

Rushcliffe Borough Council Constitution

Part 3

Responsibility for functions and scheme of delegation

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Responsibility for Functions

Responsibility for Local Choice Functions – Full Council

Policy Framework

The following strategies and plans are in the Policy Framework which is the responsibility of the Full Council:

- Corporate Strategy
- Crime and Disorder Reduction Strategy
- Local Plan Documents
- Licensing Statement of Policy
- Gambling Statement of Policy

Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Functions of the full Council

Only the Council will exercise the following functions:

- adopting and changing the constitution (other than minor changes made by the Monitoring Officer under delegated authority and decisions on executive matters)
- approving or adopting the policy framework and the budget
- subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
- electing the Leader
- approving the delegation scheme other than for executive functions
- agreeing and/or amending the terms of reference for non-executive committees, deciding on their composition and making appointments to them
- appointing representatives to outside bodies
- adopting a scheme for Members' Allowances
- changing the name of the area, conferring the title of honorary alderman or freedom of the Borough
- confirming the appointment of the Head of Paid Service; the Section 151 Officer and the Monitoring Officer in line with the Officer Employment
- Procedure Rules
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills

- all local choice functions set out in part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet
- all other matters which, by law, must be reserved to Council
- approval of carry forward of unspent revenue budget provisions, recommended by the Section 151 Officer, that are sufficiently committed, but cannot be accounted for in the original year and cannot be absorbed in the new year's budget.

Delegation of Responsibility for Council Functions by Full Council

The following Committees have been appointed by the Council, with the terms of reference set out in Appendix 5:

- Corporate Overview Group
- Governance Scrutiny Group
- Growth and Development Scrutiny Group
- Communities Scrutiny Group
- Planning Committee
- Licensing Committee
- Employment Appeals Committee
- Interviewing Committee
- Standards Committee

The following member groups have also been appointed;

- Civic Hospitality Panel
- Local Development Framework Group
- Rushcliffe Strategic Growth Board
- Member Development Group

The Council has the power to appoint Area Committees but has not exercised this power. Notwithstanding the powers delegated, here, to Committees, etc, and later, to officers, the Council retains the right to exercise such powers.

Responsibility for Executive Functions – Leader and Cabinet

The Leader and the Cabinet have responsibility for all executive functions, as set out below

- Executive powers have not been granted to individual members of the Cabinet, with the following exceptions:
 - the Cabinet Portfolio holder for Resources has been given delegated authority to approve capital grants in accordance with policy approved by the Council from time to time
- The Leader has the powers allocated to him/her under the Local Government Act 2000.
- To take decisions as required as the member of a company not wholly owned by the council
- Individual Portfolios have been allocated to Cabinet members as follows:

Strategic and Borough Wide Leadership (Leader)

- Overall direction focus and vision
- Corporate Strategy
- Medium Term Financial Strategy (MTFS)
- Budgetary policy (linking with MTFS and four year plan)
- Strategic Economic and Business Growth
- Collaboration/Partnerships/Combined Authorities/Devolution/Companies not owned by the Council
- Property Development/Investment Projects

Community and Leisure (Deputy Leader)

- Community and Cultural Events and Services (YOUNG, Positive Futures, Health Promotion and Awards)
- Parish Council forums and Relationships
- Health & Wellbeing

Housing and Planning

- Major Development Sites Within the Borough
- Planning Policy
- Transportation and Infrastructure
- Housing Provision and Development (Social and Private)

Finance

- IT Strategy
- Budgeting/Income Generation
- Housing Benefits
- Treasury Management
- Business Rates
- Council Tax
- Universal Credit
- Housing Provision and Development (Social and Private)

Economic and Business

- Growth Boards
- Business Support and Development
- Business Clubs
- Investment and Funding Generation
- Property Investment Development
- Growth Deal Funding (Monitoring and Future Bidding)
- Employment and Skills Support and Development

The Leader is responsible for choosing Cabinet members, its size and the content of portfolios allocated. The Leader is also expected to conduct relationships with other political groups in a business-like fashion and will respond reasonably to requests for meetings to discuss emerging issues on the Council's policies and procedures from the Leader of the main opposition group.

Responsibility for Joint Arrangements

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of the Borough, may:

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements, etc

The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions, which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

The Cabinet may establish joint arrangements with one or more local authorities to exercise functions, which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, the Cabinet may appoint only Cabinet members to a joint committee and those members need not reflect the political composition of the Council as a whole.

The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances;

- the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward, which is wholly or partly contained within the area;
- the joint committee is between a county council and a single district council and relates to functions of the executive of the County Council. In such cases, the executive of the County Council may appoint to the joint committee any Councillor who is a member for an electoral division, which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegation in part 3 of this Constitution.

Appointments to Joint Committees

Appointments to joint committees will be made by;

- The Council, where all the functions of the joint committee are the responsibility of the Council
- The Council with the agreement of the Cabinet, where some of the functions of the joint committee are the responsibility of the Council and some are the responsibility of the Cabinet
- The Cabinet, where all of the functions of the joint committee are the responsibility of the Cabinet.

Delegation To and From Other Local Authorities

The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

Appointments to Companies Not Wholly Owned by the Council

Appointments to companies not wholly owned by the Council will be made by:

- The Council, where all of the functions of the company are the responsibility of the Council
- The Council with the agreement of the Cabinet, where some of the functions of the company are the responsibility of the Council and some are the responsibility of the Cabinet
- The Cabinet, where all of the functions of the company are the responsibility of the Cabinet.

Budget and Policy Framework

Any action taken by the Leader and/or Cabinet must either fall within the budget and policy framework, or it must be the subject of a recommendation to the Council to amend the budget and/or policy framework.

Notwithstanding the powers relating to executive functions which are delegated to officers, the Leader and Cabinet retain the right to exercise such power.

