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Date: 10 May 2024
Quorum 18

TO: THE CHAIR AND COUNCILLORS OF THE TORRIDGE DISTRICT COUNCIL

ANNUAL MEETING OF THE COUNCIL

**CADDSDOWN BUSINESS SUPPORT CENTRE - CADDSDOWN
BIDEFORD EX39 3BE**

Monday 20 May 2024 at 6.30 pm

NOTICE OF MEETING

You are hereby summoned to the Meeting of the District Council at the
aforementioned date and time

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a long horizontal line.

Chief Executive

A G E N D A

1.	APOLOGIES To receive apologies for absence from the meeting
2.	ELECTION OF CHAIR OF THE COUNCIL
3.	ELECTION OF VICE CHAIR OF THE COUNCIL
4.	PUBLIC CONTRIBUTIONS 15 minute period for public contributions. (The deadline for registering to speak is by 2pm Thursday 16 May 2024. To register please email dem.services@torridge.gov.uk).

5.	TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR
6.	ELECTION OF THE LEADER OF THE COUNCIL
7.	ELECTION OF DEPUTY LEADER OF THE COUNCIL
8.	SIZE OF COMMITTEES AND TERMS OF REFERENCE (PAGES 4 - 26) To receive the report of the Head of Legal & Governance (Monitoring Officer)
9.	ALLOCATION OF SEATS TO POLITICAL GROUPS (PAGES 27 - 28) To receive the report of the Head of Legal & Governance (Monitoring Officer)
10.	MEMBERSHIP OF COMMITTEES (PAGES 29 - 32) To receive the report of the Head of Legal & Governance (Monitoring Officer)
11.	ELECTION OF CHAIRS AND VICE CHAIRS Community and Resources Committee Audit and Governance Committee Plans Committee Licensing Committee Internal Overview and Scrutiny Committee External Overview and Scrutiny Committee Standards Committee
12.	SCHEME OF DELEGATION (PAGES 33 - 62) To receive the report of the Head of Legal & Governance (Monitoring Officer)
13.	SUBSTITUTION SCHEME (PAGES 63 - 65) To receive the report of the Head of Legal & Governance (Monitoring Officer)
14.	MEMBERSHIP OF OUTSIDE BODIES (PAGES 66 - 69) To receive the report of the Head of Legal & Governance (Monitoring Officer)
15.	LEAD MEMBERS (PAGES 70 - 73) To receive the report of the Chief Executive.
16.	APPOINTMENT OF MEMBERS TO ACTIVE TORRIDGE BOARD (PAGES 74 - 76) To receive the report of the Chief Executive

17.	APPOINTMENT OF MEMBERS TO WORKING GROUPS (PAGES 77 - 87) To receive the report of the Chief Executive.
18.	TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9
19.	PETITIONS To receive Petitions (if any)
20.	NOTICES OF MOTION
(a)	<p>WRITTEN NOTICE OF MOTION FROM COUNCILLOR H THOMAS</p> <p>This council believes its members are elected to represent and serve all residents of Torridge.</p> <p>Councillors should, therefore, take a lead role in any decision that may affect the livelihood and welfare of Torridge residents and take ownership of these decisions rather than simply following a single path laid down by officers.</p> <p>Based on this principle, full council should be given a report containing a minimum of three options for the future location(s) of Operational Services. This report should include details of the estimated costs, advantages and disadvantages of each option.</p> <p>Discussion of which option to choose should be held in public session at full council, with a choice of recommendations based on these options. A recorded vote should be taken on any motion.</p> <p>This principle should also be applied to all future projects developed by TDC that involve £2 million or more of council funds and/or involve building on council-owned land, the sale of council assets or major alterations to any council property.</p>
21.	<p>EXCLUSION OF PUBLIC</p> <p>The Chair to move:</p> <p>“That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972”</p>
22.	<p>PART II - (CLOSED SESSION)</p> <p>Items which may be taken in the absence of the public and press on the grounds that exempt information may be disclosed.</p>
	Meeting Organiser: Democratic Services Tel. 01237 428703

Agenda Item 8

REPORT OF Head of Legal & Governance (Monitoring Officer)

To: Annual General Meeting

Subject: Size of Committees and Terms of Reference

Date: 20 May 2024

Reference:

PURPOSE OF REPORT:

To confirm the size of Committees and their Terms of Reference

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the size of Committees and their Terms of Reference as set out In Part 3 of the Constitution each year at the Annual General Meeting

2. REPORT

The Committees current size are set out in the following table:

Committee	Number of Seats
Community & Resources Committee	12
Audit & Governance Committee	6 (plus 1 non-elected)
Overview & Scrutiny (Internal)	9 (plus up to 3 non-elected)
Overview & Scrutiny (External)	9 (plus up to 3 non-elected)
Plans Committee	9
Joint Crematorium Committee	5
Proportional Representation not required:	
Licensing Committee	10
Standards Committee	7 (plus up to 2 parish reps, 3 independent persons)
Harbour Board & Port Security	6 (plus up to 3 non-elected)
Joint Planning Policy Committee	7
Property & Major Project Working Group	4
Climate Change Working Group	4



The Committees existing Terms of Reference as set out in Part 3 of the Constitution is attached in Appendix 1.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that this is agreed each year

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

n/a

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the size of Committees and their Terms of Reference as set out In Part 3 of the Constitution each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the size of Committees as stated in this report and their Terms of Reference as set out in Appendix 1.



COMMUNITY & RESOURCES COMMITTEE

Terms of Reference and Function

The Council's Community and Resources Committee shall take decisions relating to:-

1. The formulation (but not the adoption or approval) of:-
 - a) the Policy Framework;
 - b) the budget; and
 - c) the Council's objectives and priorities.
2. The control and management of resources including land, finance and staff to further the Council's objectives.
3. Ensuring compliance with the Council's budget including the Revenue and Capital budgets and the management of the Council's assets.
4. Overall responsibility for the performance framework of the Council.
5. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Chief Executive to approve under Part 3 Chapter 2.
6. The setting of fees and charges in relation to any of the Council's functions with the exception of any such fees and charges that must be determined by full Council.

Responsibility

The Council's Community and Resources Committee shall be responsible for managing and/or making decisions relating to any function, duty or power of the Council which is not delegated to an Officer, Member or Committee, or reserved for decision by Full Council under this Constitution or by law.

Composition

1. The number of seats shall be Twelve (12) councillors.
2. The quorum shall be Seven (7).

OVERVIEW & SCRUTINY COMMITTEES

Statement of Purpose

The Council's Overview & Scrutiny Committees have been appointed to discharge the functions conferred by Section 21 and 21A of the Local Government Act 2000, the Police & Justice Act 2006 and the Crime and Disorder Act 1998 in relation to the work of Full Council, Council's established Committees and other external bodies.

The Council has appointed two Overview & Scrutiny Committees: an Internal Overview & Scrutiny Committee and an External Overview & Scrutiny Committee. As a guide:-

Internal Overview & Scrutiny Committee

The Internal Overview & Scrutiny Committee will exercise its functions in respect of the Council's policies, decisions, performance framework and actions with an "*inward facing*" emphasis.

External Overview & Scrutiny Committee

The External Overview & Scrutiny Committee will exercise its functions in respect of the performance of partners and external Public Sector bodies and Council services with an "*outward facing*" emphasis on the area of Torridge and its inhabitants.

The Council's Overview & Scrutiny Committees will conduct their functions in accordance with the following principles:-

- a) provide a "*critical friend*" challenge to decision makers and external bodies and agencies;
- b) reflect the voice and concerns of the public and the community;
- c) take the lead and own the scrutiny process on behalf of the public; and
- d) endeavour to make an impact to improve the delivery of public service

Terms of Reference, Function and Responsibilities – Applicable to Both Overview & Scrutiny Committees

The following Terms of Reference, functions and responsibilities shall apply equally to both The Internal and External Overview and Scrutiny Committees. Either of the Council's Overview & Scrutiny Committees shall:-

- a) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Council and/or any committees of the Council in accordance with the Overview and Scrutiny Procedure Rules and to recommend that either the decision be reconsidered or that the decision be exercised/implemented by the Council;
- b) hear any matter brought to it as a Community Call for Action under powers adopted under section 21A Local Government Act 2000 and make any necessary reports and/or recommendations on the same;
- c) make reports and/or recommendations to Full Council and/or any Committees in connection with the discharge of any of their functions;
- d) assist the Council and its Community & Resources Committee in the development of its Budget and Policy framework by in-depth analysis of policy issues;
- e) question Members of the Council's Committees and in particular, as appropriate, the Chairperson, Vice Chairperson and Chief Officer regarding their views on issues and proposals affecting the District;
- f) make recommendations to the Council's Committees and/or Full Council arising from the outcome of the scrutiny process;
- g) question and gather evidence from any person (with their consent); and
- h) call officers to account under the relevant Petition Scheme from time to time in force and contained at Part 7, Chapter 1 of the Constitution.

Finance

The Overview & Scrutiny Committees may exercise overall responsibility for any budgets made available to them.

Annual Report

Each Overview & Scrutiny Committee will report annually to Full Council on its workings, and make recommendations for future work programmes and amended working methods as necessary.

Officers

The Overview & Scrutiny Committees may exercise overall responsibility for the work programme of the Officers employed to support their work

Internal Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following Terms of Reference, functions and responsibilities shall apply to the Council's Internal Overview & Scrutiny Committee only. The Council's Internal Overview & Scrutiny Committee shall:-

- a) review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions including decisions taken by the Community & Resources Committee or by an Officer;
- b) review matters previously decided by the Community and Resources Committee of the Council and matters referred to it by Full Council under the Referral Procedure set out in Part 4 Chapter 4 of this Constitution;
- c) exercise any of its functions in respect of decisions relating to the overall resource of the Council, both land and finance;
- d) monitor the overall budget of the Council and ensure compliance with that budget (both revenue and capital) and the Council's assets, including arrangements for audit and review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- e) monitor compliance with the Council's overall policy framework;
- f) monitor the efficient administration of the Council's trading responsibilities;
- g) question members of the Community & Resources Committee and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project
- h) consider Ombudsman reports as relevant to the Community & Resources Committee.

External Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following terms of reference, functions and responsibilities shall apply to the Council's External Overview and Scrutiny Committee only. The Council's External Overview & Scrutiny Committee shall:-

- a) consider any matter affecting the area or its inhabitants;
- b) conduct research and reviews in relation to matters which are not the responsibility of the Council but which affect the Council's area or its inhabitants and submit reports and/or recommendations to the Council, its Committees or other relevant organisations;
- c) conduct research of the community and other consultation in the analysis of policy issues and possible options;

- d) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f) review and scrutinise the performance of other public bodies and bodies with whom the Council works in the area and invite reports from them by requesting them to address the External Overview & Scrutiny Committee and local people about their activities and performance;
- g) act as Crime & Disorder Scrutiny Committee under section 19 of the Police & Justice Act 2006, ie, to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions

Composition of both Internal and External Overview & Scrutiny Committees

1. The Council's Overview & Scrutiny Committees shall be made up of up to twelve (12) Members.
2. Membership of the Council's Overview & Scrutiny Committee shall be made up as follows:-
 - a) Nine (9) District Councillors; and
 - b) Up to three (3) Non-Elected Representatives.
3. The quorum shall be six (6).
4. Non-Elected Representatives are entitled to vote at Committee meetings in accordance with the Council's adopted Voting Scheme.

AUDIT & GOVERNANCE COMMITTEE

Statement of Purpose

The purpose of The Audit & Governance Committee is to provide assurance of the adequacy of the risk management framework and the associated control environment, scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Terms of Reference, Function and Responsibilities

The Council's Audit & Governance Committee shall be responsible for:-

1. Audit Activity

- a) To consider the Finance Manager and S151 Officer's Annual Report and opinion, and receive a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
- b) To consider summaries of specific internal audit reports as requested;
- c) To consider reports dealing with the management and performance of the providers of internal audit services;
- d) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- e) To consider the external auditor's annual letter, other relevant reports, and the report to those charged with governance;
- f) To consider specific reports as agreed with the external auditor;
- g) To comment on the scope and depth of external audit work and to ensure it gives value for money;
- h) To liaise with Public Sector Audit Appointments Limited over the appointment of the council's external auditor;
- i) To commission work from internal and external audit.

2. Regulatory Framework

- a) To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Procedure Rules and Codes of Conduct and Behaviour;
- b) To review any issue referred to it by the Chief Executive or the Head of Legal and Governance and Monitoring Officer, or any Council body;
- c) To monitor the effective development and operation of risk management and corporate governance in the council;
- d) To monitor council policies on "*Raising Concerns at Work*", the Anti-Fraud and Anti-Corruption Strategy and the Council's complaints process;
- e) To approve and adopt the Council's Annual Governance Statement or Statement on Internal Control;
- f) consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
- g) To consider the Council's compliance with its own and other published standards and controls.

