

PART 3

RESPONSIBILITY FOR FUNCTIONS / COMMITTEE STRUCTURE

Explanatory Comment

The following pages comprise of:-

1. A diagram illustrating the committee structure of the Council
2. Terms of Reference and Delegations to Committees
3. Terms of Reference and Delegations to Working Groups
4. Scheme of Officer Delegations
5. Proper Officer Function

- 1. Diagram illustrating the Committee Structure of the Council to be inserted here.**

2. The Council Terms of Reference

Full Council will have the following roles or may delegate the exercise of any of its functions as far as is legally permissible to committees, sub-committees or Officers.

- All functions reserved to the Council by statute, subordinate legislation or Council Procedure Rules
- Adopting the new Constitution and any subsequent changes to it
- Adopting the local authority's Code of Conduct
- Agreeing the local authority's Policy Framework and Budget and any application to the Secretary of State in respect of any Housing Land Transfer
- To determine the Council's priorities
- To receive reports on the overarching strategic issues and activities of the Leader of the Council which will include the Local Strategic Partnership (LSP), Leicestershire Together (LT) and the Local Area Agreement (LAA)
- Agreeing and/or amending the Terms of Reference for committees, deciding on their composition and making appointments for them
- Election of the Mayor, Deputy Mayor, Leader of the Council and Deputies, Chairmen and Vice Chairmen without prejudice to the Council allowing the committees to make such appointments
- To adopt the schedule of meetings for the ensuing year
- Appointing representatives to outside bodies unless the appointment has been delegated by Council
- To consider the recommendations of the Remuneration Panel and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties
- To make any decisions which would be contrary to the Policy Framework to determine matters which do not fall within the remit of any committee
- To set the Council Tax
- To receive the Certificate and Return of the Returning Officer in relation to District Council elections
- To approve proposals relating to significant partnerships with external agencies and local authority companies so far as these have not been delegated
- To make decisions concerning district boundaries, electoral divisions, wards or polling districts

- To receive statutory reports from the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer
- Confirming the appointment or dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer
- Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough
- Making, amending, revoking, re-acting or adopting Byelaws and promoting or opposing the making of local legislation or personal Bills
- Commissioning and receiving of reports from the Council's Policy and Overview and Scrutiny Committees
- To consider appropriate motions in accordance with Council Procedure Rules
- Approving minutes of committees, forums and groups en bloc.

The following Working Groups and Partnerships report directly to Council:-

- a) Community Safety Partnership
- b) Armed Forces Working Group
- c) Constitutional Task Group
- d) Supporting Leicestershire Families

3. General Scheme of Delegation to Committees and Officers

Common Delegations

Delegation common to all Committees (unless otherwise delegated)

On any issue within the remit of a Committee:-

- a) Agree draft policies for approval by Council
- b) Prepare Byelaws and adoptive legislation for approval by Council
- c) Propose fees and charges for adoption by Council
- d) Make representations to and liaise with outside bodies/individuals
- e) Seek and accept tenders above Officers' financial limit within budget framework
- f) Set up and make nominations to ad hoc groups

Specific Delegations

Policy, Finance and Development Committee Terms of Reference

Overall responsibility for setting the long term aims of the Council and moving it forward in line with them.

- Sets the overarching strategic direction for the Council
- Sets the overall budgets for the Council
- To be responsible for all the Council's resources, finances, assets and staffing
- To be responsible for all corporate and financial services, including Finance, Human Resources, Legal, the major financial aspect of Revenues & Benefits such as subsidy, ICT
- To scrutinise and approve the policies of the Council
- To be responsible for listening to and acting on the views of the Community Engagement Forum, the Residents' Forums, Children and Young Peoples' Forum, Customer Services Working Group, Place Shaping Working Group,
- To report direct to Council
- To be responsible for all external requests for funding
- To be responsible for receiving internal and external audit reports to fulfil the Council's statutory and regulatory financial obligations
- To be responsible for the short-medium term economic regeneration
- To be responsible for the Member Code of Conduct
- To consider and approve grant applications as appropriate
- Overall responsibility for asset management
- Fulfil the Council's need for a "client" role if the Council tenders a service/contract that the Council wished to bid for itself

Delegation to Officers within remit of Service Development Committee

- Award mandatory relief from NNDR
- Award discretionary relief from NNDR (consult Chair)
- Approve staff car purchase loans
- Approve attendance at training courses
- Approve assistance towards approved exam
- Authorise staff below SCP29 to work overtime
- Authorise minor additions to staff establishment subject to budgetary provision, temporary appointment of staff subject to adequate budgetary provision and terminate temporary appointments
- To determine appropriate salary grades for new posts and those where there have been significant changes in duties and responsibilities
- Make appointments other than Chief Executive, Directors or Officers at SCP43 and above
- Implement national and provincial circulars on conditions of service of employees
- Authorise write-offs up to approved financial limit
- Be responsible for recovery and collection of Council income and debts within remit of Committee, including NNDR and Council Tax
- Authorise purchasing below approved financial limit
- Be responsible for Emergency Plan operational matters
- Develop action plans for Council's strategies and objectives and implement such plans when approved
- Implement policies on customer care, press and public relations
- Approve Service Delivery Plans in accordance with agreed policy framework
- Administer and issue grants approved by Committee
- Delegation to Officers common to all Committees
- Administer all initiatives to promote economic development and Town Centre initiatives within the Borough
- Implement projects approved by the Committee and for which budget provision has been made

- Administer all initiatives to promote tourism within the Borough
- Award Discretionary Housing Payments

Service Delivery Committee Terms of Reference

Responsible for the delivery and performance of services.