Scheme of Delegation

General

Pursuant to Section 101 of the Local Government Act 1972 and Section 9E of the Local Government Act 2000, the Council, in respect of nonexecutive matters, and the Leader, in respect of the delegation of executive functions to officers, delegate the following functions:

- to each committee of the Council, full powers to act in all matters covered by the Committee's Terms of Reference
- to each officer (see paragraph below), full powers to act in all matters within their area of responsibility (unless delegated solely to a Committee), including responsibility for all day to day management, staffing and operational decisions.

For the purposes of the scheme of delegation reference to delegation to an officer shall mean one of the following officers unless specifically indicated otherwise:

- Chief Executive (Head of Paid Service)
- Director – Development and Economic Growth
- Director – Neighbourhoods
- Director – Finance and Corporate Services

The exercise of such powers shall be subject always to the provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council or as otherwise provided for in this Constitution or by law.

The areas of responsibility of each Director are set out (but not by way of limitation) in the relevant sections of Appendices 1 to 4 to this scheme of delegation, but subject to any qualification, requirement to consult others or to refer a matter to a committee or to the Council for consideration, as may be specified.

Chief Executive, Directors and Statutory Officers

Functions and areas of responsibility

Chief Executive

- Overall corporate management and operational responsibility (and Head of Paid Service) including overall management responsibility for all officers
- Provision of professional advice to all parties in the decision making process
- Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions
- Representing the Council on partnership and external bodies
- Chief advisor to the Council and principal advisor in all professional matters
- Other duties as required by statute or the Council.
- To respond reasonably to requests for meetings to discuss emerging issues on the Council's policies and procedures from the Leader of the main opposition group.

The pay of the Chief Executive is based on an agreed pay scale agreed by Council prior to appointment. Changes to this are determined by the Leader, Deputy Leader and Leader of the Opposition, who are advised by an agreed external professional and the Strategic Human Resources Manager.

Functions of the Chief Executive as Head of Paid Service

The Chief Executive, as Head of the Paid Service, shall be authorised to:

- deal with all matters relating to the recruitment, appointment, remuneration, conditions of service, discipline, dismissal, superannuation, qualifications, training, promotion, safety and provision of welfare facilities of all employees of the Council (save himself) which have not been delegated to a Committee, except that:
 - a committee of Council will recommend the appointment of the Head of Paid Service (Chief Executive), and Directors
 - appointment and dismissal of the roles of:
 - Monitoring Officer as appointed pursuant to Section 5 of the Local Government and Housing Act 1989; and
 - the officer having responsibility for the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972,

shall be reserved to the Council.

NOTE: In exercising these powers the Chief Executive shall have regard to any procedures, code of practice or guidance approved by the Council in relation to the matter concerned.

- to settle any claims against the Council in consultation with the Monitoring Officer and the Section 151 Officer
- to make such arrangements as may be necessary or appropriate to facilitate management consultation with employees or employee representatives in respect of employment related issues
- to make appointments to committees, including scrutiny committees, in respect of seats allocated to the respective political groups in accordance with the requirements of Section 16 of the Local Government and Housing Act 1989
- to make appointments to other member groups in respect of seats allocated by the Council to the respective political groups in accordance with the wishes of those respective groups
- to agree member nominations for conferences after consultation with the leaders of any political groups that would be entitled to nominate members for attendance if political proportionality principles are applied
- to make any Order requested by the Chief Constable and authorised by the Home Office prohibiting the holding of public processions, and in the absence of the Chief Executive, the Directors shall be so authorised
- in respect of any Order made above, the Chief Executive or other officers indicated above are authorised to affix the seal of the Council, such sealing to be witnessed solely by the officer concerned
- to consent to police requests for authorisation under Section 30 of the Anti-Social Behaviour Act 2003 after consultation with the appropriate Cabinet portfolio holder

- in consultation with the Leader and the appropriate Cabinet member with responsibility for the service area concerned, to authorise the taking or carrying out of action, notwithstanding anything in the Council's Standing Orders or Financial Regulations, where he/she considers that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Cabinet or the Council as appropriate
- the Head of Paid Service will on request report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. The Head of Paid Service also has a statutory function to make such a report under section 4 of the Local Government and Housing Act 1989 should circumstances warrant it.
- to act as the Council's representative, and to make orders associated with being the said representative of a company not wholly owned by the Council as authorised by Council or Cabinet.
- AND provided that where an urgent decision is required in relation to any matter which falls outside the budget or policy framework, the procedure set out in the Budget and Policy Framework Standing Orders (order 9) shall be followed.

Directors

- Together with the Chief Executive and other executive managers, ensure that the Council's objectives are achieved and contribute to the development and implementation of strategic policy.
- At the direction of the Chief Executive, to oversee the delivery and development of services in line with the Council's scheme of delegation.
- At the direction of the Chief Executive, to act as lead sponsor for specific service areas and projects which contribute to the development and implementation of strategic policy.

Functions of the Monitoring Officer

- Maintaining the Constitution – Maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by Councillors, officers and citizens.
- Ensuring lawfulness and fairness of decision making – After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to any Council or Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- Supporting the Standards Committee – Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- Conducting investigations – Conduct investigations into standards matters and make reports or recommendations in respect of them to the Standards Committee.
- Proper Officer for access to information – Ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- Advising whether Cabinet decisions are within the budget and policy framework – Together with the Chief Executive and Section 151 Officer, advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- Providing advice - Together with the Chief Executive and Section 151 Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Councillors.
- Complaints - Co-ordinating the response to complaints referred to the Local Ombudsman and to act as principal advisor on ethical standards issues and Councillor conduct.
- The Monitoring Officer shall be authorised:
 - to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the Council.
 - to take all necessary steps in legal proceedings against any person or body authorised by the Council.
 - to take all necessary steps to defend the Council in legal proceedings against the Council brought by any person or body.
 - to certify resolutions and documents as being true copies and authorize other officers to do so.
 - to obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable.
 - to sign on behalf of the Council and authorise other offices to do so any deed or other document authorised by the Council or which it is necessary or desirable to give effect to any decision of the Council, unless any enactment otherwise requires or authorises or the Council has authorised some other person for some specific purpose.
 - to amend the Council's constitution in response to changes in compliance with legislation and to make other minor amendments.