3. **Accounts**

- a) To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- b) To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

Composition & Administration

Composition

1. The Council's Audit & Governance Committee shall be made up of seven (7) Members.
2. Membership of the Council's Audit & Governance Committee shall be made up as follows:-
 - a) Six (6) District Councillors; and
 - b) One (1) Independent/Non-Elected Representative.
3. The quorum shall be Four (4)

Administration

The Council's Audit & Governance Committee and its members shall:-

- a) Be independent of the Council's scrutiny function and Overview and Scrutiny Committees;
- b) Have clear reporting lines and rights of access to other committees/functions, for example Scrutiny and Service Committees, corporate risk management and other strategic groups.
- c) Meet regularly, and have a clear policy on those items to be considered in private and those to be considered in public;
- c) Meet privately and separately with the External Auditor and Finance manager and S151 Officer;
- d) Include as regular attendees, The Finance Manager and S151 Officer, and appointed external auditor. Other attendees may include The Head of Legal and Governance & Monitoring Officer and Chief Executive. These Officers should also have access to the committee, or chair, as required;
- e) Have the right to call any other Officers or agencies as required;
- g) Be properly trained to fulfil their role.

PLANS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Plans Committee shall:-

1. Be responsible for making decisions in respect of the Council's regulatory responsibilities in connection with the Council's Planning function to include decisions on:-
 - a) development control;
 - b) enforcement obligations; and
 - c) the Council's tree preservation system.
2. Provide assistance to constituents where appropriate, by advising them to seek pre-application advice and/or guidance from the Council's Development Control and Policy Sections.
3. Discuss and clarify with Officers what is "*good*" development for the District.
4. Where applications are in the District's interests but against the Local Plan, the Plans Committee shall discuss these applications as "*test cases*" and have informed discussion at the Plans Committee meetings.

Decision Making by and Public Participation at Plans Committee

1. All decisions of the Plans Committee will be made having due regard to the Local Development Framework and supporting policies which together form the Council's Local Plan unless there are any overriding considerations.
2. Members of the public will be allowed to speak at a Plans Committee Meeting for a maximum time of three minutes per person and subject to the approved Guide to Public Participation and Code of Conduct which can be found at Part 5 of the Constitution.
3. The final determination of every application by the Plans Committee shall be subject to a recorded vote whereby the names for and against the Motion or abstaining from voting will be recorded and entered into the minutes

Composition of the Plans Committee

1. The Council's Plans Committee shall be made up of up to nine (9) qualified Members.
2. The quorum shall be six (6).

LICENSING COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Licensing Committee shall:-

1. Carry out the functions of the Council as Licensing Authority so far as required or permitted by the Licensing Act 2003 in accordance with sections 6, 7, 9 and 10 of that Act and Regulations thereunder.
2. Carry out the functions of the Council as Licensing Authority under the Gambling Act 2005.
3. Be responsible for the following licensing and associated issues (excluding the fixing of fees and charges and other financial issues which fall to the Council's Community and Resources Committee):-
 - a) Hackney Carriage and Private Hire Vehicles, Drivers and Operators
 - b) Boats and Boatmen;
 - c) Street Collections;
 - d) House to House Collections;
 - e) Animal Welfare;
 - f) Sex Establishments;
 - g) Scrap Metal Dealers & Motor Salvage Operators and;
 - h) such other licensing and associated issues that are not dealt with by any other Committee.

Composition

1. The Council's Licensing Committee shall be made up of up to ten (10) qualified Members.
2. The quorum shall be Six (6).
3. The functions of the Council's Licensing Committee may be discharged by up to three (3) Members sitting on a sub-committee subject to approval at Annual Council.
4. Membership of the Council's Licensing Committee shall be cross-party and non-political.

STANDARDS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Standards Committee shall:-

1. Promote and maintain high standards of conduct by the Members and Co-Opted Members of the Council;
2. Assist Members and co-opted Members of the Council to observe the Members' Code of Conduct;
3. Advise full Council on the adoption or revision of the Members' Code of Conduct;
4. Monitor the operation of the Members' Code of Conduct;
5. Advise, train or arrange training for members and co-opted Members on matters relating to the Members' Code of Conduct;
6. Grant dispensations to District Council Members and Co-Opted Members from requirements relating to interests set out in the Members' Code of Conduct;
7. Deal with any reports relating to complaints from The Head of Legal and Governance & Monitoring Officer;
8. Provide the same functions (other than the grant of dispensations) in relation to Parish Councils and Members of the Parish Councils as in relation to Torridge District Council and Members of Torridge District Council;

Powers to Impose Sanctions

1. The Standards Committee shall have the following powers when dealing with and deciding upon a complaint:-
 - a) To issue a censure to a Member;
 - b) To request that a Member issue a written apology;
 - c) To recommend that a Member undergo appropriate training;
 - d) To recommend to the relevant Group Leader and to Full Council and/or a Parish/Town Council that other action be taken against a Member;
 - e) Publication of the findings of the Standards Committee including media statements or press releases, publication on the Council's website and inclusion of details in the Members Bulletin;
 - f) Report the findings of the Standards Committee to Full Council;
 - g) Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend directly to Full Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - h) Recommend to Full Council that the Member be removed from their role as Lead Member if applicable;
 - i) Recommend to Full Council that the Member be removed from all outside bodies to which they have been appointed or nominated by Full Council;

- j) Recommend to Full Council the withdrawal of certain facilities provided to the Councillor by the Council as may be reasonable in the circumstances;
- k) Recommend to Full Council that the Councillor be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, committee and sub-committee meetings or put in place such restrictions on access to staff as may be reasonable in the circumstances;
- l) Recommend to Full Council the suspension, withdrawal or reduction of a Councillor's Voluntary Grant Budget for a period of time following the finding of breach.

Composition

1. The Council's Standards Committee shall be made up of up to nine (9) members.
2. Membership of the Council's Standards Committee shall be made up as follows:-
 - a) Seven (7) District Councillors; and
 - b) Two (2) Town/Parish Representatives:
3. The quorum shall be Five (5)
4. The Council shall appoint up to three (3) Independent Persons to assist the Standards Committee, The Head of Legal and Governance & Monitoring Officer, and individual Councillors in accordance with the Localism Act 2011.
5. The functions of the Council's Standards Committee may be discharged by sub-committees appointed by the Standards Committee.
6. The Town/Parish representatives shall not be entitled to vote at Standards Committee meetings but shall be able to take part in the discussions.
7. The Independent Persons will be invited to attend meetings of the Standards Committee and take part in the discussions, but shall not be entitled to vote.

JOINT PLANNING POLICY COMMITTEE

Terms of Reference of the Joint Planning Policy Committee

1. Each of the Partner Authorities shall appoint seven members (being elected members of that Partner Authority) as its nominated members of the Joint Committee. The members appointed shall have full voting rights. The members appointed must include:
 - 1.1 the Leader of each Partner Authority; and
 - 1.2 Lead Members for Economy, Environment, Climate, Planning, Housing and Community or such other members from TDC as TDC shall consider appropriate with the equivalent or such other members from NDDC as NDDC shall consider appropriate.
2. Each Partner Authority may nominate one or more substitute members to attend any meeting in place of an appointed member from that Partner Authority and notification being given to the Lead Authority responsible for governance and secretarial Support Services, before the start of the meeting. The member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If all of a Partner Authority's nominated members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
3. Each member of the Joint Committee shall comply with the Code of Conduct of their Partner Authority when acting as a member of the Joint Committee.
4. Each of the Partner Authorities may remove any of its nominated members or substitute members of the Joint Committee and appoint a different member or substitute to the Joint Committee by giving written notice to the Lead Authority for governance and secretarial Support Services.
5. Each Partner Authority shall have seven votes. These shall be exercised by the nominated members who are elected members of the Partner Authority. In the absence of a Partner Authority's nominated member, a vote may be exercised by the named substitute who is an elected member of the Partner Authority.
6. Each member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Partner Authority but a member shall cease to be a member of the Joint Committee if he or she ceases to be a member of the Partner Authority appointing him or her as a member of the Joint Committee.
7. Any casual vacancies howsoever arising shall be filled by the Partner Authority from which the vacancy arises by notice in writing sent to the Lead Authority for governance and secretarial Support Services.
8. Meetings of the Joint Committee shall be held at the offices of the member appointed as chairperson, unless otherwise agreed by the Joint Committee.

9. The Partner Authority hosting the first meeting shall appoint one of its nominated members as chairperson and that member shall remain chairperson until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a member of the Joint Committee. On the expiry of the first chairperson's term of office as chairperson, the Partner Authority which did not appoint the first chairperson shall appoint one of its nominated members as chairperson for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of chairperson in subsequent years.
10. The Partner Authority which has not appointed the chairperson of the Joint Committee in any year shall appoint one of its nominated members as vice chairperson.
11. The Joint Committee shall meet once every quarter unless otherwise determined by the Joint Committee.
12. The Lead Authority for governance and secretarial Support Services may call additional meetings by providing at least five clear days' notice to members of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings of the Joint Committee. The Lead Authority for governance and secretarial Support Services must call a meeting of the Joint Committee if at least five members of the Joint Committee from each Partner Authority requests it or if the Chief Executive of both Partner Authorities requests it.
13. Meetings shall be notified to members of the Joint Committee by the Lead Authority for governance and secretarial Support Services.
14. The Lead Authority for governance and secretarial Support Services shall publish the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting.
15. The Lead Authority for governance and secretarial Support Services shall send, electronically, to all members and relevant officers of each Partner Authority, the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting.
16. The Lead Authority for governance and secretarial Support Services shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall arrange for an officer to present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the chairperson and vice chairperson.
17. Meetings of the Joint Committee will commence at 10.00am unless otherwise agreed by the Joint Committee. Meetings of the Joint Committee shall end no later than 1.00pm unless otherwise agreed by the Joint Committee.
18. A meeting of the Joint Committee shall require a quorum of seven members with a minimum of three members, who are entitled to attend and vote, coming from one Partner Authority with the remainder, to make the meeting at least quorate, from the other Partner Authority. If there is a quorum of members

present but neither the chair nor the vice-chair is present, the members present shall designate one member to preside as chair for that meeting.

19. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Partner Authority members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the chairperson shall have a second or casting vote but, before exercising this, the chairperson shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
20. Any member of the Joint Committee may request the Joint Committee to record the votes of individual members of the Joint Committee on a matter for decision.
21. A member, when speaking, shall address the chairperson. If two or more members wish to speak, the chairperson shall call on one to speak. While a member is speaking all other members shall remain silent.
22. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
23. Only one amendment to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing the chairperson may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
24. If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
25. The order of business shall be indicated in the agenda for the meeting.
26. When a motion is under debate by the Joint Committee no other motion shall be moved except the following:
 - 26.1 to amend the motion;
 - 26.2 to adjourn the meeting;
 - 26.3 to adjourn the debate;
 - 26.4 to proceed to the next business;
 - 26.5 that the question may now be put;
 - 26.6 that a member shall not be further heard;
 - 26.7 by the chairperson, that a member leave the meeting;
 - 26.8 a motion under section 100(A)(4) of the Local Government Act 1972 to exclude the public; or
 - 26.9 to postpone consideration on an item.
27. A member may move without comment at the conclusion of a speech of another member, "That the Committee proceed to the next business", "That

the question may now be put”, “That the debate is now adjourned”, or “That the Committee now adjourn”, on the seconding of which the chair shall proceed as follows:

- 27.1 on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed to put to the vote, the motion to proceed to next business;
- 27.2 on a motion that the question may now be put: unless in his/her opinion the matter before the meeting has been insufficiently discussed he/she shall first put to the vote the motion that the question may now be put; or
- 27.3 on a motion to adjourn the debate or meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.

The ruling of the chair shall not be open for discussion.

- 28. Any member of the Partner Authorities who is not a member of the Joint Committee is entitled to attend the Joint Committee and make representations in respect of Non-Restricted and Restricted Items by leave of the chairperson (but shall not be entitled to vote or take part in the consideration or discussion of any business), and comments will be recorded only on the direction of the chairperson.
- 29. The following elected representatives are entitled to attend the Joint Committee and make representations in respect of Non-Restricted Items to the Joint Committee by leave of the chairperson (but shall not be entitled to vote or take part in the consideration or discussion of any business) and comments will be recorded only on the direction of the chairperson:
 - 29.1 Members of parish councils within the districts of the Partner Authorities;
 - 29.2 Members of Devon County Council; and
 - 29.3 Members of Parliament for the residents of the Partner Authorities.
- 30. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 32.
- 31. Members of the public wishing to address the Joint Committee (or a sub-committee of the Joint Committee) on Non-Restricted Items contained within the agenda for the meeting shall be given the opportunity to do so subject to:
 - 31.1 the opportunity being extended to one or more person(s) at the discretion of the chairperson to speak in support of each agenda item and one or more person(s) at the discretion of the chairperson to speak against each agenda item when called to do so by the chairperson;
 - 31.2 an indication of the desire to speak on the agenda item being made by the person in writing not less than two days before the scheduled Committee Meeting. The written request must be sent by e-mail to memberservices@northdevon.gov.uk or such other address as provided by the Lead Authority for governance and secretarial support;
 - 31.3 each person addressing the Joint Committee or sub-committee of the Joint Committee being limited to three minutes' speech;

- 31.4 in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Joint Committee or sub-committee of the Joint Committee; and
- 31.5 the chairperson of the meeting having discretion to rule that a person wishing to address the meeting shall not be heard if, in the chairperson's view, that issue or the organisation or the person wishing to make the representation on that issue has received an adequate hearing.
32. In accordance with the requirements of the 1972 Act, the public or press must be excluded from a meeting by resolution of the Joint Committee during an item of business if that item includes:
 - 32.1 confidential information, as defined in section 100A(3) of the 1972 Act; or
 - 32.2 exempt information, as defined in section 100I of the 1972 Act.
33. The Joint Committee may delegate a function to an officer.
34. The Joint Committee may appoint such task teams or working groups as they consider appropriate in order to consider and report to the Joint Committee on specific matters.
35. Any contractual arrangements that relate to an Agreed Function will be undertaken by one of the Partner Authorities and that Partner Authority shall apply its own financial regulations and contract procedure rules to such an arrangement. The Partnership Leader of the Partner Authority that is incurring the expenditure will normally determine which of the Partner Authority's financial regulations and contract procedure rules will apply and, in the event of any dispute or uncertainty, the matter should be referred to the Chief Executives for determination.
36. The Lead Authority responsible for governance and secretarial Support Services shall provide administrative support services to the Joint Committee on such terms as may be agreed from time to time between the Partner Authorities. The Partner Authorities shall make available committee officers to provide administrative services at the meetings of the Joint Committee as appropriate and in consideration of where the meetings are being held.
37. The Lead Authority for legal Support Services shall provide the Joint Committee with legal advice and support on such terms as may be agreed from time to time between the Partner Authorities.
38. The Lead Authority for financial Support Services shall provide the Joint Committee with financial advice and support on such terms as may be agreed from time to time between the Partner Authorities.

