

**B. POLICY COMMITTEES**

**(I) OPERATIONAL SERVICES COMMITTEE**

**(II) FINANCE & ASSETS COMMITTEE**

**(I) OPERATIONAL SERVICES COMMITTEE****1.0 CONSTITUTION**

1.1 The Committee shall comprise of 11 members of Council who shall be appointed by full Council (from the full membership). Its quorum is 5.

**2.0 OBJECTIVES**

2.1 To formulate policy, monitor and oversee the Service Delivery Plans for the Council's operational services to achieve the Council's corporate objectives and priorities.

2.2 Oversight and approval of Corporate Performance matters (not otherwise the responsibility of the Council or any other Committee).

2.3 To promote and oversee the Council's commitment to exploring the commercial opportunities in the delivery of its operational services.

2.4 To undertake the Shareholder Committee role and functions for East Cambridgeshire Street Scene (ECSS), including the organisation of an annual all Member Seminar, that are not reserved to full Council in accordance with the Shareholder Agreement of those Trading Companies and the Memorandum of Understanding attached as an Appendix to these Terms of Reference.

**3.0 TERMS OF REFERENCE**

3.1 The Committee's terms of reference shall be:-

3.2 To approve and monitor performance against the Service Delivery Plans for the following service areas:-

- Building Control
- Communities & Partnerships
- Customer Services
- Environmental Services & Licensing
- Housing Services & Community Safety
- Leisure Services
- Planning (Development Control)
- PR & Communications
- Waste

3.3 To approve key policies and procedures as defined within the specific Service Delivery Plans (as defined in paragraph 3.2) and not reserved for full Council, including:

- environmental and enforcement policies and procedures
- Housing Services (Sub strategies to Housing Strategy including the homelessness Strategy and also operational allocation and lettings matters
- criteria for housing grant schemes and conservation area/historic buildings grants
- Waste Strategy and policies/procedures related to procurement and variations to contract including monitoring the implementation of DCLG 'Supporting Weekly Collections' grant

- Award grants for the following grant schemes i.e. Community Projects, Voluntary Organisations and Service Level Agreements in excess of £5000pa
- Responsibilities under the 2004 Children's Act
- Responsibilities under the Police and Justice Act 2006
- Assets of Community value

- 3.5 To consider proposals for closer partnership working for services as defined in paragraph 3.2.
- 3.6 To appoint 'Member Champions' as required.
- 3.7 Approval of matters detailed above must be within the agreed budget and virement rules for the services defined in paragraph 3.2.
- 3.8 To make nominations to any relevant outside bodies for Operational Services Committee from the wider membership of the Council for a period of up to 4 years.
- 3.9 To receive a case and make a decision on proposals for a Public Space Protection Orders (PSPO) made by Officers and the Constabulary.
- 3.10 To consider and accept or reject expressions of interest under the Community Right to Challenge.
- 3.11 To implement, monitor and review a District-wide Tourism Strategy.
- 3.12 To approve final parking orders.
- 3.13 To receive the minutes of the ARP Joint Committee and make any appropriate recommendations to Joint Committee or Council.

#### **4. Delegation to Operational Services Committee**

- 4.1 Subject to the provisions of the Council's Constitution, the Committee has delegated authority to act on behalf of the Council in relation to the above, unless
- reserved to Council; or
  - delegated to officers under these or the other Committee terms of reference.

#### **5. Delegation to Officers**

- 5.1 The Chief Executive or Corporate Management Team or appropriate Service Leads, are authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Committee provided:
- the Chairman or Vice-Chairman of the Committee is consulted prior to the delegated decisions being made;
  - spokespersons of minority groups are notified immediately of any action taken under this delegated power;
  - action taken is reported to the next Committee; and
  - it excludes any decision, which is by law expressly vested in the Council.

- 5.2 There shall be delegated to the Chief Executive or Corporate Management Team, the exercise of any power or function of the Council in routine matters related to the

implementation of agreed Strategies, Policies and programmes, falling within established policies and procedures and within existing budgets.

For the avoidance of doubt this delegation shall include the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved to Full Council.

- 5.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below (whether Policy approval, monitoring or operational matters have been delegated to a Sub-Committee or not) under the Listed Acts or any amendment, modification or re- enactment of those Acts, or Regulations/Orders made under those Acts:

<b>Building Act 1984</b> ss. 59, 60-64, 65, 76, 95	Responsible Service Director or Environmental Services Manager or, Building Control Manager
<b>Clean Air Act 1993</b>	Environmental Services Manager
<b>Clean Neighbourhoods and Environment Act 2005</b>	Responsible Service Director or Environmental Services Manager
<b>Contaminated Land (England) Regulations 2006</b> (as amended)	Responsible Service Director or Environmental Services Manager
<b>Control of Pollution Act 1974</b>	Responsible Service Director or Environmental Services Manager
<b>Control of Pollution Amendment Act 1989</b>	Responsible Service Director
<b>Criminal Justice and Public Order Act 1994</b>  Power to issue and enforce Community Protection Notice Signing of Criminal Behaviour Orders (CBOs) Signing-off of Community Remedy Agreements	Responsible Service Director or Director Commercial or Housing & Community Safety Manager  Communities & Partnerships Manager or Neighbourhood and Community Safety Officer
<b>Crime and Disorder Act 1998</b>	Responsible Service Director or Environmental Services Manager or Director Legal
<b>Deregulation Act 2015</b>	Responsible Service Director or Environmental Services Manager
<b>Dogs Act 1871</b>	Responsible Service Director or Environmental Services Manager or Director Legal
<b>Energy Act 2011 and 2013</b> and all associated regulations	Responsible Service Director or Environmental Services Manager
<b>Environment Act 1995</b>	Responsible Service Director or Environmental Services Manager
<b>Environmental Protection Act 1990 (as amended)</b> and all current Environmental Damage, Permitting and Protection Regulations in force	Responsible Service Director or Environmental Services Manager