Functions of the Section 151 Officer

- Ensuring lawfulness and financial prudence of decision making – After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Cabinet in relation to any Cabinet function, and the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss

or deficiency or if the Council is about to enter an item of account unlawfully.

- Administration of financial affairs – He or she will have responsibility for the administration of the financial affairs of the Council without prejudice to the generality of the above:
 - to make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction; signing of cheques or other financial instrument; provision of indemnities; agreement of terms for the raising, repayment or cancellation of loans, investments and leases; and at the Section 151 Officer's absolute discretion to authorise other officers of the Council to perform all or any of the above.
 - to take any action to recover debts due to the Council and to write off debts considered to be irrecoverable for any proper reason.
 - to authorise arrangements for the disposal of surplus or obsolete assets and consequential accounting entries.
 - to determine all financial matters specified within statutory provisions and not reserved therein to the Council.
 - to allocate budgetary provision from approved contingencies and earmarked reserves.
 - to make arrangements or the provision of an Internal Audit service to the Council.
- Contributing to corporate management – Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- Providing advice – Together with the Chief Executive and the Monitoring Officer provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and support and advise Councillors and officers in their respective roles.
- Give financial information – Provide financial information to the media, members of the public and the community.

Delegation to Officers – General

- In cases of doubt as to which officer has responsibility for a matter, the Chief Executive shall decide.
- The delegation to officers shall include the power:
 - to authorise the exercise of the delegated powers of decision by such other officers as may be deemed appropriate for the proper and efficient performance of the work.
 - to designate particular officers as "appropriate" or "proper" officers for the purposes of any statutory provisions, including where necessary or convenient having regard to any professional or technical requirements, an officer who is not an employee of the Council.
 - following consultation with the Chief Executive to authorise particular officers in accordance with Section 223 of the Local Government Act

1972 and Section 60(2) of the County Courts Act 1984 (conduct of court proceedings by officers who are not solicitors).

- to make any determination, serve any notice or make any Order under statutory provisions.
- to authorise the Monitoring Officer/ Borough Solicitor to prosecute in respect of any offence under any statute, order regulation or byelaw, subject to the Monitoring Officer/ Borough Solicitor being satisfied as to the evidence.
- to sign cards of identity and cards of authorisation which, in the opinion of the officer, are required to enable an officer to enter premises for the proper performance of their duties.
- Every officer may take any necessary emergency action for the safety of the public or the protection of the property of the Council.
- Other officers, as designated by the Chief Executive, may act in place of the officer concerned in exercise of any power conferred on an officer by this Scheme of Delegation whenever a post is vacant, or the officer is for any reason unable to act.

Appendix 1 – Directors – Areas of Responsibility

Director Development and Economic Growth

Arena facilities management

Building Control

Community partnership and development

Conservation and design

Contract management

Dangerous structures

Demolition Control

Determine Planning Applications (subject to Appendix 4)

Development Control (subject to Appendix 4)

Hedgerow regulation and protection

Land availability – housing and employment

Leisure Policy

Listed buildings

Local land charges and local searches

Planning Policy

Planning and Transportation Policy

Street naming and numbering

To approve community grants in consultation with the Cabinet Portfolio Holder for Resources

Capital works schemes and planned maintenance

Construction and design

Executive support

Economic growth

Energy efficiency

Estates management

Markets

Management of footpath and bridleway diversions and creation orders under

Property (acquisitions and disposals)²

Performance of Buildings Directive

Strategic asset management

Statutory compliance in respect of: asbestos, legionella, DDA, Energy

T&CPA Public Rights of Way

Transformation and Projects

Strategic human resources

Tree advice and landscaping

Tree Preservation Orders

Valuations and impairment review

Note: Director Development and Economic Growth

- Ward Member(s) shall be consulted before commenting on proposals for diversions and other alterations to public rights of way.
- Ward Member(s) shall be consulted before making any order relating to a public right of way and, in the event of any such Ward Members objecting, to consult the Cabinet before deciding whether to make the order.
- The delegation in relation to the acquisition or disposal of land excludes the following:
 - where the consideration to be paid or received by the Council exceeds £25,000 in amount or value; and
 - in the case of disposal, where the consent of the Secretary of State would be required (unless a general consent applies), or where there is a requirement to advertise the disposal of open space land under Section 123(2A) of the Local Government Act 1972.

Monitoring Officer / Chief Executive's Department

Complaints and Ombudsman liaison

Constitution

Ethical Standards

Business Support Unit

Freedom of information Act

Legal Services, and advocacy

Strategic Human Resources

Delivery of elections

Director – Neighbourhoods

Abandoned shopping and luggage trolleys - (Schedule 4 Environmental Protection Act)

Authorisation of surveillance under RIPA

Affordable homes

Air quality management

Animal welfare

Anti-social behaviour

Car parks and parking enforcement

Choice Based Lettings

Civil Contingency

Community safety

Contaminated land

Contract Management

Corporate Health and Safety

Dog control

Domestic violence

Fleet management

Food safety

Emergency Planning and flood risk and prevention

Health and safety at work enforcement)

Highway matters other than agency

Houses in Multiple Occupation

Housing advice and assistance
Housing strategy
Infectious diseases and food poisoning
Land drainage
Leisure facilities (partnerships)
Leisure policy
Licensing and registration functions (as set out in Appendix 2)
Gambling functions (as set out in Appendix 3)
Overcrowding
Client function in relation to park maintenance, grass cutting and horticulture
Pest control
Pollution control
Private sector housing (including Disabled Facilities Grants and Discretionary Grants)
Public Health Statutory
Nuisances
Street trading consents including mobile snack bars on trunk roads
Client function in relation to street sweeping and litter collection
Waste management
Water quality
Environment
Environment improvements
Halls, pavilions and other facilities
Health development
Health promotion
Home energy, conservation, arts and events
Parks and playing fields
Rushcliffe Country Park
Sport development

