

NORTH LINCOLNSHIRE COUNCIL

**ANNUAL MEETING OF THE
COUNCIL**

CONSTITUTION AND GOVERNANCE ISSUES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose changes to the Constitution in relation to the council's working arrangements for 2015/2016.

2. BACKGROUND INFORMATION

- 2.1 The Local Government Act 2000 requires the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with changes made by the council to its management structure and procedures.

3. ISSUES FOR CONSIDERATION

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 Following a review of some of the working practices adopted since May, 2014, it is now necessary to consider making a number of changes to the Constitution to facilitate changes to working arrangements for 2015/2016.
- 3.3 The attached appendices detail the proposed changes to the relevant parts of the Constitution. Additions and deletions are shown. These include -

Key Decisions – Part B 13.03 (a) (i) of the Constitution – See Appendix A

To amend the definition of a key decision in Part B 13.03 (a) (i) of the Constitution to read as follows:

- (a) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year;

This amendment is in line with common practice by which authorities seek to locally determine a financial threshold for key decisions and will ensure a greater alignment with North East Lincolnshire Council for implementation of the Council's Contract Procedure Rules.

Financial Regulations – Part D Rule 6 of the Constitution – Estimates and Budgetary Control – See Appendix B

An amendment is proposed to the Financial Regulations concerning the rules for budget transfers also known as virements. This is to ensure that matters of

routine budget management are dealt with by the Director of Policy and Resources and matters of policy are referred to the Cabinet Member for Policy and Resources for approval.

Delegations to Officers and Appointment of Proper Officers –

Minor amendments are proposed to the scheme of delegations to officers to account for legislative change and operational effectiveness. Also proposed is the insertion of a protocol governing the recording of certain executive and non executive decisions taken by officers pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and The Openness of Local Government Bodies Regulations 2014. These include -

Director of Policy and Resources – **See Appendix C**

Director of Places – **See Appendix D**

Protocol for Recording Officer Decisions – **See Appendix E**

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

4.1 There are no staffing, financial, property or IT implications associated with this report.

5. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

5.1 Not applicable.

6. OUTCOMES OF CONSULTATION

6.1 The proposed changes to the Constitution are as a result of the details referred to above.

7. RECOMMENDATIONS

To consider approving the changes to the Council's Constitution as detailed in paragraph 3.3 and the appendices to the report.

DIRECTOR OF POLICY AND RESOURCES

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Background Papers used in the preparation of this report - The Council's Constitution (which is available on request or can be access on line at <http://www.northlincs.gov.uk/your-council/about-your-council/committees-and-cabinet/the-councils-constitution/>)

B13.01 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part C of this Constitution.

B13.02 PRINCIPLES OF DECISION MAKING

All decisions, whether they are the responsibility of the Executive or not, will be made in accordance with the following principles.

- Proportionality (i.e. the action should be proportionate to the desired outcome)
- Decisions should be taken on the basis of due consultation and professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes

B13.03 TYPES OF DECISION

Decisions reserved to Full Council. Decisions relating to the functions listed in Article B4.02 will be made by the Full Council and not delegated.

Key Decisions:

- (a) A key decision means an executive decision which is likely
 - (i) ~~to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, or~~
 - (i) **to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year**
 - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority
- (b) In accordance with Section 38 of the Local Government Act 2000 in determining the meaning of "significant" for the purposes of this Article the Council shall have regard to any guidance for the time being issued by the Secretary of State.

D6.04 ESTIMATES AND BUDGETARY CONTROL

- 4.7 The approval of all revenue or capital virements with a value of £50,000 or less, and revenue or capital virements greater than that value which do not involve a change of policy, are delegated to the Director of Policy and Resources. Virements over £50,000 involving a change in policy are to be approved by the Cabinet Member Policy and Resources.**

DIRECTOR OF POLICY AND RESOURCES

- (42) To authorise such officers of Legal Services, on the recommendation of the Assistant Director : Legal and Democratic, to prosecute or defend proceedings in the Magistrates' Court, on behalf of the Council pursuant to Section 223 of the Local Government Act 1972.