HARBOUR BOARD

Terms of Reference for Bideford Harbour Board Working Group

Purposes

To receive reports from the Operational Services Manager on issues affecting the management of Bideford Harbour and to consider such issues and make recommendations as appropriate to the Community and Resources Committee.

To establish and maintain strong links with Harbour users, the community and other stakeholders.

To uphold the principles of governance set out in the Department for Transport's "Modern Ports – a UK Policy" and "Opportunities for Ports in Local Authority Ownership" and comply with the local and national Harbour Acts and other relevant legislation.

To participate in reviews of Council policy so far as it affects Bideford Harbour.

Membership

The working group shall consist of:-

6 Members of Torridge District Council including the Chair of the Community and Resources Committee

3 Members who shall not be Members of Torridge District Council but whom, because of particular expertise or interest, the Council considers should be members of the Working Group.

Initial appointments of independent members shall be for a period of 6 months and may be extended to four years, subject to review. Subsequent appointment of independent members shall be for a period of 4 years.

Chairman

The Chair of the Working Group shall be the Chair of the Community and Resources Committee. The Working Group shall appoint a Vice Chair as part of the business of the first meeting and from time to time thereafter. If the Chair and Vice-Chairman are not present at a meeting, the Working Group shall appoint a Chair to act at that meeting from amongst those present.

Meetings

The Working Group shall meet at least once every three months, or at such other times as may be necessary.

Meetings of the Working Group shall be open for public attendance unless exempt or potentially exempt information, within the meaning of the Local Government Act 1972 Schedule 12A is likely to be discussed, in which case, Members may vote to exclude the press and public from that part of the meeting at which such information is being disclosed or discussed.

Members of the public may speak at meetings of the Working Group only at the absolute discretion of the Chair.

Voting

All members of the Working Group shall have voting rights and the Chair shall have the casting vote. All procedures, so far as they are not affected by this document, shall be in accordance with the Council's constitution.

Quorum

The quorum for a meeting of the Working Group shall be 3 of whom 2 must be members of the Council.

Support

The Working Group will be supported by officers from Torridge District Council including the Harbour Manager and the Operational Services Manager.

Other attendees

The Working Group may invite others to participate in discussions at a meeting where the Working Group considers it appropriate to do so.

PROPERTY AND MAJOR PROJECTS WORKING GROUP

Terms of Reference and Function

The Property and Major Projects Working Group was established by Community and Resources Committee as a forum for discussing the Council's current and proposed major projects, and for resolving day-to-day issues arising from those projects (within the parameters of the approved project) so as not to impede progress.

The Property and Major Projects Working Group shall:-

1. Monitor and receive updates in relation to current major projects;
2. Provide guidance in relation to matters arising from current projects which may impede progress, such guidance to be exercised within the parameters of the formal approval for the project.
3. Consider proposals for new major projects while in the formative stages to assist officers in determining the approach to be taken in relation to those proposals.

Composition

1. The number of seats shall be four (4) Members comprising:
 - a. The Leader of the Council (Chair);
 - b. The Deputy Leader of the Council (Vice Chair);
 - c. The Chair of Community & Resources Committee;
 - d. Another Member appointed annually by Full Council

In the event that the Leader or Deputy Leader of the Council is also the Chair of the Community & Resources Committee, the Chair of the Audit & Governance Committee shall take their place on the Property and Major Projects Working Group.

2. The quorum shall be two (2).

COUNCILLOR CLIMATE CHANGE WORKING GROUP

Terms of Reference and Function

The Torridge Climate Emergency Working Group will provide strong strategic direction and oversight in order to achieve Torridge District Council's target of carbon neutrality by 2030.

2. Responsibilities

The Working Group will:

- Enable and establish collaborative working across the Council and engagement with individuals, community groups, parish and town councils, businesses and other partners in the district.
- Investigate steps that may be taken by the Council and by Torridge residents and businesses to work towards the Council's commitment to achieving net-zero carbon status by 2030 and towards protecting and enhancing biodiversity.
- Oversee the Carbon and Biodiversity Plan for TDC, ensuring that actions are realistic, measurable and deliverable. Provide input into the development of the plan and strategic direction and oversight of its delivery, once adopted, making recommendations to Full Council, Community & Resources Committee and other strategic and governance committees and groups, as necessary.
- Identify support needed from Central Government in terms of funding, additional powers and policy changes which are needed to achieve the Council's climate and ecological objectives.
- Monitor funding opportunities making recommendations through governance structures where necessary or support Officers to undertake bids/projects.
- To identify, support and champion climate and ecological progress across the Council whilst providing an appropriate level of critical challenge for the organisation.
- To identify, promote and participate in partnership opportunities that will progress TDC's stated Carbon and biodiversity goals.
- To promote and champion the actions, progress and achievements of the Council in meeting its carbon neutrality, environmental and economic development aims.
- Through governance structures to report on activities, outcomes, risks and resource demands, and action direction out of these governance arrangements.
- To provide support and oversight of actions, initiatives and opportunities coming out of Devon County Council's declaration of climate emergency made in February 2019.
- To support and champion Torridge's high-quality environment, air, land, water, food products and renewable energy resources.
- To identify appropriate income generating opportunities which will tie in with the council's climate objectives.

3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee

Agenda Item 9

REPORT OF **Head of Legal & Governance (Monitoring Officer)**

To: **Annual General Meeting**

Subject: **Allocation of Seats to Political Groups**

Date: **20 May 2024**

Reference:

PURPOSE OF REPORT:

To agree the number of seats on the Committees allocated to each of the Political Groups

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the number of seats on the Committees allocated to each of the Political Groups each year at the Annual General Meeting

2. REPORT

The Committee seats are allocated on a political proportionality basis. Based on the number of Councillors per Group the seat allocation has been calculated as follows:

To be tabled at the meeting as the final numbers in each have yet to be confirmed.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that this is agreed each year

Data Protection (GDPR) Implications

n/a



Climate Change

n/a

Ward Member and Lead Member Views

n/a

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the number of seats on the Committees allocated to each of the Political Groups at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the number of seats on the Committees allocated to each of the Political Groups as detailed in this report



Agenda Item 10

REPORT OF Head of Legal & Governance (Monitoring Officer)

To: Annual General Meeting

Subject: Membership of Committees

Date: 20 May 2024

Reference:

PURPOSE OF REPORT:

To agree the Membership of Committees

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve (or delegate to Group Leaders to agree) the Members serving on Committees each year at the Annual General Meeting

2. REPORT

The current Committee membership is attached for Members information at Appendix 1.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that this is agreed each year

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

n/a



4. CONCLUSIONS

Members are asked to either agree the membership on each Committee or delegate to Group Leaders to agree.

5. RECOMMENDATIONS

Members are recommended to either:

- Agree the membership on each Committee, or
- Delegate to Group Leaders to agree the membership on each Committee



Membership of Committees

Committee	Independent	Lib Dems	Conservatives	Green Independent	Labour
Community & Resources Committee (No O&S Member) 12 seats (7 quorum)	R Hicks (Chair) A Dart (Vice Chair) C Leather K James	S Andrews L Bright L Piper	R Lock J Whittaker	P Hames Vacancy	D Brenton
Audit & Governance Committee 6 Councillors 1 Non elected – (Vacancy) (No O&S Member) 7 Seats (4 quorum)	P Hackett (Chair) J Gubb (Vice Chair)	L Bright	S Gibson	L Ford	D Brenton
Overview & Scrutiny Internal 9 Councillors 3 non-elected (Harper, & Dengate) – 1 vacancy (No C&R or Audit) 12 seats (6 quorum)	J Craigie (Vice Chair) C Hodson S Inch	C Bright C Cottle-Hunkin	S Newton (Chair) T Elliott	W Lo-Vel	
Overview & Scrutiny External 9 Councillors 3 non-elected - (3 Vacancies) (No C&R or Audit) 12 seats (6 quorum)	L Bach J Craigie P Shepherd	C Cottle-Hunkin (Chair) D Smith	S Harding	C Hawkins H Thomas	A Brenton (Vice Chair)
Standards Committee 7 Councillors 2 Town & Parish (Vacancy) 3 independent person – (Rawle, Baker) – 1 Vacancy 9 seats (5 quorum)	L Bach (Chair) J Gubb K James	S Andrews T Johns	S Gibson	C Hawkins (Vice Chair)	
Licensing Committee 10 seats (6 quorum)	S Inch (Vice Chair) A Dart P Hackett P Penington	C Bright (Chair) C Wheatley	S Harding S Gibson	H Thomas W Lo-Vel	
Plans Committee 9 seats (6 quorum)	K Hepple C Leather P Pennington	C Wheatley D Smith	R Lock (Chair) J Whittaker	P Hames (Vice Chair) Vacancy	
Crematorium Joint Committee 5 seats	J Gubb S Inch	T Johns	S Harding	Vacancy	

Joint Planning Policy Committee 14 seats (7 TDC & 7 NDDC) (7 Quorum – 3 from each authority)	R Hicks TDC (Chair) K James TDC P Hackett TDC C Hodson TDC G Lane NDDC M Prowse NDDC	C Cottle-Hunlin TDC G Bell NDDC I Roome NDDC D Worden NDDC	R Lock TDC P Crabb NDDC	P Hames TDC R Knight NDDC	
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REPORT OF **Head of Legal & Governance (Monitoring Officer)**

To: **Annual General Meeting**

Subject: **Scheme of Delegation**

Date: **20 May 2024**

Reference:

PURPOSE OF REPORT:

To approve the Council's Scheme of Delegation

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation each year at the Annual General Meeting

2. REPORT

The Scheme of Delegation as set-out in Appendix 1 has previously been approved by Councillors. Amendments to the Scheme of Delegation and the Constitution can only be made by Full Council.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation

Data Protection (GDPR) Implications

n/a

Climate Change

n/a



Ward Member and Lead Member Views

Standards Committee have recommended the amendment.

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the Scheme of Delegation as set-out in Appendix 1



PART 3 – Chapter 2

Delegations to Officers

A: INTERPRETATION AND GENERAL

1. For the avoidance of doubt unless the context otherwise requires the following words and expressions have the following meaning:
 - a) **“the Constitution”** shall be deemed to be the Torridge District Council Constitution as adopted from time to time including the published Rules of Procedure, Financial Procedure Rules, Contract Procedure Rules and all delegations;
 - b) **“the Planning Acts”** shall mean the Town and Country Planning Act 1990, the Town and Country Planning Act 2008, the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 the Caravan Sites and Control of Development Act 1960 (and in respect of them all any amendments as may be made from time to time) and any regulations and orders made pursuant to the same including in particular, but without prejudice to the generality of the foregoing the General Permitted Development Order 1995, the Hedgerow Regulations 1997, Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning General Regulations 1992 (including in respect of them any amendments as may be made from time to time);
 - c) Policies of the Council shall be deemed to be such policies as adopted from time to time and as amended from time to time including the Financial Procedure Rules and the Contract Procedure Rules,
 - d) Legislation shall be deemed to include reference to any amendment, extension, application or re-enactment of it and includes any subordinate laws for the time being in force made under it and all orders, regulations, notices, codes of practice and guidance made under it.
 - e) A formal caution shall include reference to a simple and conditional caution.
2. Where a power is delegated to more than one Officer then all Officers to whom the power is delegated shall be able to exercise that power.
3. In the absence of the Head of Legal and Governance & Monitoring Officer or the Finance Manager and S151 Officer, any officer duly appointed by them to act as their deputy may exercise any powers or duties delegated to them in their capacity as Head of Legal and Governance & Monitoring Officer or Finance Manager and S151 Officer (as the case may be), or any role or responsibility allocated to them within any part of the Constitution.
4. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

5. All Delegated Powers shall be exercised and be subject to the content of all relevant policies adopted by the Council from time to time. In the event of any conflict between these Delegated Powers and any such Policy, the Policy shall prevail.
6. In the absence of the Chief Executive, powers delegated to the Chief Executive under the Scheme of Delegation shall be exercisable by the Head of Legal and Governance & Monitoring Officer and the Finance Manager and S151 Officer.