Director – Finance and Corporate Services

Administration of Housing and Council Tax Benefits
Action to recover debts and to write off debts considered to be irrecoverable
Collection and recovery of Business Rates
Collection and recovery of Council Tax
Communications
Contract Management
Data Protection
Democratic Services
Elections
Electoral registration
ICT infrastructure and software development
ICT security and procurement
Information systems strategy
Mayor's Office
Payment of Housing and Council Tax Benefits

Performance and Reputation
Procurement
Risk Management
Strategic Finance
Customer services
Corporate mail (incoming/outgoing)

Note: Director – Finance and Corporate Services

- In consultation with the Cabinet Portfolio holder for Resources approve hardship relief from rates and Discretionary Rate Relief for categories of relief falling outside of the Council's policy on Discretionary Rate Relief and determine applications for a reduction of council tax under section 13A of Local Government Finance Act 1992.

Director – Neighbourhoods

Licensing and Registration Functions

Acupuncture, tattooing, ear piercing and electrolysis

Alcohol and Entertainments (Licensing Act 2003)

Animal boarding establishments

Caravan and camping

Dangerous wild animals

Dog breeding

Establishments for massage and special treatment

Food premises

Food registration

Gambling Act 2005

Hackney carriage/private hire (see following *note and table 1)

House to House collections

House in multiple occupation housing act 2004

Mobile home sites

Pet animals

Private water supplies

Processes subject to control under Part 1 of the Environmental Protection Act

Riding establishments

Scrap metal dealers act 2013

Sex establishments

Societies

Lotteries

Street collections

To kill game

Note – In respect of any proposed decision to refuse a hackney carriage or private hire driver's license, or any proposal to revoke such a license under delegated powers, the Director– Neighbourhoods shall give the applicant or licensed driver a right of appeal to the Council's Licensing Committee provided that no right of appeal to the Licensing Committee shall apply in the following cases:

- Where the Director– Neighbourhoods is of the opinion that information which he reasonably considers necessary to enable him to determine whether an applicant is a fit and proper person to hold a driver's license has not been provided by the applicant
- Where an applicant has been convicted of an offence of a type shown in column 1 of Table 1 and the application is made within the period shown in column 2 of the date of conviction
- Where an applicant has failed the medical examination arranged by the Council; and
- Where the applicant has failed the Council's driving ability and knowledge test.

Table 1

Type of Offence	Notes / Explanation
(as described in the Council's Guidelines Relating to the Relevance of Previous Convictions)	No right of appeal to Licensing Committee within period of
<p>Dishonesty</p> <p>Theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, deception, taking a vehicle without consent</p>	3 years
<p>Violence</p> <p>Murder, manslaughter/culpable homicide while driving, Terrorism offences, Kidnapping or abduction)</p> <p>Arson, Malicious wounding or grievous bodily harm, robbery, racially aggravated offence, possession of a fire arm, riot, assault Police, violent disorder, threats to kill, resisting arrest, hate crime)</p> <p>Racially-aggravated criminal damage, racially-aggravated offence, hate crime against property</p> <p>Common assault/battery, assault occasioning actual bodily harm, affray, harassment, alarm or distress, obstruction, criminal damage, offences involving anti- social behaviour</p>	<p>Unless exceptional circumstances a license will not normally be issued</p> <p>10 years</p> <p>5 years</p> <p>3 years</p>
Procession of a weapon	3 years

<p>Drugs</p> <p>More than one conviction related to the supply of drugs</p> <p>More than one conviction related to the procession of drugs</p> <p>Isolated conviction for an offence related to the procession of drugs</p> <p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination may be required before a license is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.</p>	<p>10 years</p> <p>5 years</p> <p>3-5 years</p>
<p>Alcohol</p> <p>An isolated conviction for drunkenness need not debar an applicant from gaining a license. In some cases a</p>	

<p>warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of license.</p>	
<p>Sexual offences</p> <p>Rape, assault by penetration, offences involving children or vulnerable adults, grooming, trafficking or sexual exploitation related offences, making or distributing obscene material, procession of child pornography, sexual assault, indecent assault and exploitation of prostitution</p> <p>Indecency</p> <p>Making indecent telephone calls, importuning, indecent exposure, soliciting</p>	<p>Applicants with convictions for sexual offences will normally be refused a license upon application, renewal or review.</p> <p>5 years</p> <p>A license will not normally be granted if the applicant has more than one conviction for an indecency offence.</p>

<p>Motoring</p> <p>Causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, causing death by driving: unlicensed, disqualified or uninsured drivers.</p> <p>Causing death by careless driving</p> <p>Driving offences involving alcohol and drugs</p> <p>Major traffic offences)(isolated offence without disqualification)</p> <p>Major traffic offences - (more than one offence)</p> <p>Minor traffic offences - (more than one offence)</p> <p>Insurance offence (isolated offence)</p> <p>Insurance offence (more than one offence)</p>	<p>A license would not normally be granted</p> <p>10 years</p> <p>years</p> <p>months</p> <p>2 years</p> <p>6 months</p> <p>3 years</p> <p>A license would not normally be granted</p>
<p>Disqualification</p> <p>Disqualification</p> <p>Totting up disqualifications</p>	<p>3 years free of conviction from restoration of license</p> <p>1-2 years has lapsed from restoration of license depending on seriousness of the offences.</p>
<p>Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>Isolated offence - para. (f)</p> <p>More than one offence -.para. (f)</p>	<p>4 months</p> <p>18 months</p>

Licensing Act 2003

Matter to be dealt with	Full Committee	Sub Committee	Senior Licensing Officer
Application for personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone.	If a relevant representation is made	If no relevant representation is made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant,			All cases

frivolous, vexatious etc			
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

NB: A particular case, where appropriate, may be dealt with otherwise than is indicated in the appendix 1 but no case will be dealt with at a lower level than prescribed.