DIRECTOR OF PLACES

7. COUNTRYSIDE

- 7.1 In consultation with the Cabinet Member for Highways and Neighbourhoods, to act as agent to private land owners and land managers in applying to the Forestry Authority for woodland grant schemes on both public and private land.
- 7.2 To act as agent to private landowners and land managers in applying to the ~~Ministry of Agriculture Fisheries and Food~~ **DEFRA** for Countryside Stewardship grant and in implementing Countryside Stewardship schemes.
- 7.3 To determine applications to modify the definitive map and/or statement, including applications served under Section 53(5) of the Wildlife and Countryside Act, 1981.

8. OTHER

- 8.1 To deal with applications/complaints in relation to high evergreen or semi-evergreen hedges as outlined in Part 8 of the Anti Social Behaviour Act, 2003.
- 8.2 Registration of common land and town/village greens and the exercise of protective powers under the relevant legislation other than on those occasions when the nature of the application is such that it should be referred to the Planning Committee.
- 8.3 That where appropriate functions relating to the carrying out of these delegated powers (including the signing and serving of notices) be delegated to an officer and the Director of Places be authorised to designate any such officer.
- 8.4 All matters relating to Safer and Stronger Neighbourhoods, Community Safety and the requirements of Section 17 of the Crime and Disorder Act 1998.
- 8.5 All matters to be undertaken by the Council in relation to the Registration of Births, Deaths, Marriages and Civil Partnerships.

9. GENERAL

- 9.1 Assignments and sub-lettings of all Council owned property managed by Property Services.
- 9.2 All short term lettings and licenses of unused land or land capable of accommodating temporary uses not exceeding 12 months.
- 9.3 Minor amendments to leases and granting or applying for consent to carry out works or alteration/improvement.

- 9.4 To determine applications for subletting and or assignment/surrender or leases.
- 9.5 Negotiation of rent reviews/lease renewals.
- 9.6 Day-to-day management (excluding the terms for new lettings) the service of notices to quit, the acceptance of surrenders of tenancies, the varying of rents for:
- (i) The Council's smallholdings.
 - (ii) Other farm holdings.
 - (iii) Any areas of agricultural land and property held by the council, which Are not in use for the purposes of a particular function.
- 9.7 Granting wayleaves and easements to statutory undertakers across operational, smallholdings and surplus council property.
- 9.8 Repair, letting, and closure of properties acquired under Highway powers.
- 9.9 To undertake valuation duties, including negotiations for the purchase, disposal and leasing of land and properties, rent reviews and mortgage valuations (subject to specific committee authority for the scheme in question where appropriate).
- 9.10 Approve or otherwise, applications by the purchasers of lessees of Council plots for approval of housing and other relevant schemes in accordance with the conditions of disposal and to deal with any subsequent applications for consent to carry out alterations or extensions on the land.
- 9.11 To decline the offers of properties not immediately required and for which monies are not at present available in the estimates.
- 9.12 To enforce any breaches of covenant, and non-compliance with conditions of sale, or lease.
- 9.13 Approve or otherwise, applications by mortgagors to carry out any alterations to residential properties in compliance with the conditions of their Council mortgage, providing that the Director is satisfied that the Council's equity will not be at risk.
- 9.14 Disposal of items of equipment and fittings surplus to the Council's requirements, arising on the purchase of any properties which are to be closed and subsequently demolished.
- 9.15 Approve or otherwise, applications for the alterations of shops and former municipal dwellings sold under the Right to Buy.
- 9.16 In conjunction with the Director of Policy and Resources to deal with the service of notice to quit under the Landlord and Tenant Act 1954 for the purpose of negotiating the rent or terms of leases.