B: DELEGATIONS

B1 ALL OFFICERS

1. To act as a witness;
 - a) on behalf of the Council in any proceeding in which the Council is directly involved;
 - b) where so directed by a court, tribunal or other formal inquiry with power so to do; or
 - c) in any other circumstance with the prior written approval of the Head of Legal & Governance and Monitoring Officer.

B2 CHIEF EXECUTIVE

Policies

1. To adopt and approve policies made by the Council which relate to the operational requirements of the Council, its equipment or staff and to implement all policies adopted by the Council.

Establishment

2. To consider, amend and revise the manpower establishment **provided** any such amendments or revision is in accordance with any approved establishment plan and budgetary framework of the Council (as may be amended from time to time).
3. To appoint temporary staff or authorise the appointment of external resources to undertake work normally undertaken by a Service subject to the costs thereof not exceeding the available budget of that Service.
4. To act as the Chief Executive for the purposes of the Local Government and Housing Act 1989.
5. To consider and determine pursuant to Part V of the Local Government Discretionary Payments Regulations 1996 (or any statutory provision replacing or re-enacting the same) including any amendments thereto:
 - a) the amount of any injury allowance payable to an Officer; and
 - b) any time period(s) associated therewith or to any death benefit payments referred to in those provisions.
6. To consider and approve or refuse (with or without modification) any application by the Chief Executive, the Head of Communities and Place, the Head of Legal and Governance & Monitoring Officer and Finance Manager & S151 Officer, to carry forward annual leave from one leave year to the next provided that any such approval or refusal shall be in accordance with any approved Council policies as have been adopted and relate to the same.

7. To recruit, select and appoint any Officer of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below provided that such appointment is in accordance with Council policies and all relevant legislation.
8. With the exception of any matter which directly relates to the Chief Executive, in relation to an Officer to hear, consider and determine:
 - a) any grievance and / or harassment matter;
 - b) any disciplinary matter provided the Officer is of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below; and
 - c) any appeal in relation to a decision resulting from a grievance, harassment and / or disciplinary matter other a decision taken by the Chief Executive, Committee or a Sub-Committee;

including in all cases, power:

- (i) to authorise such action as the Chief Executive deems appropriate in relation to any determination that is made (whether formal or informal) including the suspension and / or dismissal of any Officer of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below, provided that this shall be in accordance with all relevant legislation, and
- (ii) to nominate any other Officer to exercise on his/her behalf all or any the powers contained in this delegation.

Notwithstanding anything contained in this provision 8, the Chief Executive shall have the power to suspend any Officer pending an investigation in relation to that Officer provided that such suspension shall be in accordance with the Council policies and all relevant legislation.

9. To arrange for, and where appropriate undertake, an investigation into any disciplinary matter relating to the Head of Legal and Governance & Monitoring Officer, Senior Management Team or any other Officer exercising the role of Head of Legal & Governance and Monitoring Officer or Finance Manager and S151 Officer where the disciplinary action relates to their performance of such a role.
10. Power to consider and approve or refuse requests to fill staff vacancies and authorise any other Officer to exercise such a power.
11. To authorise and sign identity cards on behalf of any Officer within their Service Area as may be necessary for the proper performance of their duties.
12. To authorise officers and/or other persons to undertake those matters identified within the identity cards and to issue and sign the same where in the opinion of the Chief Executive this is necessary for the proper performance of their duties.
13. To consider and refuse or approve (with or without modification):
 - a) essential telephone user payments;
 - b) applications for car loans; and
 - c) applications under the Cycle to work scheme adopted by the Council,

provided that if the Council has approved policies (as amended from time to time) relating to the same, then any approval that is given shall be in accordance with such policies.

14. To determine a reasonable charge for sale of documents or copies of documents which are not subject to any statutory scales.

General

15. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Chief Executive within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.
16. For the purposes of any budget or manpower resource within the control of the Chief Executives, the power to exercise all those delegated powers as are delegated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team.
17. To exercise all the powers referred or delegated to any other Officer.
18. In consultation with either the Leader or person presiding at a meeting, to consider whether television and sound recordings, broadcastings or other reporting of all or any part of a meeting is disruptive to the extent that it should cease, each case being considered on its merits.
19. In consultation with either the Leader and/or any other Member that the Chief Executive at his/her discretion deems appropriate, to respond to consultation papers.
20. To attest the Council seal and sign any document necessary to give effect to:
 - a) a resolution of the Council (as the case may be); and/or
 - b) the exercise of a power or function delegated by the Council, (as the case may be),

provided that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).

21. To act as "Proper Officer" for all functions detailed in:
 - a) Local Government Act 1972;
 - b) Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000; and
 - c) the Constitution not otherwise specifically delegated to another Officer, including the power:
 - (i) to consider and nominate in writing any other Officer to act as a proper officer where this is permitted by law; and
 - (ii) in consultation with the Human Resources and Communications Manager to negotiate and approve variations to an Officers terms and conditions of employment, in order to facilitate the same **provided** that any such appointment or variations do not exceed any budget allocated for such a purpose.
22. For the purpose of surveillance operations to which the Regulation of Investigatory Powers Act 2000 apply (or any statutory provision modifying, replacing or re-enacting the same), the power:

- a) to provisionally authorise a surveillance operation; and
- b) to further delegate the power to provisionally authorise surveillance operations to other Officers

provided that such provisional authorisation is only given in accordance with the Council's adopted Policy.

- 23. To authorise the making of an application under the Crime and Disorder Act of Anti-Social Behaviour Orders in consultation with the Head of Legal and Governance & Monitoring Officer.
- 24. In consultation with the Head of Legal & Governance, the power to authorise the giving of an authorisation under section 30 of the Anti Social Behaviour Act 2003.
- 25. In consultation with the Leader, to consider and approve or refuse (with or without modification) any Policy document produced for the purposes of the Planning Acts which in the opinion of the Chief Executive is of a minor nature **provided** that any amendment shall be reported to the next available meeting of the Full Council.
- 26. Power to appoint and authorise officers to act under section 29(5)(a) and (b) of the Regulation of Investigatory Powers Act 2000.
- 27. Power to provisionally authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any guidance and Codes of Practice and the Council's adopted policy.

28. **Ombudsman Complaints**

Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

Members

- 29. To receive Group nominations for relevant Committees and Sub-Committees subject to Council being notified of the Group appointments.
- 30. For the purposes of Members' Approved Duties, to consider and determine Members' claims for travelling allowances including the power to consider and determine whether to authorise meetings for such purposes:
 - a) with Government Departments or their representatives;
 - b) other Government Bodies or their representatives, and
 - c) meetings involving Group Leaders, including meetings with external organisations.
- 31. To receive and consider notices and questions submitted by Members pursuant to the Constitution.
- 32. To approve, in conjunction with the relevant Committee Chair and the Leader, any urgent decisions required under the procedure outlined in the Constitution.

Human Resources

33. To deliver advice and guidance to officers in relation to terms and conditions of employment.
34. To interpret Employment Policies, custom and practice and implement processes and/or decisions based on either the Policy or the custom and practice of the Council.
35. To act on the advice of medical practitioners with regard to retiring employees on grounds of ill health.
36. To negotiate revised terms and conditions of employment with recognised trades unions.
37. To develop Employment Policies and negotiate with recognised trades unions prior to adoption by Council.
38. To purchase procurement of Personnel consultants/training providers as necessary within the Financial Procedure Rules and Contract Procedure Rules.
39. To apply Employment Legislation/EC Directives as appropriate which may impact on staff terms and conditions, including pay.
40. To implement procedures in relation to training and development activities.
41. To act as the lead counter signatory for the Council and nominate other counter signatories for the Council in respect of the Disclosure and Barring Service.
42. To negotiate Compromise Agreements as appropriate, with the final agreement to be signed off by the Head of Legal and Governance & Monitoring Officer.
43. To seek external employment advice within budget as necessary.
44. To place job adverts in appropriate publications.
45. To approve relocation expenses as appropriate.
46. To approve interview expenses.
47. To advise the Council and act on behalf of the Council on all matters relating to the recruitment and termination of employees.
48. To execute the agreements for the engagement of Officers.

Establishment

49. In consultation with The Human Resources and Communications Manager to negotiate and approve variations to an Officers terms and conditions of employment for the purposes of appointing one or more Deputy Monitoring Officers, subject to any such variations not exceeding any budget allocated for such a purpose.

Legislation

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Anti Social Behaviour, Crime and Policing Act 2014
Bovine and Bovine Products (Trade) Regulations 1998
Building Act 1984
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Cinemas Act 1985
Civil Contingencies Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Deregulation Act 2015
Environment Act 1995
Environmental Protection Act 1990
European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations
European Union (Withdrawal) Act 2018 as amended
Food and Environmental Protection Act 1985
Food Safety Act 1990 (as amended)
Gambling Act 2005
Health Act 2006
Health and Safety at Work etc Act 1974
House to House Collections Act 1939
Hypnotism Act 1952
Landlord and Tenant Act 1985
Licensing Act 2003
Live Music Act 2012
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972 – Part XI
Mobile Homes Act 1983
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices Shops and Railway Premises Act 1963
Pet Animals Act 1951 (as amended)
Police Act 1997
Police Factories etc (Miscellaneous Provisions) Act 1916
Police Reform and Social Responsibility Act 2011
Policing and Crime Act 2009
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection of Freedoms Act 2012
Public Health (Control of Disease) Act 1984
Public Health Act 1936
Public Health Act 1961
Public Health Acts Amendment Act 1907
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000

Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Regulatory Reform Order 2002 Paragraphs 1 to 12 and Schedules 1 to 6
Riding Establishments Act 1964
Riding Establishments Act 1970
Road Safety Act 2006
Riding Establishments Act 1964 and 1971
Safeguarding Vulnerable Groups Act 2006
Scrap Metal Dealers Act 2013
Sunday Trading Act 1994
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2000
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998
Theatres Act 1968
Town and Police Clauses Act 1889
Town Police Clauses Act 1847
Transport Act 1985
Vehicles (Crime) Act 2001
Water Industry Act 1991
Water Industry Act 1991
Zoo Licensing Act 1981

B3 FINANCE MANAGER AND S151 OFFICER

General

1. To act as the officer appointed under Section 151 of the Local Government Act 1972 and to maintain and enforce the Financial Procedure Rules and Contract Procedure Rules.
2. For the purposes of any budget or establishment resource within the control of the Finance Manager and S151 Officer, the power to exercise all those delegated powers as are delegated to the Head of Legal & Governance (Monitoring Officer) and Monitoring Office or Senior Management Team.
3. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Finance Manager and S151 Officer within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.
4. In respect of any proceedings and in consultation with the Head of Legal and Governance & Monitoring Officer, to consider and determine whether the Council should lodge a formal offer with the Court the amount of any such offer and whether, and upon what grounds, it may be appropriate for such amount to be varied.

Financial

5. In consultation with the Head of Legal and Governance & Monitoring Officer, to consider and determine whether to authorise:

- a) the instigation of bankruptcy proceedings against an individual(s); and/or
 - b) the winding up of an organisation.
6. To write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits to the limits set out in the Financial Procedure Rules.
 7. In consultation with the member(s) in whose ward the debtor is located and/or the debt originated, to write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits.

Accountancy

8. To be responsible for the preparation of the Council's Statement of Accounts in accordance with proper practices.
9. To implement annual awards affecting wages, salaries and conditions of service.
10. The investment and re-investment of Council monies provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant Policies as may be adopted by the Council in respect of the same (as amended from time to time).
11. To borrow and raise loans on behalf of the Council provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant policies as may be adopted by the Council in respect of the same (as amended from time to time).
12. To make a determination on the amount of useable capital receipts to be used to finance capital expenditure or for such other purpose as allowed by Regulations made under the Local Government Act 2003 as amended by the Local Government and Public Involvement in Health Act 2007:
13. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Head of Communities & Place within the Constitution whether specifically identified in the Delegated Powers to Officers or otherwise.
14. To plan and manage the Council's cash flow requirements within approved borrowing limits and in accordance with the Council's policies on treasury management and to manage the budgets of the Council in accordance with accepted practice and professional guidance.
15. To consider and determine whether the Council should opt to tax any property for the purposes of VAT to preserve the interests of the Council and manage and account for the VAT implications of the Council's activities.
16. To authorise payments of precepts to precepting bodies within the area of the Council.
17. To authorise payment of levies properly issued on the Council by levying bodies.
18. To monitor and administer ongoing requirements for insurance provision in the light of changing services and assets, ensuring provision of adequate cover directly or via contractors' cover.