Gambling Act 2005 - Delegation Scheme

The power to set fees under any regulations made under section 212 of the Gambling Act 2005 shall be delegated to the Director – Neighbourhoods subject to the provisions of that section and such regulations.

The power of the Licensing Authority to:

- make representations as a responsible authority under Part 8 of the Act (i.e. premises licences, provisional statements etc)
- propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions
- propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act
- as a responsible authority, request a review of a premises licence under sections 197 or 200 of the Act
- give a notice of objection to any of the following:
- temporary use notice under S221 of the Act shall be delegated to the Director – Neighbourhoods.

The power to:

- to determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application
- reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act
- revoke a premises licence for non-payment of the annual fee (s193) (d) to serve notification of intended refusal of any of the following:
 - Family Entertainment Centre Gaming Machine Permit (Schedule 10 paragraph 10)
 - Prize Gaming Permits (Schedule 14 paragraph 11)
 - Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 6)and also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
- Serve notification of lapse of any of the following:
 - Family Entertainment Centre Gaming Machine Permit (Schedule 10 paragraph 14 and 15 (1)(b))
- Serve notice of intention to cancel or vary any of the following:
 - Club Gaming Permit or Club Gaming Machine Permit (Schedule 12 paragraph 21)
 - Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 16)

- Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:
 - Family Entertainment Centre Gaming Machine Permits (Schedule 10 paragraphs 5 and 7)
 - Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 2)
 - Prize Gaming Permits (Schedule 14 paragraphs 6 and 8)
- shall be delegated to the Director – Neighbourhoods.

The power to appoint authorised persons under section 304 of the Act shall be delegated to the Director – Neighbourhoods.

The power to issue formal cautions and/or instruct the Monitoring Officer /Borough Solicitor to commence and defend proceedings under the Gambling Act 2005, its subordinate legislation, (and any legislation which may subsequently amend or replace it) be delegated to the Director – Neighbourhoods.

The power to commence and defend proceedings both criminal and civil under the Gambling Act 2005 and its subordinate legislation, (and any legislation which may subsequently amend or replace it) be delegated to the Monitoring Officer.

In relation to the following matters the Authority will, in the majority of cases, follow the table of delegated functions set out below. This table indicates the lowest level of the authority which will normally exercise the delegation, though the Authority reserves the right (where appropriate), for any particular matter to be dealt with at a higher level whilst having due regard to any statutory requirements. For example, an officer may choose not to exercise their delegated power and refer the matter to the Licensing Sub-Committee.

Matter to be dealt with	Licensing Sub-Committee	Officer
Application for a premises licence (including applications for re- instatement under S195)	I. Representation made and not withdrawn (S154 (4)(a)) and/or II. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	No representation made or representations have been withdrawn
Application to vary a premises licence	I. Representation made and not withdrawn (S154 (4)(b)) and/or II. Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3)) III.	No representation made or representations have been withdrawn
Application for transfer of premises licence	Representation made and not withdrawn (S154 (4) (c))	All other cases

Matters to be dealt with	Licensing Sub-Committee	Officer
Application for Provisional Statement	Representation made and not withdrawn (S154 (4)(d)) and/or Where the Licensing Authority considers that a condition should be added to the licence	No representation made or representations have been withdrawn

	under S169(1)(a) or a default condition should be excluded under section 169(1)(b)	
Review of a premises licence	All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)	I. All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and the Director- neighbourhoods is satisfied that a counter notice is not required (S 222 and 232). II. All cases where a counter notice may be required (S232(3))	All other cases (S232)
Application for Club Gaming/Club Machine permits, renewals and variations (including those leading to cancellation of permit) under Schedule 12 paragraph 15	I. Objection made and not withdrawn (Schedule 12 paragraph 28 (2)) II. Refusal of permit proposed on the grounds listed in Schedule 12 paragraph 6(1)(a)-(d), or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing	All other cases
	is unnecessary (Schedule 12 paragraph 7)	
Matters to be dealt with	Licensing Sub-Committee	Officer
Cancellation of Club Gaming / Club Machine Permits under Schedule 12 paragraphs 21, and 22 (non payment of annual fee)	All cases	
Applications for other permits registrations and notifications		All cases

Cancellation (under Schedule 13 paragraphs 16, and 17 (non payment of annual fee)) and variation of Licensed Premises Gaming Machine permits under Schedule 13 paragraph 16	All cases where permit holder requests a hearing under paragraph 16 (2) or makes representations	All other cases
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The Director – Neighbourhoods be given delegated power to administer and carry out all other functions of the Licensing Authority capable of delegation under the Gambling Act 2005 and its subordinate legislation, (and any legislation which may subsequently amend or replace it), which is not otherwise delegated to the Licensing Authority or its Sub-Committees. This includes, but is not limited to, for example:

- to serve and receive service of all notices, counter notices, etc required or permitted to be served under the Act
- to determine points of clarification required for hearings
- to agree that a hearing is unnecessary
- to adjourn hearings where all parties are in agreement
- to determine applications where representations are withdrawn before the hearing
- to extend time limits
- to give effect to the decisions of the Magistrates Court on appeal.