- 9.17 The determination of dilapidation claims and compensation payments.
- 9.18 The disposal of structures forming new gable ends of privately owned dwellings and the land on which they are constructed.
- 9.19 The disposal of the Council's reversionary interest in residential properties under the Leasehold Reform Act 1967.
- 9.20 All other day-to-day transactions will continue to be reported for approval on the schedule to the appropriate Cabinet Member carrying responsibility for property related matters.
- 9.21 To manage trespass on all council land (and on private land when instructed, including applications to court for repossession where appropriate).
- 9.22 Disposal of surplus council land at less than £2,000 in value (or such other figure as shall be determined by the appropriate Cabinet Member carrying responsibility for property related matters, when this figure is reviewed periodically).
- 9.23 To commission development appraisals/project briefs where appropriate.
- 9.24 To contract external organisations to enable the full discharge of property related services, as appropriate and in accordance with the council's standing orders and service procedures.
- 9.25 Submission of Planning Applications in relation to council projects or on council land to assist potential disposal.
- 9.26 Take decisions on the use of repair and maintenance funds to ensure the continuing operation of council buildings as needs arise.
- 9.27 Allocate office accommodation to services in accordance with approved council standards, periodically reviewing and amending such allocations with a view to releasing surplus space and approving all occupations and any modifications to buildings.
- 9.28 Discharge the role of Corporate Property Officer for the council, as required by the Office of the Deputy Prime Minister, and as defined in the council's Capital Strategy and Corporate Asset Management Plan, in particular:
- (i) To act as lead officer in preparing the Capital Strategy, Corporate Asset Management Plan and Asset Management Performance Indicators.
 - (ii) To gain a clear understanding of the authority's service aims and how the asset base contributes to these aims.
 - (iii) To consider corporate drivers and their impact on asset management.

- (iv) To set out a programmed approach for change to the asset

base, including implementing systems so this is achievable, costed and appraised.

- (v) To plan ahead for corporate use and provision of property, including revenue consequences, project appraisal and developing whole life costing

9.29 To invoke emergency arrangements for property set out in the business continuity plan.

10. ECONOMIC DEVELOPMENT

- 10.1 Where land is vested in the Council for economic development purposes to seek planning permission for the carrying out of development by the Council or for development on such land which the Council does not itself propose to carry out.
- 10.2 To place advertisements in the media promoting North Lincolnshire as an area for economic development and/or tourism.
- 10.3 To market vacant industrial and commercial properties in accordance with the Council's marketing policy.
- 10.4 To manage Tourist Information Centres within the control of the council.

11. LAND DISPOSAL AND MANAGEMENT

- 11.1 In consultation with the Leader and the relevant Cabinet Member to purchase, sell, lease, or otherwise dispose of land for regeneration, economic development highway and environmental purposes.
- 11.2 Such general powers will relate to all properties within the Council's Industrial and Commercial Investment Portfolio and any other appropriate development opportunities and will include the authority to act, negotiate and/or agree binding terms in relation to:-
 - (i) The sale/lease or licence of land and premises.
 - (ii) Acquisition of land and premises.
 - (iii) Negotiation of Rent Reviews.
 - (iv) Dealing with applications by purchasers, lessees or licensees in relation to approval or amendment of disposal terms.
 - (v) Dealing with applications of assignment, sub-letting and surrender.
 - (iii) Dilapidations and items of repair and maintenance.
 - (vii) Enforcement of covenants, and non-compliance with conditions of sale/lease or licence.
 - (viii) Removal of persons or property trespassing on land within the control of the Service.

COMMUNITY AND TECHNICAL AND ENVIRONMENT SERVICES

12. GENERAL

- 12.1 To administer the Council's functions as a Weights and Measures, Food, Waste Collection, Waste Disposal and Principal Litter Authority, and under any other relevant environmental health, waste, consumer protection or trading standards legislation (see attached) including the issue of such notices, instructions or other similar documents or requirements as are permitted by legislation in such circumstances as the Director deems necessary.
- 12.2 To determine applications under the Licensing Act 2003 as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State.
- 12.3 To determine the grant, renewal, variation, transfer or revocation of any licence, permit, consent, permission, registration, certificate or other like document under the legislation referred to in paragraph 4 of the Terms of Reference of Licensing Committee unless he regards such grant to be inappropriate for the use of these delegated powers and/or the application has been the subject of any unresolved objection, adverse comment or observation during any consultation or advertisement process.
- 12.4 To deal with any appeal arising out of the licensing process.
- 12.5 To authorise such officers of the Trading Standards Service of Grade 10 and above to initiate and conduct legal proceedings in the Magistrates Court on behalf of the Council in connection with the Council's functions in relation to trading standards and consumer protection.
- 12.6 To authorise such officers of the Housing, Environmental Health and Waste Management Services of Grade 10 and above to initiate and conduct legal proceedings in the Magistrates Court on behalf of the Council in connection with the Council's functions in relation to environmental health and waste management.
- 12.7 To authorise such officers of the Licensing Division of Grade 9 and above together with the Assistant Director Technical and Environment Services and above to initiate and conduct legal proceedings in the Magistrates Court on behalf of the Council in connection with the Council's functions in relation to licensing.
- 12.8 To authorise the Assistant Director Technical and Environment Services to approve disabled facilities and other grants and loans of less than £50,000 and variations up to 20% of the total approval limit for all grants and loans.