<b>European Communities Act 1972</b>	Responsible Service Director or Environmental Services Manager
<b>Factories Act 1961</b>	Responsible Service Director or Environmental Services Manager
<b>Food Act 1984</b>	Responsible Service Director or Environmental Services Manager
<b>Food and Environmental Protection Act 1985</b>	Responsible Service Director or Environmental Services Manager
<b>Food Safety Act 1990</b>	Responsible Service Director or Environmental Services Manager
All current <b>Food Safety and Food Hygiene Regulations</b> in force	Responsible Service Director or Environmental Services Manager
<b>Health and Safety at Work etc Act 1974 and Health and Safety (Enforcing Authority) Regulations 1989</b>	Responsible Service Director or Environmental Services Manager
<b>Health Act 2006</b>	Responsible Service Director or Environmental Services Manager
<b>Service of Fixed Penalty Notices</b>	All qualified Environmental Health Officers and appropriately authorised Enforcement Officers
<b>Reports to Legal Services</b>	All qualified Environmental Health Officers and appropriately authorised Enforcement Officers
<b>Preparation of Reports</b>	All qualified Environmental Health Officers and appropriately authorised Enforcement Officers
<b>Decision to submit a report to Legal Services</b>	Environmental Services Manager
<b>Housing Act 1985 (as amended by Housing Act 1996) Part X</b> Service of notice and action to prevent overcrowding in houses	Responsible Service Director or Environmental Services Manager
<b>Housing Act 1985</b> (as amended by the Local Government and Housing Act 1989)  After consultation with the Head of Finance and Chief Executive to waive the repayment of repairs grants, in accordance with the criteria laid down by the Council.	Environmental Service Manager or Director Legal

Undertake preliminary action to obtain valuations, identify budget and/or find partnering organisation(s) for the purchase/or compulsory purchase orders [for empty properties] in accordance with Acquisition of Land Act 1981/Housing Act 1985 (as amended) legislative procedure.	Environmental Service Manager or Director Legal
<b>Housing Act 1988</b>	Responsible Service Director or Environmental Services Manager
<b>Local Government and Housing Act 1989</b> Power to grant and refuse grants	Environmental Service Manager or Director Finance
<b>Local Government and Housing Act 1989</b> Power of entry and penalty for obstruction Section 97	Environmental Service Manager or Director Legal
<b>Housing Grants, Construction and Regeneration Act 1996</b> Section 13, 18, 24, 76, 115, 131 Power to grant and refuse applications for grants and discretionary assistance.	Environmental Service Manager or Director Finance
<b>Housing Grants, Construction and Regeneration Act 1996</b> Section 82 Power of Entry.	Environmental Service Manager or Director Legal
<b>Housing Act 2004</b>	Responsible Service Director or Environmental Services Manager
<b>Housing and Planning Act 2016</b>	Responsible Service Director or Environmental Services Manager
<b>Land Drainage Act 1991</b>	Responsible Service Director or Environmental Services Manager
<b>Litter Act 1983</b>	Responsible Service Director or Environmental Services Manager
<b>Local Government (Miscellaneous Provisions) Act 1976</b> ss. 16, 20, 35, 50(4), 53(3), 56(3), 56(4), 58(2), 68	Responsible Service Director or Environmental Services Manager
<b>Local Government (Miscellaneous Provisions) Act 1972</b>	Responsible Service Director or Environmental Services Manager
<b>Mines and Quarries Act 1954</b>	Responsible Service Director or Environmental Services Manager
<b>National Assistance Act 1968 and National Assistance (Amendments) Act 1951</b>	Responsible Service Director or Environmental Services Manager
<b>Noise Act 1996</b>	Responsible Service Director or Environmental Services Manager
<b>Noise and Statutory Nuisance Act 1973 and 1993</b>	Responsible Service Director or Environmental Services Manager
<b>Noise Insulation Regulations 1973</b>	Responsible Service Director or Environmental Services Manager
<b>Office, Shops and Railway Premises Act 1963</b>	Responsible Service Director or Environmental Services Manager
<b>The Pollution, Prevention and Control Act 1999 [or The Environmental Permitting (England and Wales) Regulations 2007]</b>	Responsible Service Director or Environmental Services Manager

<b>Prevention of Damage by Pests Act 1949</b>	Responsible Service Director or Environmental Services Manager
<b>Protection from Eviction Act 1977</b>	Responsible Service Director or Environmental Services Manager
<b>Public Health Acts 1936 and 1961</b>	Responsible Service Director or Environmental Services Manager
<b>Rag, Flock and Other Filling Materials Act 1951</b>	Responsible Service Director or Environmental Services Manager
<b>Refuse Disposal (Amenity) Act 1978</b>	Responsible Service Director or Environmental Services Manager
<b>Sunday Trading Act 1994</b>	Responsible Service Director or Environmental Services Manager
<b>The Products of Animal Origin (Third Country Imports) (England) (Amendments) Regulations 2007</b>	Responsible Service Director or Environmental Services Manager
<b>Trade in Animals &amp; Related Products Regulations 2011</b>	Responsible Service Director or Environmental Services Manager
<b>Public Health (Control of Disease) Act 1984</b>	Responsible Service Director or Environmental Services Manager
<b>Public Health (Control of Disease) Act 1984 and The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020</b> To issue Prohibition Notices and Fixed Penalty Notices under the legislation	Responsible Service Director or Environmental Services Manager
<b>Vehicle (Crime) Act 2001<sup>1</sup></b> (or to the extent that it is relevant, from commencement the Scrap Metal Dealer's Act 2013 – see relevant delegation)	Responsible Service Director or Environmental Services Manager
<b>Waste Minimisation Act 1998</b>	Responsible Service Director or Environmental Services Manager
<b>Water Industry Act 1991</b>	Responsible Service Director or Environmental Services Manager
<b>Affordable Housing Grant</b> To act as the Councils Signatory to certified claims to Homes England	Responsible Service Director or Infrastructure and Strategy Manager
<b>Housing Act 1996 (as amended by Homelessness Act 2002) Part VII</b> The Council's powers and duties to house homeless people who satisfy criteria laid down in the Act and by the Council	Housing & Community Safety Manager
<b>Part VII</b> Review of Decisions to determine requests for reviews from applicants against decisions made under the homelessness provisions	Housing & Community Safety Manager