Director - Development and Economic Growth

Development Control

Applications made under the following statutory provisions shall be referred to Planning Committee for decision or to make observations, as may be required, in the circumstances set out below:

- where, following consultation in accordance with the codes and protocols – guidance on planning application procedures, the Director – Development and Economic Growth and ward Councillor(s) have different views on a matter which is considered by the Director – Development and Economic Growth to constitute a material planning consideration.
- where the application has been submitted by the Council.
- where the application has been submitted by the County Council; except minor development relating to existing operational premises (eg school classrooms, fences, etc).
- where the Council is being consulted by an adjoining authority on an application (except where a response is required prior to the next meeting of the Planning Committee).
- where the application involves any Councillor or senior officer* as applicant or agent in consultation with the Chairman of Planning Committee.
- where a ward Councillor declares an interest and has made a request for referral to Planning Committee in accordance with 2 below.
- where a Section 106 planning agreement is required, unless the agreement relates to standard drainage requirements or the proposed agreement complies with the Council's Supplementary Planning Guidance.

A valid request that the application be referred to the Plans Committee for determination has been made by a ward Councillor(s) in accordance with this referral procedure.

- Following a planning application being registered and made valid, officers will write to:
 - the ward Councillors of the ward where the application is,
 - ward Councillors where part of the application site is in their ward
 - ward Councillors where the application site is immediately adjacent to or within 15 metres of the boundary of their ward.
- Ward Councillors where the application site is wholly or partly within the boundary of their ward may request that the application be referred to Planning Committee which would otherwise have been determined by the Director – Development and Economic Growth under delegated authority.

To consult ward Councillor(s) before making a Tree Preservation Order or serving a Building Preservation Notice, except where immediate action is required.

To refer to Planning Committee any Tree Preservation Order where a valid objection has been received following the service of notice in accordance with the relevant Regulations.

To refer to Planning Committee for decision any application to lop, top or fell trees included in a Tree Preservation Order where compensation may be payable if the application is refused.

To refer to the Monitoring Officer/Borough Solicitor for determination applications for Certificates of Lawful Use or Development arising under section 191 of the Town and County Planning Act 1990.

To consult ward Councillors before commenting on proposed traffic regulation orders.

To consult the relevant Cabinet portfolio holder before approving the expenditure of Section 106 agreement monies where such expenditure exceeds £20,000.

In consultation with the relevant Cabinet member and ward Councillor(s) to exercise the power necessary to implement or amend conservation area boundaries as set out within Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

* Senior officer shall mean any officer of the Council at Grade LS11 or above and shall also include any other post specified in the Officers' Code of Conduct for this purpose.

Appendix 2 – Terms of Reference and Membership of Committees, Groups, Panels and Boards

Scrutiny Committees – Terms of Reference

The Council has appointed the following scrutiny committees under Section 21 of the Local Government Act 2000, with the terms of reference set out in paragraphs below:

- Corporate Overview Group
- Governance Scrutiny Group
- Growth and Development Group
- Communities Scrutiny Group

General terms of reference and functions for these scrutiny committees are set out at the end of this appendix and specific terms of reference and membership for each committee immediately follow this paragraph.

Corporate Overview Group

Membership

- Chairman of the Group to be an independent councillor (not involved in another Scrutiny Group or the Executive)
- Group to comprise of seven Councillors (the Chairman as detailed above and the six Chairmen and Vice Chairmen of the three scrutiny groups)

Terms of Reference

- The purpose of this Group is to positively and proactively contribute to the ongoing success and good management of Rushcliffe Borough Council

The Group will achieve this by:

- Creating and receiving feedback on work programmes for Growth and Development, Communities and Governance Scrutiny Groups based on the Cabinet Forward Plan, Corporate Strategy, Medium Term Financial Strategy, Investment Strategy and Transformation Plan;
- Scrutinising financial and performance management reports on a quarterly basis to ensure the smooth running of the Council and delegate any necessary investigations into concerning elements of this report to the most appropriate scrutiny group via their work programme;
- Reviewing reports in respect of health and safety, diversity and customer feedback to ensure the Council is meeting its statutory duties.
- Reviewing the Council's policies and strategies as appropriate prior to adoption.

Support and Resources

- The Group will be supported by Service Manager – Corporate Services

- Scrutiny investigations need to be resourced within the existing budgetary framework.

Membership to be cross-party and representative of the Council based on the principals of proportionality.

Governance Scrutiny Group

Membership

- Chairman of the Group to be a member of the Conservative Group.
- Group to comprise of nine Councillors
- Membership to be cross-party and representative of the Council based on the principles of proportionality

Terms of Reference

- The purpose of this Group is to positively and proactively contribute to the ongoing success and good management of Rushcliffe Borough Council.

The Group will achieve this by:

- Reviewing the outcomes of both internal and external audit investigations to ensure the Council is compliant with legislation and best practice;
- Monitoring the Annual Governance Statement to ensure compliance with the Council's [Code of Corporate Governance](#);
- Scrutinising and approving the Statement of Accounts
- Considering the Council's Risk Management Framework annually to ensure current risks are being monitored, and effective controls and mitigating actions are in place;
- Considering regular reports on Asset and Investment Management to ensure prudent use of Council resources is being made to fulfil the objectives of the Investment Strategy and Annual Capital Programme;
- Monitoring the operation of the Council's constitution to ensure that it is being upheld and to recommend to Council any necessary fundamental changes.
- Reviewing the Council's policies and strategies as appropriate prior to adoption.

Support and Resources

- The Group will be supported by the Service Manager – Finance.
- Scrutiny investigations need to be resourced within the existing budgetary framework.

Growth and Development Scrutiny Group

Membership

- Chairman of the Group to be a member of the Conservative Group.
- Group to comprise of nine Councillors

- Membership to be cross-party and representative of the Council based on the principles of proportionality

Terms of Reference

- The purpose of this group is to positively and proactively contribute to the ongoing success and good management of Rushcliffe Borough Council.