To authorise the Head of Operational Housing Services to approve disabled facilities and other grants and loans of less than £30,000 and variations up to 20% of the total approval limit.

To authorise the Home Assistance Manager to approve disabled facilities and other grants and loans of less than £15,000 and variations up to 20% of the total approval limit.

In all cases in 12.8 subject to the approval of the loan scheme by the Director of Policy and Resources.

- 12.9 In consultation with the Licensing Committee, the power to refuse licences and to deal with any matters arising out of relevant appeals.
- 12.10 In consultation with the Licensing Committee to determine applications for small lotteries in accordance with paragraph 3.5 of the report of the Service Director Neighbourhood and Environmental Services dated 7 November 2006.
- 12.11 That where appropriate, functions relating to operational enforcement (including the signing and serving of appropriate notices) be delegated to an Officer, and the Director of Places be authorised to designate those Officers.
- 12.12 Authority to administer and decide cases where persons present themselves as homeless
- 12.13 To deal with the relevant Sections of the Land Drainage Act 1991 to provide additional coverage as follows:
 - (i) Section 14 – general drainage powers (to prevent flooding, mitigate damage caused by flooding) by cleansing, repairing, maintaining, deepening, widening, straightening, or otherwise improving watercourses. To remove obstructions and to construct new works.
 - (ii) Section 20 – carrying out works by agreement at the other person's expense.
 - (iii) Section 22 – applications to the Minister for an Order to carry out drainage works.
 - (iv) Section 25 – powers to require works for maintaining flow of watercourse.
- 12.14 To authorise such officers of the service to act as Inspectors in enforcing the provisions of the Animal Welfare Act 2006.
- 12.15 To determine authorizations for surveillance to be undertaken under the Regulation of Investigatory Powers Act, 2000.
- 12.16 To exercise on behalf of the Council powers under the following legislation.

~~TRADING STANDARDS~~

Accommodation Agencies Act 1953
Administration of Justice Acts 1970 and 1985
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Act 1970

Agriculture Produce (Grading and Marking) Acts 1928 and 1931
 Animal Health Act 1981
 Animal Health Act 2002
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003
Anti-Social Behaviour Crime & Policing Act 2014
 Cancer Act 1939
~~Celluloid and Cinematograph Film Act 1922~~
 Children and Young Persons (Protection from Tobacco) Act 1991
 Children and Young Persons Act 1993
 Clean Air Act 1993
 Companies Act 2006
 Consumer Credit Act 1974 and 2006
 Consumer Protection Act 1987
Consumer Rights Act 2015
 Control of Pollution (Amendment) Act 1989
 Control of Pollution Act 1974
 Copyright, Designs and Patents Act 1988
 Courts and Legal Services Act 1990
 Criminal Attempts Act 1981
 Criminal Damage Act 1971
 Crossbow Act 1987
 Customs and Excise Management Act 1979
 Development of Tourism Act 1969
 Education Reform Act 1988
 Energy Acts 1976, and 1983 and 2011
 Enterprise Act 2002
Enterprise and Regulatory Reform Act 2013
 Environment and Safety Information Act 1988
 Environmental Protection Act 1990
 Estate Agents Act 1979
 European Communities Acts 1972 and 1986
 Explosives Act 1875 to 1976
 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1967
 Fireworks Act 1951
 Fireworks Act 2003
 Food & Environmental Protection Act 1985
 Food Safety Act 1990
 Forgery & Counterfeiting Acts 1981 and 1988
 Fraud Act 2006
 Hallmarking Act 1973
 Health & Safety at Work etc. Act 1974
 Health Act 2006
~~Housing Act 2004~~
 Humberside Act 1982
Intoxicating Substances (Supply) Act 1985
 Knives Act 1997
 Licensing Act 2003