- Oversees the development and performance of services within the overarching strategic direction set by Policy, Finance and Development Committee
- Responsible for all financial issues relating to its services within the budgets set by Policy, Finance and Development Committee
- To be responsible for the day to day operation of all services (except those that are the responsibility of the Policy, Finance and Development Committee)
- To be responsible for all aspects of the Greening of the Borough initiative at a strategic and operational level
- To be responsible for, listening and acting on the views of the Greening of the Borough Working Group, the Waste Task Group, the Health and Well being Board
- To be responsible for all the policies relating to the above services
- To be responsible for annual budget plans for recommendation to the Policy, Finance and Development Committee
- To report direct to Council
- To be responsible for the operation of Council buildings, car parks, cemeteries, parks and open spaces
- Naming streets
- Develop the Housing Business Plan in accordance with the strategic direction
- To be responsible for emergency planning
- To fulfil the Council's need for a "Contractor" role if the Council was to bid for itself

Delegation to Officers within the remit of Service Delivery Committee

- Approve grants for renovation, etc. in accordance with policy (in consultation with Chair)
- Deal with Right to Buy operational matters
- Provide assistance for protection of private tenants
- Be responsible for the control, management and letting of Council housing stock
- Allocate tenancies of Council properties
- Give consent to structural alterations of Council properties

- Approve mutual exchange of tenancies
- Authorise transfers to spouse/succession in death
- Authorise departures from Housing Allocation policy (consultation with the Chair of service delivery). Departures to be reported on a monthly basis through the Monthly Bulletin
- Authorise repairs and redecoration of dwellings upon termination of tenancy, or in other circumstances where prescribed limits of expenditure are exceeded, but where special considerations warrant such action
- Give consent for installation of TV aerials, phones, emersion heaters, etc.
- Determine homeless persons' applications (including refusals)
- Authorise evictions
- Collect rent and rent arrears, and former tenants' arrears and take appropriate action for arrears including former tenants arrears
- Serve Notice to Quit and Notices Seeking Possession
- Take action in response to breaches of conditions of tenancy
- Instruct Bailiffs
- Administer all Council environmental initiatives
- Be responsible for the provision of environmental education and raising environmental awareness
- Delegation to Officers common to all committees
- Approve annual schedule of highway verge tree planting
- Issue property numbers and names
- Make arrangements for provision of musical entertainment by the Council within the Borough
- Agree provision of litter bins;
- Authorise structural maintenance, signing and decoration (not cleaning) of public conveniences and bus shelters
- Administer the letting of allotments and collection of allotment income
- Issue Deeds of Grant of burial rights
- Give approval for monuments, memorials, inscriptions, dispersal of ashes and made (make?) arrangements for internments

- Give approval for schemes to plant donated trees, etc. in cemeteries and burial grounds to generate sponsorships
- Draw up and propose to the Committee specifications, select lists, timetables and evaluation procedures for contracts delegated to Committee by Council or contracts within the remit of the Committee subject to the budget framework
- Administer recycling scheme
- Administer Tree Wardens Scheme

Delegation to Sign Approval of Application for Renovation Grants

- The Director of Services and the Head of Community may sign off renovation grants or a person delegated by them

Development Control Terms of Reference

All matters submitted to the Local Planning Authority may be dealt with by Officers under delegated powers except when it is considered that the proposals should be determined by the Development Control Committee. This may occur in the following circumstances:-

- (a) a request is made by a Ward Member
- b) approval of an application is recommended which is contrary to agreed Council policy, such that its approval would represent a significant departure
- c) in the view of the Director of Services or the Planning Control Manager, in consultation with the Chair and/or the Vice Chair, an application is of significant public interest and/or is believed to be controversial
- d) the application is made by a Member or Officer of the Council

With regard to a) any request shall be made in writing, giving reasons (which shall include emails) and within the 21 day period identified on the weekly list of applications.

With regard to b) and c) matters to be taken into account include issues of consistency, previous decisions relating to the application site, possible conflict with the Council's corporate policies.