<sup>1</sup> Scrap Metal Dealer's Act 2013 replaces the system of registration for motor salvage, as from 1 October 2013, although transitional provisions apply – see SI 2013/1966. Amendment Monitoring Officer under Article 11.02 (a).



<p><b>Enterprise &amp; Regulatory Reform Act 2013 Redress Schemes for Lettings Agency Work &amp; Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014</b></p> <p>To ensure persons involved in letting agency work and/or property management work are members of a Government approved property redress scheme</p>	Environmental Services Manager
<p><b>Localism Act 2011</b> <u>Chapter 3 Assets of Community Value</u> Register of Assets of Community Value (to consider applications for nomination)</p> <p><u>Appeals</u></p> <p><u>Compensation</u></p> <p><u>First Tier Tribunal claims</u></p>	<p>Communities &amp; Partnerships Manager, Director Legal &amp; Planning Manager</p> <p>Chief Executive or Directors</p> <p>Director Finance</p> <p>Director Legal</p>
<p><b>Localism Act 2011 and The Community Right to Challenge (Expression of Interest and Excluded Services) (England) Regulations 2012/1313</b></p> <p>Expressions of interest sections 1-83 To consider on a preliminary basis whether the expression of interest meets the statutory requirements and rejection of those that do not meet those requirements.</p>	Chief Executive and Communities & Partnerships Manager
<p>To prepare asset registers in response to an expression of interest.</p>	Chief Executive or Service Lead
<p><b>Grants</b> Determination of all community grant requests under established grant schemes (No limits on grant amounts)</p>	Communities & Partnerships Manager
<p><b>Contract Issues</b> To compile a list/catalogue of consultants and tenderers as appropriate.</p>	Chief Executive or Director Legal
<p><b>Anti-Social Behaviour Crime and Policing Act 2014</b> Power to grant Injunctions Signing-off of Anti-Social Behaviour Injunctions</p>	Responsible Service Director or Housing & Community Safety Manager or Director Legal or Communities & Partnerships Manager or Neighbourhood and Community Safety Officer



<u>Power to issue Closure Notices</u> 48 hour Closure Notice 24/48 Closure Notice 24 hour Closure Notice	Chief Executive Responsible Service Director or Environmental Services Manager
Power to issue closure Order	Responsible Service Director or Environmental Services Manager
Power to issue and enforce Community Protection Notice	Environmental Services Manager or Housing & Community Safety Manager
<b>To maintain information security policies/procedures</b>	ICT Manager
<b>Street name and numbering</b>	ICT Manager
<b>Traffic Orders</b> To respond to County Council consultations on proposed traffic orders, in consultation with the local Member(s).	Responsible Service Director or Planning Manager
<b>Footpath Orders</b> To make Footpath Orders where no adverse comments are received from Members and other consultees.	Responsible Service Director or Planning Manager
<b>The Planning (Listed Buildings and Conservation  Areas) Act 1990</b> Section 57 To award grants of up to £4,000.	Responsible Service Director or Planning Manager
To approve grant applications where there is a clear urgency for an early decision, subject to consultation with the Chairman of the Committee.	Responsible Service Director or Planning Manager or Infrastructure & Strategy Manager
<b>Town and Country (General Permitted Development)  Order 1995</b> Service of Article 4 in emergency, restricting development subject to notification of any such action being made as soon as practicable to a meeting of the Committee.	Responsible Service Director or Planning Manager
<b>Car Parking</b> The maintenance and running of off-street car parks.	Director Commercial or Open Spaces & Facilities Manager
To institute legal proceedings contravention of off-street car parking orders.	Director Legal

## **(II) FINANCE AND ASSETS COMMITTEE**

### **1.0 CONSTITUTION**

1.1 This Committee shall comprise of 11 members of Council who shall be appointed by full Council. Its quorum is 5. Members of the Audit Committee are excluded from membership of the Finance & Assets Committee.

### **2.0 OBJECTIVES**

2.1 Oversight and approval of Financial, Governance, Corporate Strategy or Plans, Risk Management matters (not otherwise the responsibility of the Council or any other Committee).

2.2 To formulate policy, monitor and oversee the Service Delivery Plans for Corporate and support services to achieve the Council's corporate objectives and priorities.

2.3 Oversight and maximisation of Council's assets:

- to achieve the Council's objectives and corporate priorities;
- to deliver the Council's Medium Term Financial Strategy.

2.4 To promote and oversee the Council's commitment to exploring the commercial opportunities in the delivery of its services and the development and management of its assets.

2.5 To undertake the Shareholder Committee role and functions for East Cambridgeshire Trading Company (ECTC), including the organisation of an annual all Member Seminar, that are not reserved to full Council in accordance with the Shareholder Agreement of those Trading Companies and the Memorandum of Understanding attached as an Appendix to these Terms of Reference.