London Olympic Games and Para Olympic Games Act 2006
Malicious Communications Act 1988
Medicines Act 1968
Minibus Act 1977
Mobile Homes Act 2013
Motor Cycle Noise Act 1987
Olympic Symbol Etc (Protection) Act 1995

Performing Animals (Regulations) Act 1925
Petroleum (Consolidation) Act 1928
Petroleum (Regulation) Acts 1928 and 1936
Poisons Act 1972
Prices Act 1974
Proceeds of Crime Act 2002
Property Misdemeanors Act 1991
Protection of Animals Act 1911
Protection from Harassment Act 1997
Public Health Acts 1936 and 1961
Public Passenger Vehicles Act 1981
Registered Designs Act 1949
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Solicitors Act 1974
Sunbed (Regulation) Act 2010
The Mines and Quarries Act 1969
The Reservoirs Act 1975
The Safety of Sports Grounds Act 1975
Theft Acts 1968 and 1978
Tobacco Advertising and Promotion Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Stamps Act 1964
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Act 1984 and 1993
Waste and Emissions Trading Act, 2003
Weights and Measures Act 1985
Wildlife and Countryside Act 1981

~~ENVIRONMENTAL HEALTH~~

Animal Boarding Establishments Act 1963
~~Animal Health Act 1981~~
~~Animal Welfare Act 2006~~
~~Anti Social Behaviour Act 2003~~
Betting, Gaming and Lotteries Act 1963
Breeding of Dogs Act 1973 and 1991
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960

Celluloid and Cinematograph Film Act 1922
 Charities Act 1992 and 1995
 Cinemas Act 1985
~~Clean Air Act 1993~~
 Clean Neighbourhoods and Environment Act 2005
 Climate Change Act 2008
 Control of Pollution (Amendment) Act 1989
 Control of Pollution Act 1974
 Crime and Disorder Act 1998

 Dairy Products (Hygiene) Regulations 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Dogs (Fouling of Land) Act 1996
 Egg Products Regulations 1993
 Environment Act 1995
~~Environmental Protection Act 1990~~
~~European Community Acts 1972 and 1986~~
 Fire and Safety of Places of Sport Act 1987
 Food & Environmental Protection Act 1985
 Food Act 1984
 Food Safety (Fishery Products) Regulations 1992
 Food Safety (Live Bivalve Molluscs) Regulations 1992
~~Food Safety Act 1990~~
 Gambling Act 2005
 Game Act 1831
 Game Licences Act 1860
 Gaming Act 1968
 Guard Dogs Act 1975
~~Health Act 2006~~
 Health & Safety (Enforcing Authority) Regulations 1989
~~Health & Safety at Work etc Act 1974~~
 Highways Act 1980
 House to House Collections Act 1939
 Housing Acts 1985, 1988 and 2004
 Housing Grants, Construction and Regeneration Act 1996
 Hypnotism Act 1952
 Land Drainage Act 1991
 Late Night Refreshment Houses Act 1969
~~Licensing Act 2003~~
 Litter Act 1983
 Local Government (Miscellaneous Provisions) Act 1976
 Local Government (Miscellaneous Provisions) Act 1982
 Local Government Act 1972
 Local Government and Housing Act 1989
 Lotteries and Amusements Act 1976
 Marriage Act 1949
 Meat Products (Hygiene) Regulations 1994
 Noise Act 1996

Noise and Statutory Nuisance Act 1993
~~Performing Animals (Regulations) Act 1925~~
 Pet Animals Act 1951
 Pet Animals Amendment Act 1983
 Police, Factories etc (Miscellaneous Provisions) Act 1916
 Pollution Prevention and Control Act 1999
 Prevention of Damage by pests Act 1949
 Protection from Eviction Act 1977
 Public Health (Control of Disease) Act 1984
 Public Health Act 1936
 Public Health Act 1961