The Group will achieve this by:

- Overseeing significant projects contributing towards growth in the Borough to ensure deliverables are met and growth-related outcomes achieved;
- Scrutinising infrastructure development which acts as a catalyst for growth in the Borough to ensure such developments progress in a timely fashion and any obstructive barriers are removed or negotiated
- Reviewing the growth in demand for Council services ensuring all residents can access the services they need in a timely and cost-efficient manner
- Considering projects and initiatives to promote economic vibrancy, local democracy and community leadership within local towns and villages contributing towards the overall Council goal of creating Great Place and Great Lifestyle.
- Reviewing the Council's policies and strategies as appropriate prior to adoption.

Support and Resources

- The Group will be supported by Service Manager – Economic Growth and Property.
- Scrutiny investigations need to be resourced within the existing budgetary framework

Communities Scrutiny Group

Membership

- Chairman of the Group to be a member of the Conservative Group
- Group to comprise of nine Councillors
- Membership to be cross-party and representative of the Council based on the principles of proportionality

Terms of Reference

- The purpose of this Group is to positively and proactively contribute to the ongoing success and good management of Rushcliffe Borough Council.

The Group will achieve this by:

- Reviewing the Council's partnerships to ensure that community needs are being met and the partnership is providing good value for money
- Identifying areas of community concern, exploring how this can be met and making recommendations to that effect

- Considering concerns specific to the local area in terms of health and wellbeing and making recommendations to improve the health and wellbeing of local residents
- Considering projects and initiatives to further the Council's efforts to protect the environment of the Borough and promote environmental sustainability to our residents.
- Reviewing the Council's policies and strategies as appropriate prior to adoption.

Support and Resources

- The Group will be supported by the Service Manager – Neighbourhoods
- Scrutiny investigations need to be resourced within the existing budgetary framework.

General Role

Within their terms of reference, scrutiny committees will:

- review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions
- make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions
- consider any matter affecting the area or its inhabitants
- exercise the right to call-in decisions made but not yet implemented by the Cabinet as set out within the Call-in section of the Overview and Scrutiny Standing Orders in Part 4 of this Constitution.

Specific functions

Policy development and review

- Scrutiny committees may:
 - Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
 - establish Member Panels focusing on particular areas of policy development and review with a view to making recommendations to the Cabinet when necessary
 - conduct research, community and other consultation in the analysis of policy issues and possible options
 - consider and implement mechanisms to encourage and enhance
 - community participation in the development of policy options
 - question members of the Cabinet and/or committees and senior managers about their views on issues and proposals affecting the area; and
 - liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

- Scrutiny committees may:
 - review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time
 - review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
 - question members of the Cabinet and/or committees and senior managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
 - make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process
 - review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
 - question and gather evidence from any person (with their permission)
 - deliver the 'Councillor Call for Action (CCFA)' process in line with the CCFA protocol.

Proceedings of Scrutiny Committees

Scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Standing Orders set out in part 4 of this Constitution.

Regulatory and Other Committees and Member Groups

The Council has appointed the following committees with the terms of reference indicated:

Planning Committee

Make decisions or observations, as may be required, in respect of any planning application or matter, which must be referred to the committee by the Director–Development and Economic Growth in accordance with the scheme of delegation or where the Director–Development and Economic Growth considers that such application or matter should be considered by the committee provided that:

- The Director–Development and Economic Growth may refer to Council for decision any proposed decision of the committee that is contrary to his/her recommendation
- Any planning application which is refused or approved subject to conditions and which in the opinion of the Director–Development and Economic Growth and Borough Solicitor would be likely to lead to the serving of a purchase notice or attract a claim for compensation, shall be referred to Council for decision.

Membership to be cross-party and representative of the Council based on the principals of proportionality. Appropriately trained substitutes are permitted.

Licensing Committee

- Responsible for all those functions for which the Council is responsible relating to licensing and registration
- To recommend to Council the approval or revision to the Statement of Licensing Policy and the Statement of Licensing Principles
- To consider and determine applications as set out below (i-ix) where a relevant representation has been received from the police, fire authority or any other statutory consultee, to discharge the Council's responsibility under the Licensing Act 2003 and the Gambling Act 2005 and where it is considered that the granting of the application would be contrary to an approved policy of the Council in respect of that licensing function; or if the relevant Director considers that for other reasons the application should be determined by the committee:
 - application for a personal licence where there are relevant unspent convictions;
 - review of a premises licence or club premises certificate;
 - application for a provisional statement;
 - application for variation to a premises licence or club premises certificate; (v) application to grant or vary the licence so as to specify the designated premises supervisor;
 - application for transfer of a premises licence;
 - application for interim authority;
 - a police objection to a temporary event notice
 - decision to object where the local authority is the consultee and not the relevant authority considering the application;
- Consider and determine appeals in respect of proposed decisions by the Director– Neighbourhoods in relation to hackney carriage and private hire licensing matters where an applicant or licensed driver has exercised a right of appeal against the proposed decision of the Director– Neighbourhoods under the scheme of delegation.
- To act as the Council's Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005.
- To determine discretionary licensing fees where objections to the proposed fees have been made, and these have not been withdrawn and are not considered frivolous or vexatious by the Director of Neighbourhoods, and provide for objectors to speak for up to five minutes at meetings of the Sub-committee.

Membership to be cross-party and representative of the Council based on the principals of proportionality. Appropriately trained substitutes are permitted.

Licensing Sub Committee

Items c, d and f are delegated to the Licensing Sub-committee. The Licensing Sub-committee when considering premises licences and associated functions under the Licensing Act 2003 will comprise three members selected by the Service Manager Finance and Commercial, Performance, Reputation and Constitutional Services the basis of availability from the members of the Committee so that it includes either the Chair or Vice-chair of the Committee where possible.

The Licensing Sub-committee When considering matters Relating to Hackney Carriage and Private Hire Licensing will comprise four members (with a minimum of three members needing to be present for the meeting to be quorate) chosen by Monitoring Officer on the basis of availability from the members of the Committee. Best endeavours will be used to ensure the inclusion of either the Chair or Vice Chair of the Committee where possible. In the event of a tied vote the chair will have the casting vote.