Delegations to Officers from Development Control Committee

The Planning Control Manager has full authority to exercise and discharge the provision of the full range of development control services in accordance with all statutory and other requirements of a Local Planning Authority under the Town and Country Planning Acts, including:-

- The approval of reserved matters
- Planning Applications by the Council (eg. of a minor nature, the Planning Control Manager to consult with the Chair and/or Vice Chair)
- Consent for the display of advertisements
- Listed Building consent
- Conservation Area Consent
- A Certification of Lawful Use (in consultation with the Head of Corporate Resources)
- A Certificate of Proposed Lawful Use (in consultation with the Head of Corporate Resources)
- A Certificate of Appropriate Alternative Development (in consultation with the Head of Corporate Resources)
- Renewals of Temporary Planning Permissions
- Works or felling of trees covered by a Tree Preservation Order

- Works or felling of trees sited within a conservation area
- Variation of a condition attached to a planning permission, listed building consent, conservation area consent or advertisement consent
- The removal of hedgerows
- The installation of overhead electricity lines
- Applications for development by Government departments
- Applications for Hazardous Substances consent
- Make applications for consents to carry out works to Council owned land and buildings
- Issue and serve Planning Contravention Notices and Breaches of Condition Notices or Stop Notices (in consultation with the Head of Corporate Resources)
- Make Article 4 Directions – to be reported to the Chair and/or Vice Chair of the Development Control Committee at the earliest opportunity and subsequently reported to the Development Control Committee
- Authority to take decisions in relation to Part 8 of the Anti Social Behaviour Act 2003 (except in relation to the determination of fees)
- Delegation to Officers common to all committees
- Application for prior notifications for the installation of telecommunications equipment, agricultural works or demolition
- To discharge conditions attached to a planning permission, listed building consent, conversation area consent or advertisement consent
- To make Building Preservation Notices
- To make Tree Preservation Orders
- To determine that development is “permitted development”
- To comment on notifications from neighbouring local authorities
- Agree to the contents of agreement under Section 106 of the Town and Country Planning Act 1990
- To determine minor amendments to approved applications
- To take enforcement action against unauthorised development (in consultation with the Head of Corporate Resources)
- In conjunction with the Head of Corporate Resources and the agreement of the Chairman/ Vice Chairman of the Development Control Committee to seek injunctions

- To take action to remove placards, posters or adverts in contravention of the Town and Country Planning (Control of Advertisements) Regulations or similar statutory enactments,
- To make observations on proposals submitted to adjoining planning authorities where determinations of the applications would be delegated if submitted to the Borough Council

The Planning Officer (Enforcement) is authorised to enter any land and premises for any of the purposes in accordance with, and having regard to, the provision of:-

- a) Sections 178, 196A, 196B, 196C, 324 and 325 of the Town and Country Planning Act 1990 as amended
- b) Sections 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended
- c) Sections 88, 88A and 88B of the Planning (Listed Building and Conservation Areas) Act 1990
- d) Section 36 of the Planning (Hazardous Substances) Act 1990

The signatory to this authority will be the Planning Control Manager.

The following personnel should also have this authorisation conferred on them, namely:-

Planning Control Manager
Planning Control Officers
Planning Policy Manager
Planning Policing Officers

Development Control Enforcement Sub-Committee

The role of the Enforcement Sub-committee is to act as a filter for those planning enforcement matters which are potentially expedient to enforce against and the relevant cost implications the actions could involve. Cases that are considered not expedient to enforce against where it is envisaged that potential local objection to the decision would be forthcoming will also be reported to the Sub-committee for their consideration. The Sub-committee will also ensure that complaints are not left unresolved for an excessive amount of time.

A three tier system has been adopted through the Planning Enforcement Charter for matters to be dealt with by the Sub-committee.

Low Level: Cases that, in the professional opinion of Officers, would clearly not be expedient to enforce against and therefore not reported to committee. The Officers will consider serving Requests for Information Notices. Within the detail timescales be set for the efficient closure of such matters to keep the case load at a manageable level.

Medium Level: The cases that Officers recommend to Members as being potentially expedient to enforce against, type of action recommended and timescales for the necessary process to follow or cases that have taken more than 90 days to decide a course of action to resolve any outstanding planning issues.

High Level: The cases that the Sub-committee have filtered for enforcement action and which will be reported to the Development Control Committee for monitoring of the enforcement action underway and that timescales will be adhered to.

Cases where it is considered not expedient to enforce but the complaint has been received from a Councillor (and the Councillor is not content with the initial Officer recommendation for closure) will be reported to the Sub-committee for a decision.

A report will be provided to the Sub-committee showing the amount of cases opened and closed in the previous period and formal notices have been served.

The Sub-committee will then report to the Development Control Committee approximately every four months depending upon the committee cycle. The report will be a summary of the above level 2 and 3 cases that the Sub-committee have made decisions on.

Licensing and Regulatory Committee Terms of Reference

No Member may sit on this committee, the Licensing sub-committees, until he/she has undergone basic training on the law and procedure relating to the functions of those committees.

- To deal with all matters in relation to the Licensing Act 2003 except the setting and adopting of the Statement of Licensing Policy which must be reserved to the Council
- To deal with all matters in relation to the Gambling Act 2005 except the setting and adopting of the Gambling Policy which must be reserved to the Council
- To exercise the Council's regulatory and enforcement powers and duties in respect of all other licensing authorisations, licenses, permits, consents or similar under all statutory provisions
- To exercise the regulatory functions of Environmental Health, Building Control, Crime and Disorder (such as alcohol zones) and Car Parking Enforcement
- The above functions to be exercised where they have not been specifically reserved to other committees or to Officers, save as to in relation to Officers where in the opinion of the Head of Corporate Resources the matter should be determined by the Licensing and Regulatory Committee
- To recommend the implementation or amendment to Byelaws on all licensing matters to Council for adoption
- To adopt policies in relation to all Licensing and Regulatory policies (except the Statement of Licensing Policy and Gambling Policy) and budgets and setting of fees and charges