19. To liaise with the Council's insurers and their properly nominated representatives in respect of any claims brought against the Council under any of the Council's insurance policies and to undertake those activities necessary, in conjunction with the insurers and/or their representatives to resolve or settle those claims, including the signature of any documents incidental to the resolution or resettlement of any claim.
20. To advance duly authorised loans to third parties.
21. To take action to recover loan repayments due to the Council.
22. To declare Interest rates under the Housing Act 1985 or any statute replacing it and other interest rates appropriate to a class of loan.

Exchequer

23. To administer the provision of car loans and associated financial procedures in accordance with the Council's car loan scheme.
24. Administer the processing of authorised instructions and make payments in respect of payroll costs and allowances to staff and Members.
25. Process authorised instruction and make payment in respect of supplies of goods services etc., and refunds of sums due to customers.

Audit

26. The maintenance of an effective internal audit function
27. To provide an independent and objective opinion on the internal control environment put in place by the Council in accordance with the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.
28. Authority to enter any Council premises at all reasonable times, to have access to all records, assets, personnel and documents relating to financial and other transactions of the Council and require any Council employee to produce such documentation or property under their control for the purpose of carrying out the Audit function
29. To conduct an independent investigation into any referrals of suggested or potential irregularities and to take such steps as are necessary by way of investigation and report.
30. To provide an annual audit opinion on the effectiveness of the Council's system of internal control.
31. To provide an independent and objective Annual Audit opinion on the effectiveness of the Council's internal control environment in accordance with the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.
32. To report to all senior management, the Chief Executive and the Audit Governance Committee on all aspects of risk management, control and governance processes and to deliver an audit opinion on those matters.

B4 HEAD OF LEGAL & GOVERNANCE & MONITORING OFFICER

General

1. For the purposes of any budget or establishment resource within the control of the Head of Legal and Governance & Monitoring Officer, the power to exercise all those delegated powers as are delegated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team.
2. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to The Head of Governance and Monitoring Officer within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.
3. Power to deal with, consider and determine complaints regarding the conduct of District and Parish Councillors, including the power to make recommendations to Committees and Full Council, the power to consult with an Independent Person and the power to refer a complaint to the Standards Committee.
4. To authorise in writing any Officer:
 - a) to act as a witness; or
 - b) to represent the Council;

in any actual or potential legal proceedings whether instigated by or on behalf of the Council or otherwise, in relation to any matter in which the Council is, has been, or may become involved, whether directly or indirectly.
5. To act as the qualified person for the purposed of the Freedom of Information Act 2000 and any instrument made thereunder.
6. To act as the Council's Data Protection Officer under the Data Protection Act 1998.

Dispensations

7. Following consultation with the Chair and/or Vice Chair of the Standards Committee and an Independent Person, to determine requests for dispensations under section 33 of the Localism Act 2011, if the requests are justified by reference to one of the following conditions:
 - a) that so many members of the decision-making body have an interest preventing participation that it would "*impede*" the transaction of the business'; or
 - b) that without the dispensation, the representation of different political groups on the decision-making body would be so upset as to alter the outcome of any vote on the matter.

In consultation with the Senior Management Team and/or Chief Executive as the Head of Legal and Governance & Monitoring Officer deems appropriate, to instruct and use Counsel and other external professionals / experts / advisors in respect of any legal issues relating to the Council provided the same is in accordance with the Financial and Contract Procedure Rules.
8. To instigate, prosecute, defend, and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council, together with the

undertaking of such preliminary or further work in relation to the same as the Head of Legal & Governance and Monitoring Officer deems appropriate, including in particular but without prejudice to the generality of the foregoing, proceedings in relation to:

- a) prosecutions,
- b) injunctions,
- c) possessions,
- d) appeals; and
- e) complaints

subject to the Head of Legal and Governance & Monitoring Officer applying any Council policy or other guidance in deciding whether to commence or defend an action.

9. To prepare, issue and serve any Notices, Orders, Requisitions or other documents arising from or relating to the carrying out of any function of the Council (including the power to withdraw, vary or revoke the same (as the case may be)) which by virtue of any primary and/or secondary legislation the Council is empowered to issue and serve.
10. To take such further action as the Head of Legal and Governance & Monitoring Officer at his/her absolute discretion deems necessary for the purposes of implementing, enforcing in respect of breaches of, or regulating any decisions, Notices, Orders, Requisitions or other documents (including any conditions relating thereto) issued by or on behalf of the Council, including authority to authorise direct action, **provided** any costs in respect of the same can be met from existing budget provision.
11. To consider applications for, any representations received (within any time period specified in respect of the same, or if none, then prior to the date when a determination is made) in respect of, and determine whether to grant or refuse (with or without modification) a road closure pursuant to the Town Police Clauses Act 1847, **provided** that where any objection is received within the representation period as identified above then such power shall only be exercised after consultation with the Member(s) within whose ward(s) the road closure lies.
12. To make and determine whether or not to confirm (with or without modification) a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.
13. To consider and determine whether to vary and/or revoke a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.
14. To make, and where no objections have been received, determine whether or not to confirm any bylaw for which the Council has the statutory power to issue, **provided** that where an objection has been received in respect of the matters herein, then determination by the Head of Legal and Governance & Monitoring Officer can still be made, but only if:
 - a) in the opinion of the Head of Legal and Governance & Monitoring Officer there is an urgent need for a decision; and
 - b) there is prior consultation as to the reason for the urgency with Chair of the Committee (or Vice-Chair if the Chair is unavailable) that incorporates the function directly affected by the proposed decision.
15. To attest the Council seal and sign any document necessary to give effect to:
 - a) a resolution of the Council (as the case may be); and/or

- b) the exercise of a power or function delegated by the Council, (as the case may be), **provided** that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).
16. Power to amend and update the Council's Corporate Policy and Procedures document on the Regulation of Investigatory powers Act 2000.
 17. To act as the Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.
 18. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.
 19. Power to amend, update and vary the Council's Freedom of Information Act 2000 publication schedule and charging policy.
 20. The power to review a decision as to whether an asset is an asset of community value.

Ombudsman Complaints

21. Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

Housing

22. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.
23. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.
24. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of Notices, issuing, granting, varying, revoking, cancelling, refusing, and suspending of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.

Legislation

Title of Act	Relevant Part
Building Act 1984	Sections 59, 76, 79, 95, 96, 97 and 99
Deregulation Act 2015	
Energy Act 2011	
Environmental Protection Act 1990	Sections. 79, 80 and 81 Schedule 3, para 2

Home Energy Conservation Act 1995	
Housing Grants Construction and Regeneration Act 1996	Chapters I, II, III and IV
Regulatory Reform Order 2002	
Housing Act 1985	
Housing Act 1996	
Housing Act 2004	Parts 1 to 6
Housing and Planning Act 2016	
Housing and Regeneration Act 2008	Parts 1 to 3 and Schedules
Homelessness Act 2002	
Landlord and Tenant Act 1985	Sections 4, 5, 6 and 34
Law of Property Act 1925	Part 3
Local Government (Miscellaneous Provisions) Act 1976	Sections 15, 16 and 33
Local Government (Miscellaneous Provisions) Act 1982	Sections 17 and 29
Prevention of Damage by Pests Act 1949	Sections 4, 5 and 22
Public Health Act 1936	
Public Health Act 1961	
Smoke and Carbon Monoxide Alarm (England) Regulations 2015	

25. To manage and administer the giving of grants under the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing assistance) (England and Wales) Order 2002 and the Council's policies made thereunder.
26. To approve such grants up to the maximum values specified within the Council's policy from time to time.
27. To serve such Notices and take such action as the Head of Legal and Governance shall deem appropriate to enforce the provisions of the Housing Act 2004, to take such legal action as s/he shall deem appropriate.
28. To manage and administer a licensing system for Houses in Multiple Occupation as required by Part 2 of the Housing Act 2004, including the power:
 - a) to approve or refuse applications for licences subject to such conditions as the Head of Legal and Governance shall deem appropriate;
 - b) to revoke or vary any licence granted; and
 - c) to take such action, including the service of Notices or the instigation of legal proceedings, to enforce the provisions of the licence and/or the Housing Act 2004.
29. To investigate any allegations of illegal eviction and to take such action as s/he shall deem appropriate.

Revenues and Benefits

30. To administer, operate and collect the Council Tax and National Non-Domestic rates schemes, including the granting of exemptions, discounts, disabled banding reductions in accordance with current legislation and guidelines.
31. To administer and implement the Housing Benefit and Council Tax benefit schemes, including the exercise of any discretion on behalf of the Council in respect of the same, all in accordance with relevant primary and secondary legislation applicable at the time and such Council policies and strategies as may be in place from time to time.
32. To represent the Council at meetings called to discuss the potential bankruptcy of an individual third party or the liquidation of a company/limited partnership etc.
33. To approve or refuse applications for mandatory rate relief under Section 43(6) of the Local Government Finance Act 1988 (as may be amended or re-enacted from time to time), subject to details of approvals being reported to the appropriate Area Committee for information only.
34. To approve or refuse claims for a reduction in Council Tax due as a consequence of the statutory provisions of the Local Government Finance Act 1992 (or as may be amended or re-enacted from time to time).
35. To determine rate relief applications from district wide organisations under the statutory provisions of the Local Government Finance Act 1988, and the Local Government and Rating Act 1997 and to determine rate relief applications under the Rating (Former Agricultural Premises and Rural Shops) Act 2001.
36. To represent the Council in the Magistrates Court on all applications associated with debt recovery to include Liability Orders and Committal proceedings in respect of Council tax and Non Domestic Rates.
37. To administer the Discretionary Housing Payment Scheme and to make decisions in respect of applications.
38. To administer formal cautions for offences relating to housing benefit and council tax benefit fraud.
39. To offer administrative penalties as an alternative to prosecution for housing benefit and council tax fraud cases.
40. To instigate, defend, attend at, represent and take further action as deemed appropriate in respect of housing benefit and/or council tax benefit appeal.
41. To select and appoint bailiffs for recovery of debt in accordance with the Financial and Contract Procedure Rules.
42. To sign, issue and serve completion notices under section 17 Local Government Act 1992 or any statutory amendment or re-enactment thereof.
43. To administer the invoicing of customers and recovery of sums due.
44. To authorise writing-off customer invoices, subject to the amount to be written off in respect of one customer not exceeding the limits set under the Financial Procedure Rules.

45. To take any applicable recovery action in respect of outstanding sums due to the Council including, subject to approval of the Head of Legal and Governance & Monitoring Officer, appearing in the County Court before a District Judge.
46. The power to agree valuations and arrangements for payment for the purposes of the clawback agreement contained within the contract/transfer of the Council Housing stock to Westward Housing subject to consultation with the Asset Management Working Group or any replacement thereof.
47. Subject to consultation with the Leader/Deputy Leader the power to take a decision as to whether an asset is an asset of community value and a decision on whether compensation is payable and the amount of any compensation so payable under relevant legislation.
48. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.
49. To consider and determine all matters arising under Part VI and Part VII of the Housing Act 1996 including in particular, but without prejudice to the generality of the foregoing the determination:
 - a) as to whether a person is a qualifying tenant;
 - b) under any housing allocation scheme adopted by the Council from time to time;
 - c) as to whether a person should be removed from the Housing Waiting list;
 - d) of allocations (including nominations) of residential properties to persons; and
 - e) of homelessness applications, reviews and other determinations to be made in relation to persons purporting to be homeless.
50. To negotiate private sector leasing schemes with private landlords to prepare such documentation as may be necessary to give effect to those agreed schemes.
51. The power to execute on behalf of the Council agreements relating to occupation of Council homeless accommodation
52. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support up to and including a value of £3,000 subject to the same being within budget and being in compliance with adopted policies.
53. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support for a value of between £3,000 and up to and including a value of £5,000 subject to the same being within budget and in compliance with adopted policies and subject also to prior consultation with the Finance Manager and S151 Officer and the appropriate Lead Member.
54. To consider and accept or refuse offers of re-purchase and determine applications for consent pursuant to covenants imposed on right to buy sales under the Housing Act 1985 (as amended).
55. To consider and determine applications for postponement of the council's discount charge on properties purchased under the right to buy scheme contained in the Housing Act 1985 (as amended).

56. To administer and implement the Council Tax Support Scheme and The Exceptional Hardship Policy adopted from time to time by the Council including the power to approve or refuse claims and make decisions and consider appeals as required or allowed by the Scheme and Policy, in accordance with the relevant primary and secondary legislation applicable at the time.
57. The power to review a decision as to whether compensation is payable and amount of any compensation so payable under relevant legislation.
58. Consultation with the Lead Members for Revenues and Benefits to make amendments to the Council Tax Reduction Policy to take account of typographical issues and further changes in Law, Government Guidance or Policy.