Rag Flock and Other Filling Materials Act 1951
 Refuse Disposal (Amenity) Act 1978
~~Road Traffic Act 1988~~
 Riding Establishments Acts 1964 and 1970
 Scrap Metal Dealers Act 1964
 Sunday Theatres Act 1972
 Sunday Trading Act 1994
 The Minced Meat and Meat Preparation (Hygiene) Regulations 1995
~~The Safety of Sports Grounds Act 1975~~
 Theatres Act 1968
 Town and Country Planning Act, 1990
 Town Police Clauses Act 1847
 Town Police Clauses Act 1889
 Transport Act 1985
~~Waste and Emissions Trading Act 2003~~
 Waste Minimisation Act 1998
 Water Industry Act 1991
 Zoo Licensing Act 1981

13. STATUTORY REGULATION AND ENFORCEMENT

Housing Grants, Construction and Regeneration Act 1996	Part 1 Section 24	Approval of disabled facilities grants (in consultation with the Cabinet Member for Highways and Neighbourhoods)
Housing Grants, Construction and Regeneration Act 1996	Part 1 Section 28	Approval of HMO grants (in consultation with the Cabinet Member for Highways and Neighbourhoods)

Housing Grants, Construction and Regeneration Act 1996	Part 1 Section 76 (Chapter 3)	Power to give house repair assistance (in consultation with the Cabinet Member for Highways and Neighbourhoods)
Protection from Eviction Act 1977	Part 1 Section 1	Unlawful eviction and harassment of occupier
Housing Act 1988	Part 1 Section 29 (Chapter IV)	Offences of harassment
Local Government and Housing Act 1989	Part VII Section 97	Powers of entry in connection with housing renewal areas
Housing Grants, Construction and Regeneration Act 1996	Part I Section 13	Approval of renovation grants (in consultation with the Cabinet Member for Highways and Neighbourhoods)
“	Part I Section 18	Approval of common parts grant applications (in consultation with the Cabinet Member for Highways and Neighbourhoods)
Housing Act 1985 (as amended by the Local Government and Housing Act 1996)	Part X Section 336	Power to require production of rent book
“	Part X Section 337	Power of entry to determine permitted number of persons
“	Part X Section 338	Notice to abate overcrowding
“	Part X Section 340	Powers of entry
“	Part XI Section 350	Power to require information in connection with a Registration Scheme for houses in multiple occupation
“	Part XI Section 352	Power to require execution of works to render premises fit for number of occupants

Local Government (Miscellaneous Provisions) Act 1976	Section 16	Power of Local Authorities to obtain particulars of persons interested in land
“	Section 29	Securing of buildings against unauthorised entry and recovery of expenses in so doing
Caravan Sites and Control of Development Act 1960	Part I Section 26	Power of entry
Caravan Sites Act 1968	Part III Section 14	Offences (in consultation with the Cabinet Member for Highways and Neighbourhoods)
Local Government (Miscellaneous Provisions) Act 1976	Part I Section 33	Restoration or continuation of supply of water, gas or electricity (in consultation with the Cabinet Member for Highways and Neighbourhoods)
“	Section 35	Removal of obstruction from private sewer
Public Health Act 1936	Part XII Section 287	Power to enter premises
Environmental Protection Act 1990	Part III Section 80	Summary proceedings for statutory nuisances in respect of dwellings
“	Part IX Section 270	Demolition Orders : Recovery of possession of building to be demolished (in consultation with the Cabinet Member for Highways and Neighbourhoods).
Building Act 1984	Part III	Other provisions about buildings
	Part IV Section 95	Power to enter premises
“	Part IV Section 97	Power to execute works

Caravan Sites Act 1968	Part I	Provisions for protection of residential occupiers
Caravan Sites and Control of Development Act 1960	Part I Section 3	Issue of site licence by Local Authorities
“	Part I Section 5	Power of Local Authority to attach conditions to a site licence
“	Part I Section 8	Power of Local Authority to alter conditions attached to site licence
Local Government and Housing Act 1989	Part VII Section 93	General Powers of Local Housing Authority (Renewal Areas) in consultation with the Cabinet Member for Highways and Neighbourhoods
		Power to appoint certain officers to exercise powers set out above
Housing Act 2004 Part 1	Chapter 1	Enforcement of Housing Standards generally
	Chapter 2	Improvement Notices, Prohibition Orders and Hazard Awareness Notices and their contents and Enforcement
	Chapter 3	Emergency Measures - including Emergency Remedial Work and Emergency Prohibition Orders
	Chapter 4	Demolition Orders and Slum Clearance Declarations
	Chapter 5	General and miscellaneous Provisions relating to Enforcement action
Housing Act 2004 Part 2		Licensing of Houses in Multiple Occupation
Housing Act 2004 Part 3		Selective Licensing of Other Residential Accommodation
Housing Act 2004 Part 4	Chapter 1	Interim and Final Management Orders