Licensing Sub-committee (three Members to be appointed as an when needed in rotation (wherever practical) from the Licensing & Regulatory Committee)

- To hear appeals against penalty points awarded against drivers and other taxi related appeals where no statutory right of appeal exists

Licensing Panel (three Members to be appointed as and when needed in rotation (wherever practical) from the Licensing and Regulatory Committee)

- In accordance with Section 10 of the Licensing Act 2003, the Licensing and Regulatory Committee has delegated to the Head of Corporate Resources the functions of the Licensing Act 2003, **except the following:-**
 - Determination of application for premises licence where no representations have been made
 - Determination of application for provisional statement where no representations have been made
 - Determination of application to vary designated premises supervisor following police objection

- Determination of application for transfer of premises licence following police objection
- Consideration of police objection made to interim authority note
- Determination of interim steps pending summary review
- Determination of application for club premises certificate where representations have been made
- Determination of application to vary club premises certificate where representations have been made
- Decision to give counter notice following police objection to temporary event notice
- Determination of application for grant of personal licence following police objection
- Determination of application for renewal of personal licence following police objection
- Revocation of licence where convictions come to light after grant, etc.
- Determination of application for review of premises licence where relevant representations have been made
- Determination of application for review of club premises licence where relevant representations have been made
- Review following closure order in a case where relevant representations have been made

Delegation of other Licensing Provisions delegated to the Head of Corporate Resources

- Determine application for all taxi/private hire related licenses or permits which the Council has power to grant, where no objection has been made, including imposition of conditions
- Determine applications for all taxi/private hire related licenses or permits which the Council has power to grant, where an objection has been made but an urgent decision is required (in consultation with Chair)
- Select three Members from the Sub-committee to determine applications relating to the Licensing Act 2003 where an objection has been made
- Determine applications for all other licenses or permits which the Council has power to grant, where no objection has been made, including imposition of conditions
- Determine applications for all licences or permits which the Council has power to grant, where an objection has been made but an urgent decision is required (in consultation with Chair)
- Authorised Officers to carry out enforcement of all matters within remit of the committee

- Delegation to Officers common to all committees
- Determine applications for Street Trading Consents
- Issue and serve notices under legislation for the protection of streets, highways, watercourses, sewers, etc. which are within the remit of the Services Committee

Delegation of Building Control Powers to the Planning Control Manager

To exercise the powers and duties of the Council under the Building Act; Building Regulations; The Building (Local Authority Charges) Regulations; The Building (Approved Inspectors, etc.) Regulations and relevant sections of the Leicestershire Act; Government Miscellaneous Provisions Act; Safety of Sports Grounds Act; Town Improvement Clauses Act and Public Health Act, or other similar statutory enactments.

These powers are exercisable in respect of any authorised Building Control Surveyor in consultation with the Planning Control Manger.

- Approve or reject notices or plans under the Building Regulations or similar enactments
- To determine amendments to approved Building Regulations applications
- Authorise classification of land or buildings as dangerous, within the meaning of the Highways or Building Acts or similar enactments
- To require or execute remedial works to, or the demolition of, dangerous buildings or structures
- To accept or reject Initial Notices
- To control work partially completed in respect of an Initial Notice
- To control the construction of cellars
- To control the demolition of buildings and structures
- To control building work to which the Building Regulations and similar statutory enactments apply
- To enforce the Building Regulations and take enforcement action where there is a breach of the Building Regulations
- To alter or remove offending building work
- To require the provision of satisfactory drainage and the repair, renewal or cleansing of defective drainage systems
- To require the provision of satisfactory means of ingress and egress from buildings
- To require the provision and maintenance of adequate means of escape from buildings

- To require adequate fire precautions in high buildings and large storage buildings
- To require the raising of chimneys
- To execute remedial works to defective premises
- To require or execute works to ruinous or dilapidated buildings
- To require the marking of buildings with numbers
- To require the repair of walls to passages and gardens
- To execute works in order to protect buildings against unauthorised entry
- Exercise powers and duties of the Council under the Building Act, Building Regulations or similar statutory enactments
- Approve or reject notices or plans under the Building Regulations or similar enactments
- Authorise classification of land or buildings as dangerous, within the meaning of the Highways or Building Acts or similar enactments

Delegation to the Head of Community for Environmental Health Matters

- Be responsible for burial of dead pursuant to Public Health (Control of Diseases) Act 1984
- Provide dog bins
- Be responsible for the repair and clearance of private drains
- Exercise statutory powers, issue and serve Notices under all statutory provisions, relating to:-
 - Disinfestation of People/Property
 - Defective Premises
 - Sanitation
 - Pest Control
 - Nuisance
 - Environmental Protection Act 1990
 - Houses in Multiple Occupation
 - Improvements to Houses
 - Accumulations
 - Abandoned Vehicles
 - Health & Safety
 - Food Safety
 - Public Health
- Determine Acceptable Chimney Heights