### **3.0 TERMS OF REFERENCE**

3.1 The Committee's terms of reference shall be:-

3.2 To approve and monitor performance against the Service Delivery Plans for the following service areas:-

- Democratic Services
- Economic Development
- Financial Services
- Human Resources (HR)
- Infrastructure & Strategic Housing
- Information Technology
- Legal Services
- Open Spaces & Facilities
- Reographics
- Strategic Planning

- 3.3 To act as the Council's Finance Committee and the discharge of these duties and responsibilities including:-
- approve the Medium Term Financial Strategy;
  - Budget and Annual Treasury Management and Investment Strategy (recommendation to Council);
  - To allocate expenditure of CIL Contributions in accordance with the Community Infrastructure Levy Governance Arrangements.
- 3.4 To undertake quarterly monitoring of revenue and capital expenditure against approved budgets.
- 3.5 To investigate financial/budgetary matters pertaining to the Council and make recommendations where appropriate.
- 3.6 To approve Corporate Policies on enforcement and surveillance and receive any relevant external reports.
- 3.7 In respect of Neighbourhood Planning, to receive a report and determine:
- A Neighbourhood Area, where the Neighbourhood Area proposed does not match the parish boundary and objections to the proposed boundary are received
  - if (other than minor non-consequential matters) the examiners recommendations are not accepted in full or if the Council is proposing further modifications (in addition to any modifications recommended by the examiner)
- 3.8 To consider and make recommendations to Council on:
- the Annual Treasury Management Strategy, and Annual Investment Strategy;
  - the Budget.
- 3.9 To approve key policies and procedures as defined within the specific Service Delivery Plans (as defined in paragraph 3.2) and not reserved for full Council, including:
- Councillor conduct including Members Code of Conduct and the establishment of a Sub Committee (if appropriate) to deal with complaints in accordance with procedures
  - Council's IT/IS Strategy
  - Planning Policy, including:
    - Statement of Community Involvement (SCI)
    - Supplementary Planning Documents
  - Matters relating to the implementing of Community Infrastructure Levy
  - Matters relating to the Council's Environment Plan, Climate Change, the natural environment
  - Freedom of Information Act/Environmental Information Regulations/Data Protection Act

- To approve Policy with respect to all aspects of Human Resources (including Equal Opportunities, pay and grading, Child protection and staff survey)
- Discretionary Rate Relief

3.10 To act as the Council's member body in relation to personnel matters including:

- representing the employers side of the Joint Consultative Committee (via two members) and receive the minutes and any recommendation of the JCC, including local Agreements;
- determination of requests for early retirement other than for health reasons;
- acting in accordance with the Council's Disciplinary and Grievance procedure, including the establishment of a 3 member Appeals Sub Committee.

3.11 To consider proposals for closer partnership working for services as defined in paragraph 3.2.

3.12 To approve the purchase, disposal and development of the Council's non-operational assets, including land and buildings, and, where appropriate, transfer them to the relevant Local Authority Trading Company (LATC).

3.13 To monitor the Council's Asset Development Programme.

3.14 To approve and monitor the Council's asset maintenance programme.

3.15 To consider the asset development implications of contracts and agreements with third party service providers (prior to their adoption).

3.16 To identify opportunities for maximising asset development through effective partnerships.

3.17 To appoint 'Member Champions' as required.

3.18 To make nominations to any relevant outside bodies for the Finance and Assets Committee from the wider membership of the Council for a period of up to 4 years.

#### **4.0 Delegation to Finance & Assets Committee**

4.1 Subject to the provisions of the Council's Constitution, the Committee has delegated authority to act on behalf of the Council in relation to the above, unless

- reserved to Council; or
- delegated to officers under these or the other Committee terms of reference.

#### **5.0 Delegation to Officers**

5.1 The Chief Executive or Director Commercial or appropriate Service Lead, are authorised to act in relation to any matter of immediate urgency which must be dealt with before the next meeting of the Committee provided:

- the Chairman or Vice-Chairman of the Committee is consulted prior to the delegated decisions being made;

- Spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- action taken is reported to the next Committee; and
- it excludes any decision, which is by law expressly vested in the Council.

5.2 There shall be delegated to the Chief Executive or Director Commercial the exercise of any power or function of the Council in routine matters related to the implementation of agreed Strategies, Policies and programmes, falling within established policies and procedures and within existing budgets.

For the avoidance of doubt this delegation shall include the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved to Full Council.

5.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below (whether Policy approval, monitoring or operational matters have been delegated to a Sub-Committee or not) under the Listed Acts or any amendment, modification or re-enactment of those Acts, or Regulations/Orders made under those Acts:

<b>Health and Safety at Work etc Act 1974</b> Provisions relating to the health and safety at work of Council employees.	Director Commercial or Open Spaces & Facilities Manager
<b>Local Government Act 1972</b> To make appointments below Chief Executive level.	Chief Executive (in consultation with the Human Resources Manager)
To approve payment of additional increments.	Chief Executive or Human Resources Manager
To approve overtime payments to officers graded above Scale 6.	Service Lead (in Consultation with Human Resources)
To permit staff taking approved correspondence courses or attending evening classes to study during working hours.	Human Resources Manager or Service Lead (in Consultation with Human Resources)
To authorise financial assistance to staff undertaking approved courses of study.	Chief Executive or Human Resources Manager
To administer pension matters on behalf of the Council.	Director Finance or Human Resources Manager
To determine alterations to grades.	Chief Executive or Human Resources Manager
To issue notification as to status under the appropriate pension regulations.	Director Finance or Human Resources Manager