B5 HEAD OF COMMUNITIES AND PLACE

Corporate Property and Procurement

1. To carry out the Council's statutory functions as Street Naming and Numbering Authority in accordance with section 19 of the Public Health Act 1925 and sections 21, 64 and 65 of the Town Improvement Clauses Act 1847.
2. To authorise assignments of Leases where such assignments, under the terms of the existing Lease, might not be unreasonably withheld.
3. To refuse applications to purchase Council land and/or buildings if the application is contrary to an adopted Council policy.
4. To agree the change of use of shops owned by the Council (subject always to compliance with planning legislation) where for the purposes of good management such a change is justified.
5. To determine applications and set charges for temporary access over Council land and to determine applications for temporary licences for use of Council land.
6. To determine applications for Wayleave Agreements, licences and Easements across Council land.
7. To acquire areas of land where the consideration is less than £3,000 and provided a budget exists for the purchase.
8. To issue and renew annual Licences.
9. To set charges for new and existing Licences.
10. To dispose of land, whether on a freehold or leasehold interest, up to a value of £5,000 consideration or £1,000 per annum rental except where in the opinion of the Finance Manager and S151 Officer the land is considered to be of significance to the Council's land holding portfolio or appears to be a key piece of land in relation to any adjoining development potential.
11. To consider and determine all rent reviews and lease renewals.
12. To refer rent reviews to third party determination if no agreement is made.
13. To serve such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function.

14. To undertake the roles in relation to asset management as may be identified in the Asset Management Plan (as may be amended from time to time).
15. To accept surrenders of interests in Council owned land and or buildings.
16. For the avoidance of doubt, the above powers shall be exercisable by the Finance Manager and S151 Officer in respect of land even if delegated power in respect of that land has been given to another officer.
17. To carry out the Council's functions as Land Drainage Authority in accordance with the Land Drainage Act 1991 and subsequent amendments.
18. To carry out the Council's functions as Maritime District Council in accordance with the Coast Protection Act 1949 and subsequent amendments.
19. To manage and administer the Council's procurement systems.
20. To manage and administer the Caddstown Business Park including:-
 - a) Instructing the Head of Legal and Governance & Monitoring Officer to prepare tenancy agreements in respect of the same;
 - b) Taking such action to regain possession of any part of the Council's Property Estate as shall be deemed appropriate by Thee Estates Manager in consultation with the Head of Legal and Governance & Monitoring Officer;
 - c) Authorising assignments of leases where such assignments, under the terms of the existing lease, might not be unreasonably withheld;
 - d) Serving such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function above; and
 - e) To accept surrenders of interests in Council owned land and or buildings

Development Control

21. Subject to provision 35 below, to consider and determine any application submitted under the Planning Acts including:-
 - a) Applications for Planning Permission (Outline and Full) and for approval of Reserved Matters;
 - b) Applications for Advertisement Consent;
 - c) Applications for Listed Building Consent;
 - d) Applications for Conservation Area Consent;
 - e) Consultations by Devon County Council on County matters;
 - f) Applications and consultations by Statutory Consultees or their successors;
 - g) Applications for a grant of planning permission subject to a new time limit;
 - h) Applications for a non-material change to a planning permission;
 - i) Applications for Certificates of Lawful Use or Development; and
 - j) Applications to vary or revoke Planning Obligations or section 52/106 Agreements.
22. The exceptions to provision 34 above, which will be determined by the Plans Committee, are as follows:

- a) Applications made by or relating to land owned by Torridge District Council;
- b) Applications made by or relating to land owned by Members, Officers or any immediate family members of any Members or Officers which are recommended for approval;
- c) Applications in respect of which the Head of Communities and Place receives within 28 days of notification of receipt of the application being first sent to Members a written representation from the Ward Member or a Member of the Plans Committee which in the opinion of the Head of Communities and Place contains planning reasons indicating why the matter should be determined by Committee. Ward Members do not need to provide reasons for referring a matter to Plans Committee ;
- d) Upon the Head of Communities and Place, Chief Executive or Leader of the Council exercising a discretion to refer the matter to the Plans Committee;

Note: For the purpose of provision 35(b) above, “*immediate family*” includes all or any of an Officer or a Member’s:-

- (i) spouse or partner;
- (ii) brother or sister;
- (iii) son or daughter;
- (iv) mother or father; or
- (v) grandparents

23. Applications for non-material changes to planning permissions shall be determined by the Head of Communities and Place subject to prior consultation with the Chair and/or Vice Chair of Plans Committee.

24. To exercise and determine all functions of the Council arising from the Planning Acts or any Regulations made pursuant to them (as revoked and replaced or modified from time to time) which in the opinion of the Head of Communities and Place can reasonably be regarded as ancillary to the process of determining applications made pursuant to the Planning Acts, including in particular (but without prejudice to the generality of the foregoing):

- a) the determination of whether an environmental impact assessment is required in relation to an application;
- b) the determination of any scoping or screening opinion in relation to environmental impact assessments;
- c) whether and what additional information is required in respect of an application;
- d) whether any matters which would normally be reserved matters should be required as part of an outline application;
- e) to determine when to place an application (whether previously deferred by any Committee or otherwise) on an agenda;
- f) to determine whether to refer an application to the Secretary of State as a departure from the Development Plan;
- g) to determine whether or not to decline to determine an application submitted within two years of a previous submission dismissed on appeal;
- h) to seek the securing of the withdrawal of applications outstanding for a period in excess of one calendar year;
- i) to refuse requests for deferment by any party if the Head of Communities and Place is satisfied that there is sufficient information available for the matter to be determined;
- j) to approve requests for deferment of an application; and
- k) to determine sign and issue decision notices.

25. To consider and determine any matter arising in respect of the Council's planning function (including the power to issue and serve any approval, consent, Notice or other document relating to the same), including in particular, but without prejudice to the generality of the foregoing:
- a) the approval or refusal (with or without modification) of footpath diversions/extinguishments;
 - b) consultation responses to Forestry Authority matters;
 - c) whether to issue a Building Preservation Notice;
 - d) whether to make a direction for the purposes of Article 4 of the Town and Country Planning General Permitted Development Order 1995;
 - e) the exercise of all the Council's powers in relation to the Hedgerow Regulations 1997 (as may be amended from time to time);
 - f) determinations in respect of telecommunication applications pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
 - g) determinations in respect of agricultural and forestry buildings and operations Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
 - h) the making of recommendations to a neighbouring planning authority when consulted on an application;
 - i) the determination of circular 18/84 applications;
 - j) whether to require and the content of a planning obligation for the purposes of an application under the Planning Acts;
 - k) whether to approve an application for variation or revocation of a planning obligation;
 - l) whether to approve demolitions pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
 - m) whether to exercise such rights of entry as are available to Officers or others as the Head of Communities and Place may authorise so far as is permitted by the Planning Acts;
 - n) the determination of whether or not to grant consent for overhead lines;
 - o) the determination of the appropriate course of action, and to undertake all actions relating to, any appeal arising under the Planning Acts or otherwise in connection with Council's planning functions;
 - p) to determine whether or not to issue notices, and arrange for the removal or obliteration of illegal advertisements, placards or posters (so far as permissible by law), including power to designate Officers as "*authorised Officers*" for such purposes.
26. To investigate and determine whether or not to issue and serve any Notice which in the opinion of the Head of Communities and Place is appropriate in order to regulate planning breaches (including conditions attached to any permissions or consents) pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:
- a) Requisitions for Information and Planning Contravention Notices;
 - b) Enforcement Notices (including those relating to listed buildings and conservation areas);
 - c) Breach of Condition Notices;
 - d) section 215 Notices;
 - e) repairs notices pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended from time to time);
 - f) Stop Notices; and
 - g) notices relating to Tree Preservation Orders,

27. To authorise the instigation of prosecution proceedings or such other action as in the opinion of the Head of Communities and Place is appropriate in order to regulate planning breaches pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:
 - a) non-compliance with any Notices issued pursuant to provision 29 above;
 - b) unauthorised advertisements;
 - c) unauthorised works to listed buildings; and
 - d) unauthorised works to trees.
28. To respond to notifications from the Forestry Commission in respect of Woodland Grant Schemes and similar programmes and applications for tree felling licences.
29. Determination of applications for consent under an order under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or felling of trees.
30. Granting of permission for the erection of temporary direction signs by motoring organisations.
31. Determination of what constitutes a County matter.
32. Serving of Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of works for the preservation of listed buildings.
33. To determine whether to make a Tree Preservation Order.
34. Responding to notifications from the Caravan and Camping Club, or other certified organisations, under the provisions of the Control and Development of Caravan Site Acts 1960 in respect of (5 Caravan) Certified Sites.
35. Collection of Planning fees in accordance with the relevant Regulations and Government Guidance.
36. Determination of applications for conservation grants to assist the enhancement/restoration of Listed Buildings, Conservation Areas or other buildings and areas of importance in accordance with approved initiatives.
37. Responding to consultations by Devon County Council relating to public footpaths.
38. Determination of applications for a Certificate of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961.
39. To accept and agree amendments to submitted applications.

Community Planning

40. To prepare Planning Policy documents to meet the requirements of the Planning and Compulsory Purchase Act 2004 including:
 - a) The preparation and consultation on draft local development schemes or amendments to such schemes;
 - b) The identification, scoping and progression of evidence gathering requirements;
 - c) The agreement of briefs or project specifications for detailed study once the project is included in the approved work programme;

- d) The preparation of draft options reports, Development Plan documents and Supplementary Planning Documents and other Planning Policy Guidance as required for consultation and to undertake the appropriate consultation necessary to commission strategic environmental assessment, sustainability appraisal and other similar exercises as appropriate on relevant local development documents and other supporting policy documents;
 - e) The preparation for public examination, including the engagement of specialist advice as required; and
 - f) The printing and publishing of adopted Local Development Documents.
41. Subject to the limits imposed by the Council's Financial Procedure Rules and in consultation with the Chair of the Council's Community and Resources Committee to negotiate and authorise the release of funds from the Affordable Housing Capital Fund to enable the delivery of approved affordable housing schemes across the District.

Building Control

42. To consider, determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations insofar as they relate to the function of Building Control.
43. To serve such Notices or take such action as is considered appropriate under the Highways Act 1980 in so far as such provisions relate to public safety or the condition of buildings or land.
44. To relax or dispense with Building Regulations approvals and to sign and issue such decisions.
45. To withdraw Building Regulation approvals not exercised within three years. To refer to the Magistrates' Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
46. To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
47. To instruct the Head of Legal and Governance & Monitoring Officer to institute proceedings for infringement of the Building Act 1984, Highways Act 1980 or any Regulations made thereunder.
48. To serve Notice requiring removal or alteration of work not conforming with the Building Regulations (Section 36 of the Building Act 1984).
49. To issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984 and to sign and issue such Notices.
50. To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
51. To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
52. To appoint Consulting Engineers in accordance with the Financial Procedure Rules and Contract Procedure Rules.

53. To set Building Regulation fees, in consultation with the Finance Manager and S151 Officer.
54. To serve requisitions for information under s16 Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Head of Legal and Governance & Monitoring Officer to prosecute for any non-compliance with the same.
55. To exercise all rights of entry on to land or buildings given to the Council under any legislation for the purposes of exercising any functions under the Building Act 1984, the Highways Act 1980 and any regulation made under either.

Waste

56. The power to manage, administer and operate a waste collection service in order to carry out the functions of the Council as Waste Collection Authority under the Environmental Protection Act 1990, the functions or powers of the Council under the Refuse Disposal (Amenity) Act 1978, Public Health Act 1961 and the Civic Amenities Act 1967 and any other such legislation giving powers to or imposing duties on the Council to collect waste or refuse.
57. The power to manage, administer and operate a litter collection service in order to carry out the duties and powers under the Environmental Protection Act 1990 and any other such legislation giving powers to or imposing duties on the Council to collect litter.
58. Without prejudice to the generality of the above, the power:-
 - a) to determine whether a place at which waste is situated is so isolated as to make the cost of collection unreasonably high;
 - b) to set charges for the collection of waste where permitted by legislation;
 - c) to determine whether to collect industrial waste or other waste which the Council has the discretion to collect under any legislation;
 - d) to dispose of any waste collected in accordance with legislation;
 - e) to require the use of specific receptacles for storage and collection of waste;
 - f) to prepare a waste collection plan in accordance with legislation;
 - g) to serve Litter Clearing Notices; and
 - h) to serve all notices, including Fixed Penalty Notices, and make all such determinations as permitted by the legislation referred to in provision 40 and 41 above.

Abandoned Vehicles

59. To exercise all powers and duties given to the Council to remove and dispose of abandoned and other vehicles under the Refuse Disposal (Amenity) Act 1978: Road Traffic Regulation Act 1984 and the Clean Neighbourhoods and Environment Act 2005.

Road Traffic and Car Parking

60. The power to manage, administer and operate the Council off-street car parks in accordance with the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and any other relevant legislation.
61. The power, in consultation with the appointed Lead Member with responsibility for Parking or the appropriate Committee Chairperson, to decide whether to

waive the requirement to pay for parking in any parking place where an organised event is taking place.

62. Without prejudice to the generality of provisions 44 and 45 above:
- a) the power to issue Penalty Charge Notices;
 - b) the power to deal with representations and Appeals;
 - c) the power to commence proceedings for recovery of sums due;
 - d) the power to prosecute for breaches of the Off-Street Parking Places Order;
 - e) the power to carry out any works to the Off-street Parking Places as are considered necessary provided such works are within existing budgets and comply with all relevant Council Rules; and
 - f) the power to request information under the Road Traffic Regulation Act 1984.

