

Part 3 – Responsibility for Functions

The Local Government Act 2000 specifies that all functions of the Council must be the responsibility of the Cabinet unless otherwise specified in regulations made under the Act or where there is express provision to the contrary in other legislation. This Part of the Constitution sets out which body (e.g. Full Council or a Committee) has responsibility for functions which cannot be the responsibility of the Cabinet or where the Council is given discretion as to whether or not the function shall be the responsibility of the Cabinet.

Responsibility for Local Choice Functions

Function	Decision making body	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Cabinet	See Scheme of Delegation to Officers
2. The determination of an appeal against any decision made by or on behalf of the authority.	The Cabinet save for matters contained in the Terms of Reference of the Judicial Board and the Licensing and Appeals Committee	
3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Council by way of the Scrutiny Committee	
4. Any function relating to contaminated land.	The Cabinet	-
5. The discharge of any function relating to the control of pollution or the management of air quality.	The Cabinet *	See Scheme of Delegation to Officers
6. The service of an abatement notice in respect of a statutory nuisance.	The Cabinet *	See Scheme of Delegation to Officers
7. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Cabinet	-

8. The inspection of the authority's area to detect any statutory nuisance.	The Cabinet *	See Scheme of Delegation to Officers
9. The investigation of any complaint as to the existence of a statutory nuisance.	The Cabinet*	See Scheme of Delegation to Officers
10. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Area Development Control Committees	See Scheme of Delegation to Officers
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Cabinet	See Scheme of Delegation to Officers
13. The making of agreements for the execution of highways works.	The Cabinet	See Scheme of Delegation to Officers
14. The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to any body other than (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.	Council	-

Part 3 Responsibility for Council Functions

Set out below are the terms of Reference of the Council and all the Council's Committees, showing the responsibilities of the Council and each Committee.

Matters Common to all Committees

1.0 General Clauses

- 1.1 There shall be delegated to every Committee of the Council full power to act in all matters covered by these Terms of Reference subject to compliance with the Council's Standing Orders, Finance Code of Practice and Contracts' Code of Practice.
- 1.2 For the purpose of exercising any of its delegated powers, any Committee may authorise an officer of the Council to act on its behalf under Section 223 of the Local Government Act 1972, in respect of legal proceedings in Courts of summary jurisdiction and Section 60 of the County Courts Act 1984.
- 1.3 Any mention in these Terms of Reference of any Act of Parliament shall be deemed to extend to any Act amending or replacing the same and to any Rules, Regulations or Orders made under it.
- 1.4 No general reference of a power, duty or function to a Committee shall include any power, duty or function specifically referred to another Committee.

2.0 Powers

Every Committee:

- 2.1 may delegate any power, duty or function referred to it under these Terms of Reference to another Committee or an officer of the Council save where prohibited by law or by resolution of the Council;
- 2.2 shall have power to recommend to the Cabinet the appointment of a Working Party which shall report to the recommending Committee. (Note: Working Parties and panels already mentioned in these Terms of Reference do not have to be confirmed by the Cabinet);
- 2.3 shall have power to appoint delegates to attend conferences and meetings concerned with matters which come within the Terms of Reference of that Committee;

- 2.4 may recommend the making of bylaws relevant to any function of that Committee;
- 2.5 shall have power to recommend to the Cabinet changes in its structure, constitution, membership or functions;
- 2.6 shall have power to liaise with and make submissions to Government Departments and regional and national bodies including the Local Government Association in connection with matters falling within its Terms of Reference.

3.0 Meetings

Committees shall meet in accordance with the timetable of meetings published prior to the Annual Meeting of the Council each year. A decision not to hold a meeting of a Committee in accordance with the timetable shall be taken in accordance with the provisions in the Council's Scheme of Delegation. The holding of additional meetings (other than extraordinary meetings under Standing Order 2) shall also be dealt with in accordance with those provisions.

Full Council

Powers Reserved to Full Council

- 1.0 Approving the Council's Budget to include the Capital Programme and the setting of the Council Tax. (This does not include the setting of the Council Tax base which is the responsibility of Cabinet).
- 2.0 The setting of rent levels for Council housing.
- 3.0 Determining Council borrowing limits.
- 4.0 Considering and approving the final accounts and financial statement of the Council.
- 5.0 The establishment of Standing Committees under Standing Order No 5.
- 6.0 The appointment of Members to serve on the Council's Committees under Standing Order No 6.
- 7.0 The election of the Chairmen and Vice-Chairmen of Committees under Standing Order No 7.
- 8.0 The allocation of responsibilities to Cabinet Members under Standing Order 6.
- 9.0 The appointment of Chief Officers (as defined in the Council's Scheme of Delegation), although this function may be exercised, if the Council so resolves, by an appointment panel consisting of at least the minimum number of Members of the Council necessary to comply with the political balance requirements of the Local Government and Housing Act 1989 (unless the Council resolves otherwise without dissent.)
- 10.0 Adding to, varying or revoking the Council's Standing Orders under Standing Order No 44.
- 11.0 The adoption of any corporate policy or strategy except as otherwise specifically provided in the Terms of Reference of Committees or the Council's Scheme of Delegation.
- 12.0 The taking of any decision:
 - 12.1 to cease to exercise any power of the Council;
 - 12.2 to exercise any power not hitherto exercised by the Council;

12.3 to allow any person or body other than the Council, a Committee or an officer of the Council to exercise any of the Council's powers;

12.4 to undertake the responsibilities of another body.