Classification of posts as “essential” or “casual” users.	Chief Executive or Human Resources Manager
To maintain the register of staff interests and hospitality.	Director Legal
Determination of the Council’s establishment within existing budgets.	Chief Executive (Head of Paid Service)
<b>Planning Act 2008 &amp; Community Infrastructure Levy Regulations 2010</b> To accept a “land payment or”/ note in whole or part payment in kind in settlement of a CIL liability that is due or infrastructure in kind	Chief Executive, Director Community
<b>To consider a review under Regulation 113</b>	Director Community
<b>To spend Strategic CIL income in accordance with the appropriate allocations</b>	Chief Executive, Director Community
<b>Localism Act 2011</b> Assistance to Parish Councils to prepare neighbourhood plans and neighbourhood development orders	Director Community or Strategic Planning Manager
<b>Grants</b> Determination of all grant requests under established grant schemes up to £50,000	Director Community

<p><b>Affordable Housing Grant</b></p> <p>To act as the Council's Signatory to certified claims to Homes England</p>	Director Community
<p><b>Housing Social Grant</b></p> <p>To act as the Council's signatory to certify claims to Homes England for Local Authority Social Housing Grant</p>	Director Finance
<p><b>The Child Support, Pensions and Social Security Act 2000 and the Discretionary Financial Assistance Regulations 2001</b></p> <p>To hear and determine appeals from applicants for discretionary housing payments.</p>	Director Finance
<p><b>Council Tax Benefit (General) Regulations 1992</b></p> <p>To determine, award and refuse Council Tax Benefits.</p>	Director Finance as delegated to the Anglia Revenues and Benefits Partnership
<p><b>Housing Act 1985</b></p> <p>To approve and not refuse, applications for borrowers for housing allowances to vary the terms of repayment of loans by the Council.</p>	Director Finance or Director Legal
<p>To take appropriate action in cases of default by Council Mortgagors in their repayment, following consultation with the local councillor(s) concerned.</p>	Director Finance or Director Legal
<p>To consent to a mortgagor effecting a second mortgage.</p>	Director Finance or Director Legal
<p>Implementation of the higher of the National Standard Rate or Local Average Rate of mortgage interest (NB: House purchase loans advanced prior to October 1980) to review annually in March the interest rate being charged to mortgagors and adjust it to the Standard National Rate.</p>	Director Finance
<p><b>Local Government Finance Act 1988 – National Non-Domestic Rates (NNDR)</b></p> <p>To deal with refunds, part-occupation of hereditaments, mandatory and discretionary rate relief, rebates arrears, including bankruptcies, tenants and lodgers, valuation (including agreements and appeals to Valuation Courts), Court proceedings and distress proceedings</p>	Director Finance
<p>To write-off NNDR debt not exceeding £10,000</p>	<p>Head of ARP, Head of NNDR, Recovery and Enforcement</p> <p>Within ARP, Recovery Managers Revenues to write-off debts below £1,500 and Team Managers Revenues or Senior</p>



	Recovery Officer to write-off debts below £150
To deal with write-offs exceeding £10,000 but under £20,000, after consultation with the Chairman of the Committee, where recovery is unlikely / uneconomic.	Director Finance
Section 49 To determine applications for remission of non-domestic rates on hardship grounds.	Director Finance
To determine applications in respect of partly occupied properties.	Director Finance
<b>Local Government Finance Act 1992 (as amended) Council Tax</b>  To deal with/authorise issue of completion notices, discounts, recovery and enforcement exemptions, agreement of alternative and voluntary instalment arrangements, determination of joint and several liability, refunds, imposition of penalties, reductions for people with disabilities, second adult rebates, determination of sole or main residence, grant of transitional reductions, write-offs up to £1,000 where recovery is unlikely or uneconomic.	Director Finance
To take appropriate action on a Referendum on Council Tax in the event of a determination by the Secretary of State.	Director Finance and Returning Officer
To write-off Council Tax and Housing Benefit Overpayments debt not exceeding £5,000	Head of ARP, Head of NNDR, Recovery and Enforcement  Within ARP, Recovery Managers Revenues to write-off debts below £1,500 and Team Managers Revenues or Senior Recovery Officer to write-off debts below £150
To deal with write-offs exceeding £5,000 but under £10,000, after consultation with the Chairman of the Committee, where recovery is unlikely or uneconomic.	Director Finance
To determine matters where appeals may be made to the Council as billing authority.	Director Finance
To administer the Collection Fund.	Director Finance
To agree the settlement of precept payment dates with the Major and Local Precepting Authorities.	Director Finance
To remit, by way of write-off, any amounts becoming due through the revised policy to remove discretionary Council Tax discount for empty properties, in exceptional circumstances or on hardship grounds, after consultation with the Chairman of the Committee.	Director Finance