Residents' Forum

General terms of reference for all forums

- To increase public involvement in public services
- To help shape the Council's policies for public services
- To challenge and give feedback on the performance of public services
- To promote community cohesion
- To report to the relevant committees

Children and Young Peoples' Forum Terms of Reference

- Propose Children and Young Peoples' Strategy to Policy, Finance and Development Committee
- Oversee implementation of Children and Young Peoples' Policy
- Consider and determine applications for grants to voluntary/non profit making bodies and/or individuals in connection with children and young peoples' provision within the Borough
- Oversee, propose and implement Capital Projects for children and young peoples' matters
- Oversee the Detached Youth Work Project within the Borough
- Propose annual budget to Policy, Finance and Development Committee

Place Shaping Working Group Terms of Reference

Overall Aim of Place Shaping Member Working Group

- To co-ordinate the strategic planning policy, economic and housing function of the Council
- To deal only with matters of strategic significance that will influence the shape of the Borough of Oadby and Wigston over the long term
- To oversee strategic asset management and make recommendations to Policy, Finance and Development Committee

Local Development Framework

- To oversee the preparation of the Local Development Framework and its associated evidence base, including consideration and approval of evidence base reports prior to publication; to recommend to Council where necessary
- To consider the preparation of the Council's Local Development Scheme and the range of Development Plan documents, Supplementary Planning documents and other Local Development documents that comprise the Council's Local Development Framework
- To monitor the Council's performance in meeting the milestones set out in the Local Development Scheme; to recommend to Council where necessary
- To oversee the establishment and implementation of Infrastructure and Delivery mechanisms that will enable the delivery of the policies and allocations contained within the Local Development Framework; to recommend to Council where necessary
- To oversee the preparation of Masterplans and site development briefs; to recommend to Council where necessary
- To facilitate the strong relationship that exists between the Local Development Framework, Local Strategic Partnerships and Sustainable Community Strategies
- To ensure that the Local Development Framework provides the spatial context to allow the delivery of priorities contained within the Sustainable Community Strategies; to recommend to Council where necessary
- To oversee the preparation, review and implementation of the Statement of Community Involvement
- To consider the various methods for undertaking public consultation at different stages of preparing the Local Development Framework, including charring meetings and providing statements to the press through press releases and interviews; to recommend to Council where necessary
- To consider performance related to planning policy, including national indicators, indicators associated with the Local Area Agreement and Multi Area Agreement, County and Regional Monitoring Returns, Residential Land Availability Study, Housing Land Supply, Employment Land Study and Annual Monitoring Report; to recommend to Council where necessary

- To agree responses in relation to planning policy consultations that the Borough Council comment on, for example adjoining Local Development Framework documents, Regional Planning and Government Initiatives and Guidance; to recommend to Council where necessary
- To develop a thorough understanding of the Local Development Framework process and other planning policy matters that is of relevance to the Borough

Economic Development

- To oversee the co-ordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Economic Development Strategy; to recommend to Council where necessary
- To oversee future reviews of the Economic Development Strategy and to ensure that reviews are informed by area based consultation; to recommend to Council where necessary
- To oversee the co-ordination, development, delivery and review of action plans associated with the Economic Development Strategy; to recommend to Council where necessary
- To consider performance related to economic development, including the development and monitoring of the Local Area Agreement and Multi Area Agreement; to recommend to Council where necessary
- To progress the preparation, implementation and delivery of Masterplans related to the Centres of Oadby, Wigston and South Wigston; to recommend to Council where necessary
- To provide Member Representation at the Oadby and Wigston Business Breakfasts and to provide suggestions regarding the various topics for discussion
- To act as ambassadors to promote the Enterprise, Employment and Skills and Economic Regeneration Agenda

Strategic Housing

- To oversee the co-ordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Housing Strategy; to recommend to Council where necessary
- To oversee the preparation and implementation of the Strategic Housing evidence base that identify the housing needs and requirements within the Borough, such as the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment
- To consider and approve the evidence base reports prior to publication; to recommend to Council where necessary
- To oversee the development of the Council's Strategic Housing role in the context of the housing and place shaping agenda, the Local Development Framework, the Local Strategic Partnerships and the Sustainable Community Strategies; to recommend to Council where necessary

- To oversee the role of Strategic Housing through the Council's Neighbourhood Management responsibilities. To recommend to Council where necessary
- To oversee the role of Strategic Housing in the preparation of Masterplans and site development briefs; to recommend to Council where necessary
- To consider issues associated with the provision and viability of affordable housing in the Borough; to recommend to Council where necessary
- To consider performance related to Strategic Housing, including the development and monitoring of the Local Area Agreement and Multi Area Agreement; to recommend to Council where necessary

Customer Services Working Group Terms of Reference

Purpose and Remit of the Group

- To understand the policy implications of the Council's existing waste policies and operations
- To develop and recommend any policy changes to Policy, Finance and Development Committee in relation to all the Council's waste services
- To ensure that any changes to waste policy are sustainable and effective
- To monitor any changes to waste policy for a fixed period of 2 committee cycles
- Any operational changes will be reported to the Service Delivery Committee

Membership

- Ten Members will be appointed to the Task Group at the Annual General Meeting each municipal year consisting solely of elected Councillors
- The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board Meeting
- The Chairman of the Working Group is Councillor Linda Broadley
- The Lead Officer is the Welfare and Taxation Manager who will be supported by the Director of Services and Chief Executive
- It is expected that the Task Group will exist for at least the 2014/15 municipal year
- The Task Group will report to Policy, Finance and Development Committee at least twice each municipal year
- The Task Group will cease when the outcomes have been completed

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- These terms of reference will be reviewed and, if necessary, updated at least annually.
- The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner.