Streets

63. The power to serve such Notices and take such other action as are deemed appropriate under the Anti Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005, including the power to serve fixed penalty notices.
64. The power to appoint authorised officers under the Anti-Social Behaviour, Crime and Policing Act 2014 following consultation with the Lead Member.
65. To serve Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.
66. To issue Fixed Penalty Notices for non-compliance with Public Spaces Protection Orders and Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.
67. Authority to establish the local threshold and procedures for the purposes of the Community Trigger, consistent with those established by the Safer North Devon Partnership or any equivalent successor body, pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

Harbour Undertaking

68. The power to manage, operate and administer the Council's harbour undertaking in accordance with all Local and National Legislation and guidance.
69. Without prejudice to the generality of the above, the power:-
- a) to admit ships and boats to the harbour;
 - b) to levy such charges as the Council shall deem appropriate;
 - c) to enforce the provisions of Local and National Legislation and Byelaws with regard to the use of the harbour;
 - d) where the Head of Communities and Place deems it appropriate, to liaise with the Maritime and Coastguard Agency and all other Statutory Bodies with regard to management of the harbour and the vessels using the same; and

- e) to manage and operate a pilotage service within the Taw Torridge estuary.

within the scope of policies and procedures agreed by the Harbour Board.

Economic Development

- 70. To enter into and manage contracts with external suppliers, service providers and professional consultants provided that the Contract Procedure Rules and the Financial Procedure Rules are complied with.
- 71. Agree Councillor Community Grant awards and Town and Parish awards under the Devon County Council scheme in accordance with the Grant schemes criteria in consultation with the Leader.
- 72. To dispose of plant and equipment used within the Service Area provided that the Financial and Contract Procedure Rules are complied with.

Culture and Leisure Services

- 73. To manage the Council's leisure and arts facilities.
- 74. To agree or refuse requests for the holding of events on Council leisure facilities and to instruct the Head of Legal and Governance & Monitoring Officer to prepare temporary event licences for such purposes.
- 75. To undertake initiatives and promotions seeking to encourage the use of the Council's leisure facilities or the promotion of sport, arts, culture and leisure within the Council's District provided such promotions and initiatives fall within existing budgets.

REGULATORY

- 76. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.
- 77. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.
- 78. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of Notices, issuing, granting, refusing, varying, cancelling, suspending and revoking of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.
- 79. To consider representations in relation to "*minded to*" notices and to review "*Deferred Action*" Notices.
- 80. To consider and determine whether to issue a formal Caution in relation to any criminal matter for which the Head of Communities and Place has an express or implied delegated power.

81. For the avoidance of doubt where provided for by the legislation specified below the Head of Communities and Place and any other Officer(s) appointed by him/her shall be appointed as an authorised officer and/or Inspector for the purposes of that legislation.
82. To manage and administer the Northam Burrows Country Park.
83. Where the Head of Communities and Place considers it appropriate and after consultation with the Head of Legal and Governance & Monitoring Officer to prosecute any offences under the said legislation.
84. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.
85. In the absence of the Chief Executive, the Head of Communities and Place and Finance Manager and S151 may exercise the power to execute the Exclusive Right of Burials.

B6 SENIOR MANAGEMENT TEAM

General

1. The responsibility for:-
 - a) ensuring that any duty placed on the Head of Legal and Governance & Monitoring Officer or the Senior Management Team in any policy adopted by the Council is implemented in respect of their Service Area and the functions undertaken by it;
 - b) for the accountability and control of staff and security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their Service Area; and
 - c) the day-to-day management of the Service Area of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team and its personnel in accordance with any approved Council policies as have been adopted, and relate to the same.
2. To generate reports relating to the functions undertaken by the Service Area of the Head of Legal and Governance & Monitoring Officer or Senior Management Team, in consultation with such other units / Officers as the Head of Legal and Governance & Monitoring Officer or Senior Management Team deems appropriate and ensuring compliance with any Council policies in this regard.
3. The power for the Head of Legal and Governance & Monitoring Officer or Senior Management Team, to act on behalf of any Service Area and the Council, including the exercise of any powers delegated to them, when instructed to do so in connection with any matter for which that Service Area has power, including engaging in correspondence, negotiations or any other action that is necessary to fulfil that instruction.
4. To investigate and resolve complaints (whether made through the formal Council complaint procedure or otherwise) relating to the functions of the Service Area, provided that:

- a) details of the complaint and any resolution are recorded on a central record in accordance with the Council's complaints procedure;
 - b) where a resolution of a complaint outside of the Council's formal complaint procedure (as amended from time to time) involves the payment or waiving of money then the same can be met without any increase to Service Area's existing budget and the prior consent of the Finance Manager and S151 Officer is secured; and
 - c) where a complaint is received using the Council's complaint's procedure (as amended from time to time), then all relevant provisions contained therein are complied with.
5. To undertake any roles, actions, or measures, including power to consider and determine any matter, allocated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.
 6. To consider and determine whether to issue a formal Caution in respect of any matter for which the Senior Management Team has a delegated power to consider, authorise or approve the taking of criminal proceedings (or an alternative to the instigation of such proceedings), provided that prior to any such determination full regard must be had to any guidance that may be issued for the benefit of Crown Prosecutors in relation to the same, and that in the event of any doubt the Senior Management Team consults with the Head of Legal and Governance & Monitoring Officer.
 7. The responsibility for the monitoring, storage, archiving and destruction of Council documentation resulting from or held by their Service Area provided the same is in accordance with Council policies.

Financial

8. To authorise the ordering of goods and services and payment in respect of the same in relation to the functions administered by the Service Area, **provided** the same does not exceed overall budgetary provisions for the Service Area and is in accordance with any policies adopted by the Council relating to the same.
9. Provided that it is in accordance with the Financial Procedure Rules, authorise instructions for:-
 - a) the raising of customer accounts;
 - b) to cancel customer accounts; and
 - c) to make recommendations to the Finance Manager and S151 Officer regarding the write off of customer accounts in respect of any functions of the Service Area.

Establishment

10. To authorise any other Officer within the Service Area of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team to discharge a power delegated to the Head of Legal and Governance & Monitoring Officer or the Senior Management Team on his/her behalf, subject to such authorisations being in writing and registered with the Head of Legal and Governance & Monitoring Officer **unless** it is specifically stated that the power may not be delegated.

11. To authorise Officers and any other persons (including inspectors appointed on behalf of the Council) to carry out inspections and to exercise powers of entry for any purpose which in the opinion of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team is reasonably necessary for the performance of a delegated or referred power or duty.

REPORT OF **Head of Legal & Governance (Monitoring Officer)**

To: **Annual General Meeting**

Subject: **Substitution Scheme**

Date: **20 May 2024**

Reference:

PURPOSE OF REPORT:

To approve the Council's Substitution Scheme

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year at the Annual General Meeting

2. REPORT

Please see attached current Substitution Scheme.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year

Data Protection (GDPR) Implications

n/a

Climate Change

n/a



Ward Member and Lead Member Views

Members agreed a revised scheme last year

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

Approve the Substitution Scheme as set-out in Appendix 1.



A4.5 Substitution Scheme

Any Member of the Council may act as a substitute for another Member at any meeting of a committee (or other body constituted by the Council or its committees), subject to the following rules:

- a) Overview & Scrutiny Committee members may not substitute on the Community & Resources Committee.
- b) Community & Resources Committee members may not substitute on any Overview & Scrutiny Committee.
- c) Substitution can take place on to the Standards Committee provided the substitute Member has undertaken the appropriate training.
- d) Audit and Governance members may not substitute on any Overview & Scrutiny Committee.
- e) A Member may act as a substitute at a meeting of any outside body to which the Council nominates or appoints Members (provided that the rules of that body so permit). In such a case the substitute need not be a member of the same political group as the member being replaced provided the substitution is agreed and notified by the political group to which the member being replaced belongs.
- f) In the case of all substitutions, responsibility to appoint a substitute falls in the first instance to the absent Member. If the absent Member is unable to or fails to appoint a substitute, responsibility for appointing a substitute then falls to the absent Member's political group leader.
- g) A substitute may only act when an appointed Member of the Council, committee or one of the bodies named above is not in attendance at the start of the meeting and the substitution shall last for that meeting only, not substitute midway through.
- h) A substitute member will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable (for example a Chair's responsibility) by the person they are substituting.
- i) Before the start of any meeting at which a substitute is acting, the absent Member or their group leader shall notify the Committee Clerk of the substitution or, in the case of an outside body, shall arrange to conform with that body's requirements.
- j) At the start of any meeting at which a substitution has been arranged in accordance with these rules, the Committee Clerk shall announce that the named substitute is acting to serve as a substitute for the named absent member.
- k) If the absent Member is subsequently able to attend a meeting for which a substitute is acting, but arrives after the meeting has opened and the announcement has been made in paragraph i) above, he shall be treated as a non-member of the committee for that meeting only.

Agenda Item 14

REPORT OF **Head of Legal & Governance (Monitoring Officer)**

To: **Annual General Meeting**

Subject: **Membership of Outside Bodies**

Date: **20 May 2024**

Reference:

PURPOSE OF REPORT:

To agree the Membership of Outside Bodies

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve (or delegate to Group Leaders to agree) the Members serving on Outside Bodies each year at the Annual General Meeting

2. REPORT

The current membership on Outside Bodies is attached for Members information at Appendix 1.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that this is agreed each year

Data Protection (GDPR) Implications

n/a

Climate Change

n/a



4. CONCLUSIONS

Members are asked to either agree the membership on Outside Bodies or delegate to Group Leaders to agree.

5. RECOMMENDATIONS

Members are recommended to either:

- Agree the membership on Outside Bodies, or
- Delegate to Group Leaders to agree the membership on Outside Bodies



Membership of Community Groups & Outside Bodies May 2023

Organisation	No of reps	Council Representative	Contact
Bideford Bay Childrens' Centre	1	Cllr D Brenton	torridgecc@actionforchildren.org.uk
Bideford Community Archive Council	1	Cllr J Whittaker	01237 471714 enquiries@bidefordarchive.org.uk
Coastal & Market Towns Initiative – Holsworthy	1	Cllr K James	John Allen (Chair) 01409 253663 johnallen08@btinternet.com
County (Locality) Committee	2		Gerry Rufolo (Secretary) 01392 382299 Email: gerry.rufolo@devon.gov.uk
Devon Audit Partnership Committee	2	Cllr J Gubb Cllr P Hackett	Gordon Bryant Gordon.bryant@torridge.gov.uk Cllr Hackett (chair of audit & governance) Councillor.Hackett@torridge.gov.uk
DALC	1	Cllr D Smith	
D & C Housing is now Livewest (Sanctuary Road (Holsworthy) & other projects	1	Cllr C Hodson	Helen Page – TDC Housing Options Team Leader Helen.Page@torridge.gov.uk
Devon Districts Forum	1	Cllr K James	1 – TDC Democratic Services Dem.Services@torridge.gov.uk 2 - Steve Hearse Steve.Hearse@torridge.gov.uk
Devon Rail Forum	1	Cllr D Brenton	Rachel.phillips@devon.gov.uk
Devon Waste Management Committee	1	Cllr C Leather	Richard Haste Richard.Haste@torridge.gov.uk
Great Torrington Community Development Trust	1	Cllr D Smith	Peter Hood hoodp@hoodp.plus.com
Harbour Bideford (Homeless Charity)	1	Cllr C Hodson	Andrew Tregoning (Vice Chair) admin@harbourbideford.co.uk
HATOC (joint meeting with DCC)	2	Cllr P Hackett Cllr C Leather	Councillor Linda Hellyer (Chair) linda.hellyer@devon.gov.uk Gerry Rufolo (DCC Support officer) 01392 382299 Email: gerry.rufolo@devon.gov.uk
LGA Coastal SIG	1	Cllr C Hodson	Chris Willson (TDC) chris.willson@torridge.gov.uk Adrian Redwood (TDC) Adrian.Redwood@torridge.gov.uk
Lundy Marine Protected Area	2	Cllr W Lo-Vel Cllr S Andrews	Marine Management Organisation Sophie Kendall Sophie.Kendall@marinemanagement.org.uk
North Devon Coast Areas of Outstanding Natural Beauty	1	Cllr S Harding	
North Devon +	2	Cllr K James Cllr D Bushby	Vicki Price vprice@northdevonplus.co.uk
Police & Crime Panel	1	Cllr P Hackett	
Pollyfield	1	Cllr H Thomas	Bookings – bookings@pollyfield.org General Enquiries – admin@pollyfield.org – Jenny Stringer (Chair) – jenny@pollyfield.org Kevin Cannon (Secretary/Admin) – kevin@pollyfield.org Jaye Andrew (Bookings/Bar Manager)– jaye@pollyfield.org Unless it is specific to a booking then probably admin@pollyfield.org is the best contact for the councils as this one is picked up by multiple members of the Management committee.

Tarka Rail Association	1	Cllr D Smith	Mike Day – chair@tarkarail.org
Taw & Torridge Voluntary Services TTVS	1	Cllr K James	Darran Hill darran@ttvs.org.uk
Torridge, North, Mid and West Devon CAB	1	Cllr P Pennington	03444 111 444 info@ruraldevoncab.org.uk
Torrington Together	2	Cllr D Smith	Currently not running. Will keep you updated.