- 13.0 The taking of any decision or expressing a view leading to the alteration of:
- 13.1 any Local Government boundary affecting the District;
 - 13.2 any Electoral Division or area;
 - 13.3 the number of Members of the Council.
- 14.0 The appointment of Members to serve on Outside Bodies.
- 15.0 The setting of a scheme for Members' Allowances.
- 16.0 The alteration of Terms of Reference for its Committees.
- 17.0 The alteration of the Scheme of Delegation (subject to the power to modify the scheme contained within it)
- 18.0 Adoption of the Local Development Framework or modifications to it.
- 19.0 Consideration of responses to reports by the Local Government Ombudsman on the advice of the Scrutiny Committee.

Note: For the avoidance of doubt, it is confirmed that just as the Council retains ultimate responsibility for the actions of all its Committees, it also retains the ability to exercise any of its powers whether or not such power is also delegated to a Committee or officer save where legislation provides that the Cabinet or some other body shall have sole responsibility.

However, the Council will not exercise a power delegated by these Terms of Reference without first certifying that such an exceptional step is required in the best interests of the Council.

The Council's ability to exercise its powers will not override or supercede any decision or action already taken by resolution of any Committee or officer acting under properly delegated authority.

The Development Control Committees (East and West)

The Development Control Committees (East and West)

Terms of Reference

1. To determine all planning applications and related matters, enforcement matters, tree and hedgerow matters, rights of way, and conservation area matters for the areas allotted to them from time to time by the Council, subject to the provisions outlined below.
2. To make decisions on planning applications which would be contrary to policy, only when the Head of Planning and Building Control, or his or her authorised representative, confirms that the departure is of a minor nature; or that there are sound planning reasons for the departure.
3. To receive information and monitoring reports on items determined under delegated powers and on the status of, or decisions on appeals.
4. To establish a judging panel as required to promote, consider, evaluate and judge submissions under the Graham Allen Awards Scheme and make awards accordingly. The membership of the judging panel shall be drawn equally from the East and West Committees with the addition of a Chairman (who may be a Member of either Committee) agreed between them (or appointed by the Cabinet in the event of a dispute).
5. When a determination under paragraph 1 or 2 would, in the view of the Head of Planning and Building Control;
 - a) have major implications for planning policy or
 - b) be a significant departure from the Development Planthat matter will be deferred until a subsequent meeting of the Committee when the membership of both Development Control Committees (East and West) will be invited to consider and determine that matter, following consultation, in appropriate cases, with the Council's Monitoring and Section 151 Officers.
6. To make recommendations, either individually or meeting jointly with the other Development Control Committee, to the Cabinet on matters of planning policy or practice.
7. For the avoidance of doubt the quorum of meetings under paragraph 5 will be one quarter of the total number of Members of both Committees.

Note: The applications referred to in these Terms of Reference are those detailed in Part III of the Town and Country Planning Act 1990; in the Planning (Listed Buildings and Conservation Areas) Act 1990; in

the Planning (Hazardous Substances) Act 1990 and in any enactment modifying, amending or replacing any of these enactments. The expression shall also apply to any reference to an application to be decided by the Council in relation to any matter covered by these Terms of Reference and not specifically allocated to another Committee.

The Cabinet

Terms of Reference

- 1.0 To provide leadership and direction for the Council. To keep the Council's policies and objectives under review and by initiating, taking into account the views of the Scrutiny Committee and the advice of the Head of Paid Service and of Chief Officers, new policy proposals in relation to any of the Council's responsibilities and functions.
- 2.0 To consider and recommend to the Council the amount of Council Tax to be levied and Council Rents to be charged based on a budget which has been approved by the Committee and recommended for adoption by the Council and to set the Council Tax base.
- 3.0 To recommend a capital programme to the Council.
- 4.0 To consider and decide upon any request for a supplementary estimate from any Committee or Chief Officer and on the advice of the Chief Finance Officer to specify how any such request which is approved should be funded.
- 5.0 To deal with any matter not reserved to Full Council or another Committee of the Council provided that the matter is not one that a Council's Cabinet is by law precluded from resolving.
- 6.0 To report, where appropriate, on any matter relating to the Council's responsibilities or area.
- 7.0 To deal with any review or alteration of Parliamentary or Local Government boundaries and areas or the representational naming of such areas - provided there shall be reserved to the Council any final decision or expressions of views leading to the alteration of:
 - 7.1 any Local Government boundary affecting the District;
 - 7.2 any Electoral Division or area;
 - 7.3 the number of Members of the Council.
- 8.0 To submit, with the advice of the Head of Paid Service, recommendations on the structure, constitution, membership and functions of all Committees of the Council.
- 9.0 To report to the Council on matters arising under Sections 85 and 86 of the Local Government Act 1972 (failure to attend meetings and vacation of office).