- An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

Community Engagement Forum Terms of Reference

Remit of the Group

The Forum was established in 2014 to:-

- Supersede the Equality and Diversity Forum following the expiry of the HR & Equality Officer and provide a Community Engagement Forum in pursuance of the engagement of a Community Engagement Officer for progressing wider community engagement between the Council and its residents
- Facilitate the Council in fulfilling its statutory duties under the Equality Act 2010 to:-
 - a) Take positive action in recruitment and promotion
 - b) To have due regard to:-
 - (i) eliminate discrimination
 - (ii) advance equality of opportunity
 - (iii) foster good relations between different people when carrying out their duties
- Review and monitor the progress of the Council's Equality Agenda adopted by the Policy, Finance and Development Committee on 23 July 2013

Key Aims of the Council's Equality Agenda

- To create a skilled and confident workforce to enforce quality and diversity and to challenge negative behaviours
- Continue to and improve engagement and communication with members of the community, ensuring all hard to reach or under-represented groups are given a voice
- Ensure a representative workforce reflective of the community
- Understand who our existing service users are with the aim to ensure that services are utilised by all community members
- Form relevant forums and boards to actively engage and contribute to the Community Engagement Forum

Membership

Cllr Jeffrey Kaufman – Chairman

Cllr Lily Kaufman – Member

Cllr Sharon Morris – Member

Community Engagement Officer – one appointed

2 x Members of Community/Organisation per each Protected Characteristic

1 x Representative of the Council's Health and Wellbeing Board

Duration of Forum

The relevancy of the Forum and its Terms of Reference will be reviewed after a period of 1 year

Working Methods

- The Forum will report to Policy, Finance and Development Committee twice a year
- The Forum will meet four times a year in the Council Chamber in line with the dates set out in the Council's Calendar of Meetings
- Topics for the agenda will be set at a pre-agenda meeting with the Chairman and Lead Officer at least 4 weeks prior to the meeting
- The Agenda and supporting papers for the meeting will be circulated electronically. Exceptions will be made for any Member that does not have access to the internet or a computer.
- The Forum will be supported by the Community Engagement Forum who will be responsible for the drafting of the Agenda in consultation with the Chairman and the minutes of the meeting in a timely manner.

Greening of the Borough Working Group Terms of Reference

Purpose and Remit of the Group

- To provide overall guidance and direction on policy issues and outcomes
- To agree draft outcomes, which for the Greening of the Borough Working Group, are:-
 - Improve the quality of the green environment within the Borough, including the creation of areas of significant interest and enhancement of a biodiversity interest
 - Provide better access to this environment and opportunities for all to be a part of the aspirations of the Strategy for more environmentally sustainable lifestyle choices and practices
 - Promote, support and encourage residents (of all ages and abilities), groups and businesses to contribute, through volunteering and partnership projects, to improving the green environment of the Borough in a manner appropriate to their needs and aspirations
- To review progress in delivering these outcomes and work with Officers to embed aims and activities into mainstream work of the authority
- The terms of reference of this Working Group **would be** redefined once aims of the action plan have been mainstreamed and thus the group time defined
- To act as a sounding board for the Officers for major projects and outcomes
- To give guidance on solutions that will resolve any inconsistencies in policy or outcomes
- To ensure that the outcomes are achieved

Membership

- Eight members will be appointed to the Working Group at the Annual General Meeting each municipal year consisting solely of elected Councillors
- The membership of the Working Group, wherever possible, will reflect the political representation of the Council as a whole

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least two weeks prior to the Task Group meeting
- The Chairman of the Working Group is **Councillor David Carter**
- The Lead Officer is the **Country Parks and Environment Manager**
- The Lead Officer will be supported by the Director of Services and the Chief Executive

- It is expected that the Working Group will exist for at least the 2014/15 municipal year
- The Working Group will report to Service Delivery Committee at least twice each municipal year
- The Working Group will cease when the outcomes have been completed

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting
- These terms of reference will be reviewed and, if necessary, updated at least annually
- The minutes of the meeting will be provided to the Chairman of the Working Group in a timely manner
- An action list will be drawn up following the meeting and provided to the Chairman with the minutes

Waste Working Group Terms of Reference

Purpose and Remit of the Group

- To understand the policy implications of the Council's existing waste policies and operations
- To develop and recommend any policy changes to Policy, Finance and Development Committee in relation to all the Council's waste services
- To ensure that any changes to waste policy are sustainable and effective
- To monitor any changes to waste policy for a fixed period of two committee cycles
- Any operational changes will be reported to the Service Delivery Committee