To determine the Council Tax Base for the whole and parts of the Council's area for the forthcoming financial year beginning 1 April, with the policy on discounts and premiums to be reviewed by the relevant Committee on at least a three yearly basis.	Director Finance
<b>Business Rates Retention Scheme</b> To deal with the National Non-Domestic Rates return (NNDR1) by 31 January immediately preceding the financial year to which it relates.	Director Finance
<b>Localism Act 2011</b> Chapter 7 Recruitment of Independent persons (with final approval reserved to Full Council).	Director Legal or Monitoring Officer
<b>Localism Act 2011</b> <b>District, Town or Parish Councillor complaints</b> To consider and accept/reject complaints relating to a District, Town or Parish Councillor (or co-opted Member) To refer complaint to Town or Parish for consideration and resolution.	Monitoring Officer or Deputy Monitoring Officer
To re-direct complaints that are unrelated to Member Conduct to the appropriate complaints system of the Council/or other authority (including, where relevant, the Police).	Monitoring Officer or Deputy Monitoring Officer
To see to informally resolve a complaint relating to a District, Town or Parish Councillor (or co-opted Member) with a meeting, mediation or training.	Monitoring Officer or Deputy Monitoring Officer
Investigation of complaints against a District, Town or Parish Councillor (or co-opted Member), or appoint internal or external officers or parties to undertake this on their behalf, in accordance with the approved complaints handling procedure having consulted the Independent Person before such a decision is made.	Monitoring Officer or Deputy Monitoring Officer
<b>Local Government Act 1972</b>  Section 111 To effect insurance for all services of the Council and to make arrangements for claims on insurance companies and agree settlements.	Director Finance
Section 151 To agree terms for the Council's banking arrangements.	Director Finance
Authority to sign cheques.	Director Finance
Section 172 Management of the Council's loan debt and investments.	Director Finance
Section 215 To accept onto the list closed churchyards.	Director Legal or Open Spaces & Facilities Manager

<p><b>Housing Benefits</b> To determine and adjudicate in all cases of applications under the Hosing Benefits Scheme, including fixing rent limitations for rent allowances.</p>	Director Finance
<p><b>Debts and Financial Claims</b> To institute legal proceedings on behalf of the Council for the recovery of all debts and defence of all claims.</p>	Director Legal
<p>To write off any individual debt which does not exceed £3,000, after consultation with the Director Legal, after ensuring that all action for recovery has been taken.</p>	Director Finance
<p>To make ex gratia payments to complainants under the Council's complaints scheme or the Ombudsman Scheme.</p>	Chief Executive or Director Finance
<p><b>To maintain Freedom of Information Act, Environmental Information Regulation and Data Protection Act Policies</b></p>	Director Legal
<p><b>Electoral Matters</b> To act as Returning Officer or Acting Returning Officer, or other role as appropriate.</p>	Chief Executive (or any officer so acting)
<p>To act as Deputy Returning Officer in respect of:</p> <ul style="list-style-type: none"> <li>- Nominations</li> <li>- Postal Votes</li> <li>- Verification &amp; Count</li> <li>- Accounts</li> </ul>	Director Commercial or Electoral Services Team Leader (or any officer appointed by Returning Officer as so acting)
<p>To act as Electoral Registration Officer.</p>	Chief Executive (or any officer so acting)
<p><b>Representation of the People Regulations 1986</b> Section 29 To instigate prosecution proceedings in respect of two-year non-responders as instructed by the Electoral Registration Officer.</p>	Director Legal or Chief Executive
<p><b>Local Government Act 2000</b> Section 92 To make payments where the authority is satisfied that there has been maladministration and that the person concerned has been adversely affected by such maladministration.</p>	Chief Executive
<p><b>Town and Country Planning Act 1990</b> <b>Localism Act 2011</b> <b>Neighbourhood Planning (General) Regulations 2012</b>  <b>Regulation 6 and 7 - Neighbourhood Area Designation:</b>  -Receive and validate application</p>	<p>Director Community, Strategic Planning Manager or Strategic Planning Officer</p> <p>Director Community Director Community Strategic Planning Manager or Strategic Planning Officer</p>

<ul style="list-style-type: none"> <li>-Advertise application for six weeks</li> <li>-Consider representations and</li> <li>-make a recommendation</li> </ul> <p>Determine applications that</p> <ul style="list-style-type: none"> <li>- match Parish boundary</li> <li>- without objection</li> </ul> <p>Publish decision</p>	
<p><b>Section 3, Schedule 4B of the Localism Act 2011.</b> Advice and assistance to the Parish Council</p>	<p>Director Community Strategic Planning Manager or Strategic Planning Officer</p>
<p><b>Regulation 14</b> – Initial Pre-submission six week consultation</p> <p>Supporting the parish council with their six week consultation on their draft Neighbourhood Plan</p> <p>Making any formal representations on the draft Neighbourhood Plan during that six week window</p>	<p>Director Community Strategic Planning Manager or Strategic Planning Officer</p>
<p><b>Regulation 16</b> - Submission of Neighbourhood Plan to the Council, and its publication for a further six week consultation</p> <ul style="list-style-type: none"> <li>-Validate the submission documents</li> <li>-Publication and arranging of six week consultation</li> <li>-Making ECDC representations on the Neighbourhood Plan</li> <li>-Collating and summarising the responses received and send to examiner</li> </ul>	<p>Director Community Strategic Planning Manager or Strategic Planning Officer</p>
<p><b>Regulation 17 to 19</b> - examination</p> <p>Appointing an Inspector Arranging examination/hearing Appearing at hearing</p> <p>Consider the examiner’s report if the examiner’s recommendations are accepted in full;</p> <p>Deciding whether the neighbourhood plan should proceed to a referendum, having taken account of the examiner’s recommendations Publicising the examiner’s report and the decision</p>	<p>Director Community Strategic Planning Manager or Strategic Planning Officer</p> <p>Director Community</p> <p>Director Community Strategic Planning Manager or Strategic Planning Officer</p>
<p><b>Neighbourhood Planning (Referendum) Regulations 2012</b> – referendum</p> <p>Arranging, advertising and all other aspects of managing the referendum process</p> <p>Publicise the results of the referendum</p>	<p>Democratic Services Manager</p>