	Chapter 2	Interim and Final Empty Dwelling Management Orders
	Chapter 3	Overcrowding Notices - applies To Houses in Multiple Occupation
	Chapter 4	Supplementary provisions
Housing Act 2004 Part 6	Chapter 3	Mobile Homes - extension of protection from harassment for occupiers of mobile homes
	Chapter 5	Miscellaneous - overcrowding, Disabled facilities grants
Housing Act 2004 Part 7		Register and codes of practice with regard to management of Houses in Multiple Occupation, powers of entry, warrant to enter and authorisations for enforcement purposes and service of documents
Housing Act 2004		Power to enforce the provisions of the Housing Act 2004, the Home Information Pack Regulations 2007 and the Energy Performance of Buildings (Certificates and Inspections) Regulations 2007 in relation to Home Information Packs
		Power to appoint other officers to deal with the enforcement of the above.
Health Act 2006 S6(5)		Power to enforce offences relating to the display of no smoking signs
S7(4)		Power to enforce offences relating to smoking in smoke free places
S8(4)		Power to enforce offence of failing to prevent smoking in smoke free places

PROTOCOL FOR THE RECORDING OF OFFICER DECISIONS

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012 ('2012 Regulations') and the Openness of Local Government Bodies Regulations, 2014 ('2014 Regulations') a written record of officer decisions made in connection with the discharge of certain executive and non-executive functions must be published and made available for inspection by members of the public as soon as reasonably practicable after they are made, along with any background papers.

Executive decisions taken by officers

Regulation 13 (4) of the 2012 Regulations requires that as soon as reasonably practicable after an officer has made an executive decision, the officer must produce a written statement which must include:

- a record of the decision including the date it was made;
- a record of the reasons for the decision;
- details of any other options considered and rejected by the officer when making the decision;
- a record of any conflict of interest declared by any executive member who is consulted by the officer in relation to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service

Guidance issued by DCLG, August 2014 requires that decisions taken by officers following an express authorisation by the council's executive should be recorded but those types of decision that are purely operational or administrative in nature do not need to be recorded.

DCLG recommends that decisions to allocate social carers to particular individuals, to review housing benefit or to allocate market stalls to traders are examples of the type of decision that do not need recording under the 2012 Regulations. Whereas, decisions taken by officers to award contracts above specified values (the Council expects that decisions to award contracts to the value of £50k and above under the contract procedure rules to be recorded), to exercise compulsory purchase powers, to award discretionary rate relief or to change the opening hours of libraries are cited as the type of decision taken by an officer that should be recorded.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2012 Regulations.

Non-executive decisions taken by officers

Regulation 7 (3) of the 2014 Regulations requires an officer to produce as soon as reasonably practicable after a 'decision' has been taken a written record containing the following information:

- the date the decision was taken;
- a record of the decision taken along with reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where the decision falls under Regulation 7 (2) (a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to that decision.

Regulation 7 (2) provides that a 'decision' falls within these requirements, if it would otherwise have been taken by the relevant local government body or committee or sub-committee of that body but it has been delegated to an officer either:

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to –
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

Guidance issued by DCLG, August 2014 recommends that purely routine administrative decisions and those of a day to day operational nature do not need to be recorded or those decisions that require to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

DCLG cites decisions to award contracts above a specified value (the Council expects that decisions to award contracts to the value of £50k and above under the contract procedure rules to be recorded), decisions to carry out major road works and those determining licensing or building control applications as the type of decision taken by an officer that should be recorded.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2014 Regulations.

Background papers that have been relied upon under either category of decision must be made available for public inspection, subject to the usual rules relating to confidential or exempt information.