Agenda Item 15

REPORT OF **The Chief Executive**
To: **Annual General Meeting**
Subject: **Lead Members**
Date: **20 May 2024**

Reference:

PURPOSE OF REPORT:

To approve Lead Members

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve Lead Members each year at the Annual General Meeting

2. REPORT

At Full Council 19 June 2023 Members agreed the current Lead Member roles.

Economy & Estates
Culture & Community
Leisure & Recreation
Public Health & Community Safety
Planning & Development
Customer Services & Internal Resources
Legal & Democratic Services
Finance & Audit
Homelessness & Housing Need
Operational Services
Climate Change

The current Lead Members with services is attached for Members information at Appendix 1.

3. IMPLICATIONS

Legal Implications

It is a requirement of the Council's Constitution that Full Council approve Lead Members

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a



Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement of the Council's Constitution that Full Council approve Lead Members.

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

Group Leaders have agreed these Lead Members

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve Lead Members each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

Approve the Lead Member roles and Lead Members.



Lead Member for:	Councillor	Service Areas	Manager	SMT
Economy & Estates	Cllr Hicks	Economy & Tourism Property & Estate Harbour Coastal Protection	Sean Kearney/Chris Fuller Vacant position Richard Haste Adrian Redwood	Sean Sean Sean Sean
Culture & Community	Cllr Cottle-Hunkin	Burton Art Gallery Community Engagement	Sean Kearney Sean Kearney/Chris Fuller	Sean Sean
Leisure & Recreation	Cllr Piper	Active Torridge	Sean Kearney	Steve
Public Health & Community Safety	Cllr Hackett	Environmental Protection & Community Safety Food Safety Licensing CCTV Housing Renewals	Phil Gilbert Phil Gilbert Phil Gilbert Phil Gilbert Phil Gilbert	Staci Staci Staci Staci Staci
Planning & Development	Cllr Lock	Development Control Planning Policy Planning Enforcement Building Control	Helen Smith Helen Smith Helen Smith Helen Smith / Martin Setherton	Sean Sean Sean Sean
Customer Services & Internal Resources	Cllr James	ICT (including Cyber Security) Corporate Strategy HR & Comms Staff Health & Well-being Equalities Customer Services Procurement	Jon Walter Jon Walter Sarah Ayres Sarah Ayres Sarah Ayres Sarah Ayres Sarah Ayres Adrian Redwood	Steve Steve Steve Steve Steve Steve Sean
Finance & Audit	Cllr Bushby	Finance Internal Audit Performance	Gordon Bryant Gordon Bryant Gordon Bryant	Steve Steve Steve
Legal & Democratic Support	Cllr Newton	Elections & Democratic Services Legal, Data Protection & FOI Land Charges Revenue & Benefits Safeguarding Health & Safety	Staci Dorey/ Tom Vanstone Staci Dorey Staci Dorey/ Tom Vanstone Staci Dorey Jo Wells Staci Dorey Staci, Jon, Richard & Sarah	Staci Staci Staci Staci Staci Steve
Homelessness and Housing Need	Cllr Hodson	Housing Options	Staci Dorey / Helen Page	Staci
Operational Services	Cllr Leather	Operational Services	Richard Haste	Sean
Climate Change	Cllr Hames	Cross cutting throughout the Council	Vacant Position	Sean

Lead Members for Joint Planning policy Committee – Economy, Culture & Community, Public Health & Community Safety, Planning & Development, Homelessness & Housing Need, Climate and the Leader of the Council.

Member to sit as Director on Active Torridge Board – Leisure & Recreation

Agenda Item 16

REPORT OF The Chief Executive
To: Annual General Meeting
Subject: Appointment of Members to Active Torridge Board
Date: 20 May 2024

PURPOSE OF REPORT:

To approve the appointment of Members to Active Torridge Board.

1. INTRODUCTION

It is the responsibility of Full Council to formally appoint Councillors to external Bodies and Boards.

2. REPORT

At the Full Council meeting held 2 August 2021, Councillors approved the establishment and make-up of the Active Torridge Board as follows:

- 4 x Councillors (Leader, Lead Member for Leisure & Recreation, Chair of Community and Resources Committee plus one other member to be nominated by Full Council.)
- 2 x Senior Officers (Chief Executive, Head of Communities and Place)
- 1x Non Executive Director

Please see Appendix 1 for the current make-up of the Active Torridge Board.

3. IMPLICATIONS

Legal Implications

Full Council must approve the appointment of Councillors to external bodies and boards.

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a



Risk Management

n/a

Compliance with Policies and Strategies

This complies with the Council's Constitution.

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

N/A.

4. CONCLUSIONS

That Members appoint the four Councillor to Active Torridge Board.

5. RECOMMENDATIONS

It is recommended that Council appoint four Councillors to the Board and to include:

Leader, Lead Member for Leisure and Recreation, Chair of Community and Resources Committee plus one other member to be nominated by Council.



Current Make-Up of Active Torridge Board

4 x Councillors (Leader, Lead Member for Leisure & Recreation, Chair of Community and Resources Committee plus one other member to be nominated by Full Council.)

- Cllr K James – Leader
- Cllr L Piper – Lead Member for Leisure & Recreation
- Cllr R Hicks – Chair of Community & Resources
- Cllr C Cottle-Hunkin – other Member nominated by Full Council

REPORT OF The Chief Executive
To: Full Council
Subject: Appointment of Members to Working Groups
Date: 20 May 2024

PURPOSE OF REPORT:

To approve the appointment of Members to Working Groups for.

- Property & Major Projects
- Climate Change
- Harbour Board

1. INTRODUCTION

It is the responsibility of Full Council to formally appoint Members to those working groups contained with the Council's Constitution.

2. REPORT

The Council operates several working groups, which are ordinarily implemented to undertake more detailed work, studies, knowledge gathering, etc. on significant subject matters, which would otherwise clog up the work and throughput of Committees.

Working groups do not have decision making responsibilities and in the main would report and or make any recommendations to the Council's Community and Resources Committee for consideration.

There are three working groups that due to the nature of the work involved will have long standing agendas and as such are contained with the Council's Constitution:

- The Climate Change Working Group
- Property and Major Projects Working Group
- The Harbour Board

The details relating to each respectively are attached as appendices 1, 1a, 2, 2a, 3 and 3a.

2.1 Climate Change Working Group

The working group currently consists of 5 Members; one of which is the Lead Member for Climate Change and a further four Members will be appointed at the AGM.

2.2 Property and Major Projects Working Group



The working group currently consists of four Members comprising:

- The Leader of the Council (Chair)
- The Deputy Leader of the Council (Vice Chair)
- The Chair of Community & Resources Committee
- Another Member appointed annually by Full Council

2.3 Harbour Board

The working group currently consists of 5 Members of Torridge District Council; one of which will be the Chair of Community and Resources who will also be the Chair of the Harbour Board and a further four Members will be appointed at the AGM.

3. IMPLICATIONS

Legal Implications

Full Council must approve the appointment of Councillors to working groups contained in the Council's Constitution.

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

This complies with the Council's Constitution.

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

N/A.

4. CONCLUSIONS

For the working groups to start operating the additional Members need to be appointed to the specific roles.



5. RECOMMENDATIONS

It is recommended that Council appoint:

- 5.1 Appoint four Members to the Councillor Climate Change Working Group as highlighted in section 2.1.
- 5.2 Appoint the fourth Member to the Property and Major Projects Working Group as highlighted in section 2.2.
- 5.4 Appoint four Members to the Harbour Board as highlighted in section 2.3.



COUNCILLOR CLIMATE CHANGE WORKING GROUP

Terms of Reference and Function

The Torridge Climate Emergency Working Group will provide strong strategic direction and oversight in order to achieve Torridge District Council's target of carbon neutrality by 2030.

2. Responsibilities

The Working Group will:

- Enable and establish collaborative working across the Council and engagement with individuals, community groups, parish and town councils, businesses and other partners in the district.
- Investigate steps that may be taken by the Council and by Torridge residents and businesses to work towards the Council's commitment to achieving net-zero carbon status by 2030 and towards protecting and enhancing biodiversity.
- Oversee the Carbon and Biodiversity Plan for TDC, ensuring that actions are realistic, measurable and deliverable. Provide input into the development of the plan and strategic direction and oversight of its delivery, once adopted, making recommendations to Full Council, Community & Resources Committee and other strategic and governance committees and groups, as necessary.
- Identify support needed from Central Government in terms of funding, additional powers and policy changes which are needed to achieve the Council's climate and ecological objectives.
- Monitor funding opportunities making recommendations through governance structures where necessary or support Officers to undertake bids/projects.
- To identify, support and champion climate and ecological progress across the Council whilst providing an appropriate level of critical challenge for the organisation.
- To identify, promote and participate in partnership opportunities that will progress TDC's stated Carbon and biodiversity goals.
- To promote and champion the actions, progress and achievements of the Council in meeting its carbon neutrality, environmental and economic development aims.
- Through governance structures to report on activities, outcomes, risks and resource demands, and action direction out of these governance arrangements.
- To provide support and oversight of actions, initiatives and opportunities coming out of Devon County Council's declaration of climate emergency made in February 2019.
- To support and champion Torridge's high-quality environment, air, land, water, food products and renewable energy resources.
- To identify appropriate income generating opportunities which will tie in with the council's climate objectives.

3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee

Current Councillor Climate Change Working Group

The working group currently consists of the following Members:

- Cllr P Hames – Lead Member for Climate Change
- Cllr D Smith – Chair
- Cllr W Lo-Vel
- Cllr C Wheatley

The above Councillors were elected at Full Council on 19th June 2023.

At the Councillor Climate Change meeting held on 27th July 2023 it was resolved that the following Members also be added to the Councillor Climate Change Working Group:

- Cllr J Craigie
- Cllr P Pennington
- Cllr H Thomas

PROPERTY AND MAJOR PROJECTS WORKING GROUP

Terms of Reference and Function

The Property and Major Projects Working Group was established by Community and Resources Committee as a forum for discussing the Council's current and proposed major projects, and for resolving day-to-day issues arising from those projects (within the parameters of the approved project) so as not to impede progress.

The Property and Major Projects Working Group shall:-

1. Monitor and receive updates in relation to current major projects;
2. Provide guidance in relation to matters arising from current projects which may impede progress, such guidance to be exercised within the parameters of the formal approval for the project.
3. Consider proposals for new major projects while in the formative stages to assist officers in determining the approach to be taken in relation to those proposals.

Composition

1. The number of seats shall be four (4) Members comprising:
 - a. The Leader of the Council (Chair);
 - b. The Deputy Leader of the Council (Vice Chair);
 - c. The Chair of Community & Resources Committee;
 - d. Another Member appointed annually by Full Council

In the event that the Leader or Deputy Leader of the Council is also the Chair of the Community & Resources Committee, the Chair of the Audit & Governance Committee shall take their place on the Property and Major Projects Working Group.

2. The quorum shall be two (2).

Current Property & Major Projects Working Group

The working group currently consists of the following Members:

- Leader of the Council - Cllr K James
- Deputy Leader of the Council – Cllr C Hodson
- Chair of Community & Resources Committee – Cllr R Hicks
- Another Member appointed annually by Full Council – Cllr D Bushby

HARBOUR BOARD

Terms of Reference for Bideford Harbour Board Working Group

Purposes

To receive reports from the Operational Services Manager on issues affecting the management of Bideford Harbour and to consider such issues and make recommendations as appropriate to the Community and Resources Committee.

To establish and maintain strong links with Harbour users, the community and other stakeholders.

To uphold the principles of governance set out in the Department for Transport's "Modern Ports – a UK Policy" and "Opportunities for Ports in Local Authority Ownership" and comply with the local and national Harbour Acts and other relevant legislation.

To participate in reviews of Council policy so far as it affects Bideford Harbour.

Membership

The working group shall consist of:-

5 Members of Torridge District Council including the Chair of the Community and Resources Committee

3 Members who shall not be Members of Torridge District Council but whom, because of particular expertise or interest, the Council considers should be members of the Working Group.

Initial appointments of independent members shall be for a period of 6 months and may be extended to four years, subject to review. Subsequent appointment of independent members shall be for a period of 4 years.

Chairman

The Chair of the Working Group shall be the Chair of the Community and Resources Committee. The Working Group shall appoint a Vice Chair as part of the business of the first meeting and from time to time thereafter. If the Chair and Vice-Chairman are not present at a meeting, the Working Group shall appoint a Chair to act at that meeting from amongst those present.

3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee

Current Harbour Board Working Group

The working group currently consists of the following Members:

Five Members of Torridge District Council including the Chair of the Community & Resources Committee and three Members who shall not be Members of Torridge District Council but whom, because of particular expertise or interest, the Council considers should be members of the Working Group.

- Cllr R Hicks - Chair of Community & Resources Committee
 - Cllr D Brenton
 - Cllr D Bushby
 - Cllr C Leather
 - Cllr J Whittaker
-
- Mr J Puddy
 - Mr T Gibbs
 - Mr N Hardaker