10.0 To advise the Council on all matters relating to Standing Orders and Finance and Contracts' Codes of Practice.

- 11.0 To exercise any powers of the Council under Section 138 of the Local Government Act 1972 (emergencies, disasters).
- 12.0 To consider and recommend policy concerning Members' Allowances.
- 13.0 To authorise the commencement of proceedings or the entry of a defence to proceedings in the High Court subject to the provisions relating to emergencies contained in the Council's Scheme of Delegation.
- 14.0 To undertake those duties imposed upon the Council under the Representation of the People Acts.
- 15.0 To prepare, monitor and review the North Norfolk Local Development Framework taking into account all views received and the views of the Development Control Committees. Adoption of the Local Development Framework or modifications to it shall be reserved to Full Council.
- 16.0 To exercise such "local choice functions" as may be allocated to it by Full Council under this Constitution.

The Scrutiny Committee

Terms of Reference

- (a) To scrutinise and review decisions or other actions taken with respect to Cabinet functions. This includes call-in of Cabinet decisions.
- (b) To scrutinise and review decisions or other actions taken with respect to non-executive functions.
- (c) To make reports or recommendations to the Full Council or to the Cabinet about one or more particular issue, service or matter which affects North Norfolk and its residents. Reports or recommendations may be carried out on whatever issue, service or matter the Scrutiny Committee thinks fit and may be carried out on any subject if the Full Council or the Cabinet requests it to do so.
- (d) To carry out best value reviews.

Meaning

- (a) Scrutiny includes:
 - examining the effects any policy has had, how effectively the policy has achieved its aims, and how effectively it has been implemented
 - monitoring the performance of services provided by or to the Council.
 - Scrutinising Cabinet decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy, to measure their effect; and
 - Reviewing the performance of the Cabinet, its members and the Council's senior officers
- (b) Call-in means
 - the right to call-in, for reconsideration or review, decisions made by Cabinet within the previous six months.

The Standards Committee

Terms of Reference

- 1.0 To promote and maintain high standards of conduct by the Members and co-opted members of the Authority.
- 2.0 To assist Members and co-opted members of the Authority to observe the Authority's Code of Conduct.
- 3.0 To advise the Authority on the adoption or revision of a Code of Conduct.
- 4.0 To monitor the operation of the Authority's Code of Conduct.
- 5.0 To advise, train or arrange to train Members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct.
- 6.0 To have the same functions in relation to the parish councils for which the District Council is the responsible authority and the members of those parish councils as in 1.0 to 5.0 above.
- 7.0 To receive reports of the Monitoring Officer and of any Ethical Standards Officer and to take such action on those reports as may be available to them by law.
- 8.0 To consider as a Committee or by means of a panel appointed by them for the purpose (being politically balanced in accordance with the Local Government and Housing Act 1989) any complaint alleging a breach of the Council's Planning Protocol made against a Member or Member(s) of the Council in accordance with Standing Order 8. If the Committee as a result of its own consideration or on considering the report of a panel find that there is a case to answer it shall report to the Council its finding in respect of the complaint. In the event of the majority of the Committee finding no case to answer, any group of at least one quarter of the membership of the Committee who disagree with that finding may submit a minority report to the Council.
- 9.0 To maintain an overview of the Council's Constitution (in conjunction with the Audit Committee) in respect of the ethical framework for Members and Officers.
- 10.0 To monitor Council policies in respect of Whistleblowing, Anti Fraud and Corruption Policy and complaints.

Joint Staff Consultative Committee

Although described as a Committee, the Joint Staff Consultative Committee is not a Committee of the Council under the Local Government Act 1972 and is not covered by the "Matters Common to all Committees" nor subject to the rules of debate or other Standing Orders relating to Committees.