Membership

- Ten members will be appointed to the Group at the Annual General Meeting each municipal year consisting solely of elected Councillors
- The membership of the Group, wherever possible, will reflect the political representation of the Council as a whole

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Group at least two weeks prior to the Group meeting
- The Chairman of the Working Group is Councillor Frank Broadley for the 2014/15 municipal year
- The Lead Officers are the Chief Executive and Director of Services
- It is expected that the Board will exist for at least the 2014/15 municipal year
- The Board will report to Service Delivery Committee at least twice each municipal year
- The Board will cease when the outcomes have been completed

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting
- These terms of reference will be reviewed and, if necessary, updated at least annually
- The minutes of the meeting will be provided to the Chairman of the Group in a timely manner
- An action list will be drawn up following the meeting and provided to the Chairman with the minutes

Supporting Leicestershire Families Task Group Terms of Reference

Purpose and Remit of the Group

- To receive updates on the progress of the Supporting Leicestershire Families Programme on behalf of the Council.
- To make comments and observations which will assist in determining the future direction of the SLF Programme in the Borough.
- To consider any issues that the programme highlights in relation to Oadby & Wigston Council policies and priorities together with any cross cutting governance issues.
- To advise and make recommendations to Council resulting from the review of the Leicestershire SLF Programme after its initial three years of operation including any further requests for funding.

Membership

- Members will be appointed to the Task Group at the Annual General Meeting each municipal year on the basis of those Councillors appointed to the roles of Leader of the Council and Chairmen of Policy, Finance and Development, Service Delivery, Health and Wellbeing Board, Community Safety Partnership and Children and Young Peoples' Forum.
- The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board Meeting.
- The Chairman of the Working Group is Councillor **Lynda Eaton**.
- The Lead Officer is the Chief Executive.
- It is expected that the Task Group will exist for at least the **2014/15** municipal year.
- The Task Group will report to Council at least twice each municipal year.
- The Task Group will cease when the outcomes have been completed.

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- These terms of reference will be reviewed and, if necessary, updated at least annually.
- The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner.

- An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

Health & Well being Terms of Reference

Purpose and Remit of the Group

- To provide overall guidance and direction on policy issues and outcomes
- To agree draft outcomes which, for the Health and Well Being Board, are:-
 - a) Respond to the health needs and priorities identified for the Borough
 - b) Act as a central co-ordinating body for health improvement across the Borough
 - c) Engage in partnership working throughout the Borough based on clarity of the roles and responsibilities of the different organisations
 - d) Encourage residents to choose a healthy lifestyle and stay healthy by utilising existing Council facilities and services
- To review the progress in delivering these outcomes
- To act as a sounding board for the Officers
- To give guidance on solutions that will resolve any inconsistencies in policy or outcomes
- To ensure that the outcomes are achieved

Membership

- Eight Members will be appointed to the Board at the Annual General Meeting each municipal year consisting solely of elected Councillors
- The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Board at least two weeks prior to the Board Meeting
- The Chairman of the Working Group is Councillor John Boyce
- The Lead Officer is the Head of Community
- It is expected that the Board will exist for at least the 2014/15 municipal year
- The Board will report to Service Delivery Committee at least twice each municipal year
- The Board will cease when the outcomes have been completed

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting
- These terms of reference will be reviewed and, if necessary, updated at least annually
- The minutes of the meeting will be provided to the Chairman of the Board in a timely manner
- An action list will be drawn up following the meeting and provided to the Chairman with the minutes

Constitutional Working Group Terms of Reference

Purpose and Remit of Working Group

- To provide overall guidance and direction on matters pertaining to the operation of the Council's Constitution
- To agree draft outcomes which, for the Constitutional Working Group, are:-
 - a) That the Council's Constitution and its associated Standing Orders are current with statutory requirements
 - b) That the rules of procedure and delegation schemes within the Constitution are fit for purpose
- To review progress in delivering these outcomes
- To act as a sounding board for the Officers
- To give guidance on solutions that will resolve any inconsistencies in policy or outcomes
- To ensure that the outcomes are achieved within the time limits set

Membership

- Eight members will be appointed to the Working Group at the Annual General Meeting each municipal year consisting solely of elected Councillors
- The membership of the Working Group, wherever possible, will reflect the political representation of the Council as a whole
- The quorum for the Working Group shall be set at one half of Members appointed to the Group

Accountability and Duration

- The nature of the group will be that the Lead Officer, the Monitoring Officer will seek Members views on proposed amendments to the Council's Constitution
- The nature of the group does not require a Chairman to be appointed
- A diarised meeting of the Working Group will be convened only if there is a business to discuss. An extraordinary meeting of the Working Group may be called when there is urgent business to consider
- It is expected that the Working Group will exist for at least the 2014/15 municipal year. The Working Group will report to Full Council at least twice each municipal year

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting
- These items of reference will be reviewed and, if necessary, updated at least annually
- The minutes of the meeting will be circulated to members of the Working Group in a timely manner
- An action list will be drawn up following the meeting and circulated to the members of the Working Group with the minutes

Armed Forces Working Group Terms of Reference

Purpose and Remit of the Group

- To develop and monitor the commitments in the Armed Forces Community Covenant as they apply to Oadby and Wigston Borough Council
- To consolidate and co-ordinate the Council's views and approach to any issues relating to celebration, commemoration or remembrance in respect of the Armed Forces
- To consider any other ad hoc issues that require direction in relation to military and any related ceremonial events.