<p><b>Regulation 20</b> – adopting a neighbourhood plan</p> <p>Publicise decision</p>	Democratic Services Manager
<p><b>Landlord and Tenant Act 1954</b></p> <p>Service of all notices in connection with renewal of tenancies under the Act.</p>	Director Legal or Director Finance
<p><b>Land Compensation Act 1973</b></p> <p>Sections 29, 33 and 37</p> <p>To approve applications for disturbance payments and removal expenses, and to approve applications for home loss payments.</p>	Chief Executive or Director Finance
<p><b>Local Government Act 1972</b></p> <p>Section 111</p> <p>To arrange negotiations for the acquisition of land which it is anticipated will be required to meet the Council's Forward Capital Programme.</p>	Director Finance & Director Legal
<p><b>Local Government (Miscellaneous Provisions) Act 1976</b></p> <p>Section 16</p> <p>The service of requisitions for information as to the ownership of property.</p>	Director Legal or Environmental Services Manager or Planning Manager or Responsible Service Director
<p><b>Town and Country Planning Act 1990</b></p> <p><b>Town and Country Planning (General) Regulations 1976</b></p> <p>The making of applications for deemed consent for authorised development to be carried out by the Council or in respect of land, which the Council may wish to dispose of with the benefit of planning permission.</p>	Chief Executive or Director Community
<p><b>Property Issues</b></p> <p>To approve or refuse requests to dispose of, or lease land identified as suitable for disposal subject to valuation by the District Valuer or any other independent valuer and arrange easements in accordance with the Council's policy and regulation review of landholdings (Safeguard: local members to be consulted).</p>	Chief Executive or Director Legal
<p>To act in the purchase of suitable properties subject to prices being within an appropriate independent valuation, and after consultation with the Chairman of this Committee.</p>	Director Finance or Director Legal
<p>To sign wayleave agreements affecting property held by the Council.</p>	Director Legal or Director Finance
<p>To effect the discharge of land charges and releases of covenants in conveyancing of property by the Council or its predecessors (at an independent valuation where appropriate).</p>	Director Legal or Director Finance

To enter into licences and arrange for rents and licence acknowledgement for small parcels of land to be reviewed.	Director Legal or Chief Executive
To take all necessary steps to enter into options on land or property, in consultation with the Chairman or Vice-Chairman of Committee, prior to formal approval by Committee.	Director Legal or Chief Executive
<b>Unauthorised Vehicular Accesses</b> To deal with vehicular accesses throughout the District by way of Licence or a Deed of Grant of Easement, or, if this is not possible, by the siting of bollards to prevent vehicular access.	Director Legal or Director Finance
<b>Proceedings against Trespass on Council Land</b> To commence court proceedings in any case of trespass on Council-owned property.	Director Legal
<b>Proceedings against tenants and licensees</b> To commence court proceedings against tenants or licencees of the property for non-compliance with conditions of tenancy.	Director Legal
<b>The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023</b> To undertake duties required under the regulations as a Supporting Authority	Director Community, Strategic Planning Manager

**MEMORANDUM OF UNDERSTANDING****THE SHAREHOLDER INTEREST**

The Shareholder Committee recognises its duty to full Council, as the representative of the sole shareholder, to monitor the performance, resilience and risks of the Council's Trading Companies and make recommendations, where appropriate.

The Shareholder Committee, acting as a "critical friend", wants to work in partnership with the Council's trading companies on a proactive basis to ensure their success, specifically:

- Focus and provide effective feedback on the key strategic risks affecting the effectiveness and efficiency of the Council's trading companies;
- Promote an understanding of the Council's trading companies to the membership of the Council and the wider community;
- Learn the lessons from completed projects and make appropriate recommendations.

The Shareholder Committee recognises that:

- The efficient and effective working of the Council's trading companies are essential to the achievement of the Council's corporate objectives;
- The trading companies are central to the achievement of the Council's medium term financial strategy and its long term financial sustainability and self-sufficiency;
- The operational independence and integrity of the Council's trading companies are essential to their effective working and profitability.



## **FINANCE & ASSETS (ETHICAL GOVERNANCE) SUB-COMMITTEE**

### **1. Constitution**

- 1.1 The Sub-Committee comprises of 7 Members of the Council, who shall be appointed annually from the full Membership of the Council, and up to 2 Co-opted non-voting Town or Parish Councillors.
- 1.2 The Sub-Committee quorum is 3 Members, and the appointed Independent Person for a Members Code of Conduct complaint also may be in attendance. Where the Sub-Committee considers a complaint against a Town or Parish Councillor, one of the Town or Parish Co-Optees will be in attendance.

### **2. Objectives**

- 2.1 To support the Finance & Assets Committee in its duty to promote and maintain high standards of ethical governance and Councillor conduct.

### **3. Terms of Reference**

- 3.1 To make recommendations to full Council on the adoption or revision of the Members Code of Conduct.
- 3.2 To monitor the operation of the Members Code of Conduct.
- 3.3 To receive monitoring reports on ethical Standards matters, e.g. summary reports on Declarations of Interests, Gifts and Hospitality, Dispensations.
- 3.4 To consider investigation reports resulting from allegations of possible breaches of the Members Code of Conduct and determine those cases referred by the Council's Monitoring Officer.
- 3.5 When considering investigation reports resulting from allegations of possible breaches of the Members Code of Conduct, the Sub-Committee:
  - 3.5.1 Will hold the meeting in private session under the Local Government Act 1972 to hold in exempt session, unless representations have been received from the complainant and/or the Councillor subject to the complaint, by the Monitoring Officer/Deputy Monitoring Officer not to do so.
  - 3.5.2 Will ensure that this is conducted having regard to the procedure and any government guidance, or guidance issued by the Monitoring Officer, Deputy Monitoring Officer, or legal advisor.
  - 3.5.3 Will take into account the views of the Independent Person *before* making its final determination on the matter.
  - 3.5.4 **[in cases where the complaint relates to a Town or Parish Councillor]** Will seek and take into account the views of the Town or Parish Co-optee at the Panel Hearing *before* making its final determination on the matter.
  - 3.5.5 Will determine whether the Councillor subject to the complaint has breached their Authority's Code of Conduct and provide reasons for any decision.
- 3.6 If the Sub-Committee concludes that the Councillor subject to the complaint has breached their Authority's Code of Conduct, it may impose the following sanctions:

