistant Director of Leisure, Health &amp; Wellbeing</b></p> <p>Leisure Services and Café Health and Wellbeing Arts Extreme Wheels</p>			

## MEMBERS DELEGATION

### (1) Leader of the Council

#### 1.1 General

Delegated powers to distribute funding in relation to the Working Neighbourhood Fund.

#### 1.2 Joint Working

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.

#### 1.3 Conditions of Delegation

Decisions under this delegation shall be made:-

- (i) In consultation with the executive members of Chesterfield Borough Council and North East Derbyshire District Council where necessary.
- (ii) Within the overall budget approved from time to time by each authority.
- (iii) 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.
- (iv) 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
- (v) 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.

(2) 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.

MISCELLANEOUS LICENSING AND REGULATORY FUNCTIONS		
(1) Function		(2) Provision of Act or Statutory Instrument
A.	<b>Functions relating to town and country planning and development control</b>	
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 there under
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 existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990

### Part 3 Responsibility for Functions

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.

### Part 3 Responsibility for Functions

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>B.</b>	<b>Licensing and registration functions (in so far as not covered by any other paragraph of this Appendix)</b>	
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

### Part 3 Responsibility for Functions

		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)

### Part 3 Responsibility for Functions

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 animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding 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

### Part 3 Responsibility for Functions

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 meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (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)

### Part 3 Responsibility for Functions

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
<b>C.</b>	<b>Functions relating to health and safety at work</b>	
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).
<b>D.</b>	<b>Functions relating to elections</b>	
1.	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c.2).

### Part 3 Responsibility for Functions

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.

### Part 3 Responsibility for Functions

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).
<b>E.</b>	<b>Functions relating to name and status of areas and individuals</b>	
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.
<b>F.</b>	<b>Power to make, amend, revoke or re-enact by-laws.</b>	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978
<b>G.</b>	<b>Power to promote or oppose local or personal Bills.</b>	Section 239 of the Local Government Act 1972.
<b>H.</b>	<b>Functions relating to pensions etc.</b>	
1.	Functions relating to local government pensions etc.	Regulations under section 7, 12, or 24 of the Superannuation Act 1972 (c.11).
<b>I.</b>	<b>Miscellaneous functions</b>	
1.	Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980 (c.66).

### Part 3 Responsibility for Functions

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.