Membership

- (How many?) Members will be appointed to the Task Group at the Annual General Meeting each municipal year consisting solely of elected Councillors.
- The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

Accountability and Duration

- As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board meeting
- The Chairman of the Working Group is Councillor Lynda Eaton
- The Lead Officer is the Chief Executive
- It is expected that the Task Group will exist for at least the 2014/15 municipal year
- The Task Group will report to Council at least twice each municipal year
- The Task Group will cease when the outcomes have been completed

Working Methods

- The Agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting
- These terms of reference will be reviewed and, if necessary, updated at least annually
- The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner
- An action list will be drawn up following the meeting and provided to the Chairman with the minutes

Appeals Committee Terms of Reference

Purpose and Remit of the Group

- Determine appeals against housing decisions by Officers
- Determine appeals on discretionary Revenues and Benefits matters
- Determine appeals for internal personnel appeals
- Determine such other hearing and appeals that may be required

Membership

- The decision of an Officer may first be reviewed by the Head of Service and thereafter Member panel
- No Member may sit on this panel until he/she has undergone basic training on law and procedure relating to the functions of the panel
- Where any appeal arises from a decision delegated to any Officer, committee or sub-committee, neither that Officer, Member, committee or sub-committee, **nor any member of that committee or sub-committee** (duplication?), nor any person previously having had any part in the relevant decision, shall be involved in the appeal decision
- Personnel Committee – for appointment of Senior posts

Delegation Rules for Officers

1. General Delegated Powers

- 1.1 All Chief Officers shall have power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 11 in relation to all operational matters, subject strictly to the Delegation Rules in Part 3. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget. Where there is doubt as to whether a power exists or existed, the Chief Executive shall advise and may certify in writing accordingly.
- 1.2 Subject to the following Rules, where any function, power or responsibility is delegated to any Officer or body, that Officer or body shall, unless otherwise stated in Part 3, have full power to act in all respects in the name of the Council and may exercise in the name of the Council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.

2. Restrictions on all Delegations

- 2.1 No Officer shall set fees or charges.
- 2.2 No Officer or body shall exercise any power, function or responsibility in a way which is not in accordance with the Policy Framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.
- 2.3 No Officer shall spend money for which there is no or insufficient budget provision, after available virement.
- 2.4 No Officer or body shall exercise any power, function or responsibility which had been delegated but where the power, function or responsibility has been withdrawn or has been reserved to any other person or body.

3. Supplementary Provisions

- 3.1 Any Officer with delegated powers or functions may delegate those powers or functions in whole or part to any other suitably experienced and qualified Officer but shall remain accountable and may himself/herself continue to exercise or share those powers, functions or responsibilities.
- 3.2 Any Policy Committee, with delegated powers, may delegate any such power or responsibility to a relevant Chief Officer but shall remain accountable and may itself/himself/herself continue to exercise or share those powers, functions or responsibilities.
- 3.3 The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial, numerical, subject to local Member(s'), leaders and/or committee Chairman's consultation or approval, subject to time limit, or in any other way.

- 3.4 All persons and bodies with delegated powers shall record and report substantive decisions made under those powers.
- 3.5 The Chief Executive has general delegated power to act in the name of any Chief Officer in his/her absence.
- 3.5.1 The Chief Executive (or any other Chief Officer in his/her absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the Borough. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made). The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Policy Committee or the Council, whichever shall be the first.

3.6 Ancillary Powers of All Chief Officers

All Chief Officers shall have full delegated power:-

- 3.6.1 To undertake day to day management and control of the staff reporting to them and the premises and services for which they are responsible.
- 3.6.2 To approve the acquisition and disposal of any interest in property by the Council where the sale or purchase price of annual rent does not exceed £2,500 provided the terms have been approved by the District Valuer, or the Council's Valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.
- 3.6.3 To dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements.
- 3.6.4 To initiate appropriate action, in consultation with the Head of Paid Service, on matters relating to recruitment, selection and career development of staff generally except Deputy Chief Officers and to take disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures.

4. Reporting Delegation of Powers

At the next available meeting of the appropriate committee onwards delegation or any withdrawal of or changes in limits on delegation shall be reported and recorded and the Chief Executive shall report such matters to the next available meeting of Council. Delegations by Council and any changes in the delegation scheme previously approved by the Council, shall be similarly recorded.

5. Validity of Decisions taken under Delegated Powers

- 5.1 It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Policy Committee or the Council, as the case may be, determines or changes that delegation and either the Proper Officer certified that fact or there is an approved minute of any such determination of change.
- 5.2 The exercise or purported exercise of any recorded delegated power shall be valid for all purposes notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any Councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise or any power by a non-quorate body.

**COMMITTEE AND GROUPS REPORTING STRUCTURE AND
LEAD OFFICERS RESPONSIBILITIES**

Shall be the responsibility of the Chief Executive in consultation with the Leader.