Employment Appeals Committee

Hear and determine appeals in accordance with the Council's procedures in respect of dismissal arising from misconduct, absence and capability only.

Membership to be cross-party and representative of the Council based on the principals of proportionality. Appropriately trained substitutes are permitted.

Interviewing Committee

Make appointments to the posts of:

- Chief Executive
- Directors

Membership to be cross-party and representative of the Council based on the principals of proportionality. Appropriately trained substitutes are permitted.

Other Member Groups

Civic Hospitality Panel

Consider civic hospitality matters and the organisation of civic functions.

Membership to be cross-party and representative of the Council based on the principals of proportionality.

Local Development Framework Group

The Local Development Framework Group shall consider and make recommendations to Council on all Development Plan documents and shall consider and make recommendations to Cabinet on all Supplementary Development Plan documents and any other relevant documents.

Membership to be cross-party and representative of the Council based on the principals of proportionality.

Standards Committee

The Standards Committee will have the following roles and functions:

- promoting and maintaining high standards of conduct by Councillors and co-opted members
- assisting the Councillors and co-opted members to observe the Councillor Code of Conduct
- advising the Council on the adoption or revision of the Councillor Code of Conduct
- monitoring the operation of the Councillor Code of Conduct
- advising, training or arranging to train the Councillors and co-opted members on matters relating to the Councillor Code of Conduct
- dealing with complaints about Councillors in accordance with the Council's published Councillors' complaints procedure approved under Section 28(6) of the Localism Act 2011
- the exercising of (a) to (f) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils
- granting dispensations to Councillors and co-opted members from requirements relating to disclosable pecuniary interests
- considering any reference to the committee by the Chief Executive pursuant to the Councillors' Allowance scheme relating to the failure of a Councillor to attend any meeting during a period of three months, with power to suspend the payment of allowances under the scheme to the Councillor concerned, unless the reasons for non - attendance are approved by the Committee.

Membership will be cross-party and representative of the Council based on the principals of proportionality.

A member of the Cabinet may not chair the committee.

Member Working Groups

West Bridgford Special Expenses Group

Membership

Chairman of the Group to be the Finance Portfolio Holder

Group to comprise of nine Councillors, the Chairman as detailed above and eight other councillors allocated according to the principles of proportionality across the Council. Members will be West Bridgford ward members, subject to proportionality across all committees and groups being maintained.

Substitutes are permitted

Terms of Reference

Group Purpose

The purpose of this Group is to make recommendations in relation to both Special Expenses and the neighbourhood portion of Community Infrastructure Levy (CIL) in relation to the non-parished West Bridgford area, that are forwarded to both Cabinet and/or Full Council for approval.

The Group will achieve this by:

Recommending a draft budget for approval by Full Council (to work within the parameters of the existing MTFs, for example council tax referendum limits);
Reviewing the progress of the budget; and
Approving the actual allocation of the neighbourhood portion of CIL relating to West Bridgford – which will be subject to public consultation.

Support and Resources

The Group will be supported by officers from Finance, Legal Services and Democratic Services.

Group to meet at least every 6 months (subject to the need of any extraordinary meetings in relation to CIL).

Appointment and Termination of Membership of Committees and Sub – Committees and use of Substitutes

Whenever an appointment of a member of a committee or member group is made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate such appointment accordingly. The wishes of the political group shall be given in writing to the Chief Executive.

Provided that the Chief Executive shall not be required to give effect to a request to terminate an appointment for any particular committee, unless the wishes of the group are notified in writing to him/her no later than the starting time of that meeting of the committee.

Substitute members are permitted in line with the following protocol which sets out:

- meetings when substitute members are not permitted
- meetings when they are permitted
- how to decide if substitutes are permitted at newly established committees, groups or panels
- the requirements of the group leaders or whips
- the requirements of the Monitoring Officer and the Service Manager – Corporate Services
- the process for replacement members.

Substitutes are not permitted at:

- Council
- Cabinet
- Standards Committee
- Corporate Overview Group

Substitutes are permitted at:

- Governance Scrutiny Group
- Growth and Development Group
- Communities Scrutiny Group
- Planning Committee*
- Licensing Committee*
- Local Development Framework Group
- Member Development Group
- Employment Appeals Committee*
- Interviewing Committee*

* subject to appropriate training.

Cabinet or scrutiny groups when commissioning a member group or panel will determine if substitutes are to be permitted at its meetings taking into account:

- the purpose of the group or panel and if it is 'task and finish' based
- (looking at a particular issue over a specific time with a view to making some recommendations)
- the anticipated timescale for the group or panel's work
- its terms of reference
- continuity of debate
- consistency of approach
- best use of expertise
- that material already dealt with does not have to be reconsidered.

If substitutes are to be used at meetings when it is permitted, the group leaders, deputy leaders or whips will:

- notify the Monitoring Officer or Service Manager – Corporate Services, or their duly appointed representative, in writing as soon as possible in advance of the meeting of:
 - the member to be substituted
 - the substitute
 - the anticipated period that a substitute will be used

Subject to exclusions (as set out above) based on agenda content and topics or issue being considered at meetings in short succession

- notify the Chief Executive, or their duly appointed representative, in writing in the event of a permanent replacement member due to exceptional circumstances (outlining the reasons for this).

Replacement members are permitted when exceptional circumstances mean that a member is unlikely to be able to attend future meetings through illness or legitimate external commitments.

In the event of such replacements, the group leaders or whips must notify the Chief Executive in writing in the event of a permanent replacement member due to exceptional circumstances (as per paragraph 4.6). They must outline the reasons for this. The Monitoring Officer will then make arrangements to notify the group leaders of the replacement member.

The rules in relation to the attendance of other members at member groups and panels are set out in the protocol within Part 5 – Codes and Protocols; of this Constitution.