- 3.6.1 No action.
  - 3.6.2 That the Councillor apologises.
  - 3.6.3 That the Councillor be trained.
  - 3.6.4 That the Councillor seeks to restore relationships with other parties (e.g. through mediation).
  - 3.6.5 That the Councillor be censured.
  - 3.6.6 That a recommendation is made to the District Council's full Council to censure the District Councillor.
  - 3.6.7 **[in the case where the complaint relates to a Town or Parish Councillor]** recommend to the Town or Parish Council that the Town or Parish Council censures the Councillor at a Town or Parish meeting.
  - 3.6.8 That a Press Notice be issued.
  - 3.6.9 Any other form of sanction which does not prevent the Councillor from undertaking their duty to attend Council meetings, or infringe their Human Rights
- 3.7 To consider any further report from the Monitoring Officer regarding the failure of a Councillor to comply with any sanction(s) imposed upon them for breach of the Members Code of Conduct or imposed upon them as a result of informal resolution by the Monitoring Officer in consultation with the Independent Person.
- 3.8 Generally to assist with good ethical governance, if requested by Finance & Assets Committee.

#### **4. Delegation to Officers**

- 4.1 The Monitoring Officer is authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Sub-Committee provided the Chairman or Vice-Chairman of the Sub-Committee is consulted prior to delegated decisions being made.
- 4.2 There shall be delegated to the Monitoring Officer, the exercise of any power or function of the Council in routine matters related to the implementation District, Town and Parish Councillor complaint procedures.

This delegation shall not be taken to include any matter reserved by law to the Finance & Assets Committee or the Full Council.

- 4.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council set out below:

<b>In respect of Sub-Committees to consider investigation reports resulting from allegations of possible breaches of the Members Code of Conduct:</b>	
To make arrangements for convening a Sub-Committee including, where relevant, Town or Parish Co-optee's attendance	Democratic Services Manager or Democratic Services Officer
To make arrangements for the Sub-Committee to be held in exempt session, unless representations are received and there is a legal basis for the exempt session under the Local Government Act 1972	Monitoring Officer or Deputy Monitoring Officer or Democratic Services Manager
To undertake any preparation for the Sub-Committee and any actions required following the Sub-Committee	Monitoring Officer or Deputy Monitoring Officer
To undertake any post Sub-Committee training and/or mediation, or instruct/engage others (internally or externally) to do so	Monitoring Officer or Deputy Monitoring Officer

**FINANCE & ASSETS (ETHICAL GOVERNANCE) SUB-COMMITTEE**  
**SUB-COMMITTEE PROCEDURE: MEMBERS CODE OF CONDUCT COMPLAINTS**

1. The Monitoring Officer shall produce a summary report, which includes the investigation report and provides the view of the Independent Person on the complaint and the evidence considered by the Independent Person.
2. The Monitoring Officer shall circulate their report to the complainant, and the subject of the complaint, and provide them at least 5 clear days in which to provide any additional “submission” to the Finance & Assets (Ethical Governance) Sub-Committee, and to identify any matters that they believe to be factually inaccurate within the report. They shall not have the right to modify the finding of the investigation report or the view of the Independent Person.
3. The Monitoring Officer shall provide the report, and any additional information provided by the subject and complainant, to the meeting of the Sub-Committee convened in order to consider the matter, in accordance with normal Access to Information rules.
4. It would usually be expected that such reports would be treated as confidential, and not available to the press and public, in advance of the Sub-Committee meeting.
5. The Sub-Committee will meet at the date, time and venue stated. They will consider whether the press and public should be excluded from the meeting.
6. The first item of business for the Sub-Committee will be the appointment of a Chairman.
7. The Monitoring Officer will summarise the report for the Sub-Committee and allow the Investigating Officer to speak on their investigation report, if they are present and wish to. The Sub-Committee Members can ask questions of the Monitoring Officer and Investigating Officer.
8. If present, the Complainant and Subject Member can speak on the report and the Sub Committee Members can ask them questions of clarification.
9. The Chair then shall invite discussion and views from Sub-Committee Members on the report.
10. The Chair shall be responsible for drawing together the debate and seeking a proposer and seconder to any findings or recommendations from the Sub-Committee.
11. The Sub-Committee should seek to draw a clear conclusion on whether or not the Code of Conduct has been breached giving grounds for their conclusion(s), and, if a breach is identified, any sanctions that are recommended.

Sanctions that the Sub-Committee may recommend:

- 1 No action.
- 2 That the Councillor apologises.

- 3 That the Councillor be trained.
- 4 That the Councillor seeks to restore relationships with other parties (e.g. through mediation).
- 5 That the Councillor be censured.
- 6 That a recommendation is made to the District Council's full Council to censure the District Councillor.
- 7 **[in the case where the complaint relates to a Town or Parish Councillor]** recommend to the Town or Parish Council that the Town or Parish Council censures the Councillor at a Town or Parish meeting.
- 8 That a Press Notice be issued.
- 9 Any other form of sanction which does not prevent the Councillor from undertaking their duty to attend Council meetings, or infringe their Human Rights.