Terms of Reference

- 1.0 To establish regular methods of negotiations between the Council and its staff, to encourage positive working relationships and to resolve differences and to adjust them should they arise - always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Joint Committee.
- 2.0 To consider any relevant matter referred to it by the Council or any of its Committees or by any Trade Union or other staff organisation.
- 3.0 To make recommendations to the Cabinet as to the application of the terms and conditions of service and the education and training of staff employed by the Council.
- 4.0 To discharge such other functions specifically assigned to the Joint Committee by Council.
- 5.0 The Joint Committee may refer any questions coming before it for consideration by and the advice of the appropriate Provincial Council and shall inform the Provincial Council of any recommendation of the Joint Committee which appears to the Joint Committee to be of more than local interest, always provided that such a recommendation shall be approved by the Council prior to its submission to the Provincial Council.
- 6.0 To undertake consultation to enable the Council to make and maintain arrangements so that the Council and its employees can co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees.
- 7.0 To keep under review the effectiveness of health and safety measures.

Note: The Chairmanship of the Committee shall alternate annually between a member of staff appointed by the staff and a Member of the Council. When the staff hold the Chairmanship, the Vice-Chairman shall be a Member of the Council and vice-versa.

The Licensing & Appeals Committee

Terms of Reference

- 1.0 To make recommendations to the Cabinet or Full Council (as appropriate) on matters of licensing policy.
- 2.0 To determine all licensing applications and enforcement matters, within the jurisdiction of the Council which do not have major implications for overall Council Policy
- 3.0 To deal with any matter or function (not being a licensing function) delegated to it by Full Council.
- 4.0 To receive information and monitoring reports on items under the Committee's remit determined under delegated powers and on the status of, or decisions on, appeals.
- 5.0 To establish one or more sub-committees consisting of three members of the Committee.
- 6.0 To delegate any functions exercisable by the Committee to a sub-committee established by it or to an officer of the Council save where legislation or the Council's constitution otherwise direct.
- 7.0 To determine the frequency, timing, publicity and access to its meetings, and those of its sub-committees, except where prescribed by legislation or the Council's constitution
- 8.0 To oversee the operation of the Council's Judicial Board.

The Judicial Board

Although the Judicial Board may on occasions operate as a Committee of the Council in law, it is not covered by the “Matters Common to all Committees” in these Terms of Reference nor by the rules of debate contained in the Council’s Standing Orders.

Terms of Reference

The Judicial Board shall deal with matters where the Council is required to adjudicate between two or more opposing views and reach a decision in a quasi-judicial manner.

The Board, shall consist of three Members (provided the Council agrees without dissent, otherwise such minimum number as is consistent with the provisions of the Local Government and Housing Act 1989) drawn from a rota of those members of the Council indicating a willingness to serve. It shall have power to make a decision in the following areas and any others that the Council may from time to time delegate to it:

- 1.0 as a review panel in cases where an applicant calls for a review of any decision where there is a right to such a review under the Housing Act 1996;
- 2.0 as a Committee of the Council in respect of applications under the Highways Act 1980 concerning footpaths and bridleways where the grant of the application is objected to, and the parties are to be given an opportunity to make oral submissions;
- 3.0 as a Committee of the Council to consider Appeals against the decision of any officer authorised to make such decisions to refuse applications for consent to fell trees under Tree Preservation Orders.

Audit Committee

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

Terms of Reference

Audit Activity

- To consider the head of internal audit's annual report and opinion, and internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- To consider specific internal audit reports as requested.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with the Audit Commission over the appointment of the council's external auditor.
- To commission work from internal and external audit.

Regulatory Framework

- Jointly with Standards Committee, to maintain an overview of the council's constitution in particular with respect to the risk management and financial control environment
- To review any issue referred to it by the chief executive or a director, or any council body.
- To monitor the effective development and operation of risk management and corporate governance in the council.
- Jointly with Standards Committee, to monitor council policies on whistleblowing and the antifraud and anti-corruption strategy and the council's complaints process.
- To monitor the production of the authority's Annual Governance Statement, to consider its contents and to recommend its adoption.
- To consider the council's arrangements for corporate governance and proposing necessary actions to ensure compliance with best practice.

Accounts

- To review 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.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Referrals from Full Council and Committees

Full Council and any Committee may refer any matter or issue to the Audit Committee requesting consideration. The Audit Committee will have full discretion within its remit as to the action it takes on any such referrals.

Reports

The Audit Committee will make reports and recommendations to the Full Council as necessary. It may also refer any matter or issue that it thinks fit to the Cabinet, the Overview and Scrutiny Committee or Standards Committee as appropriate requiring their consideration.

Independence

- (a) Members of the Audit Committee are eligible for membership of the Overview & Scrutiny Committee and vice versa.
- (b) Audit Committee members will be properly trained to fulfil their role and will periodically review and agree their training needs.

Meetings of the Audit Committee

- (a) The Audit Committee will meet at least four times a year.
- (b) Meetings will include as regular attendees, the Chief Finance Officer (Section 151 Officer) or Deputy, Audit and Risk Manager and appointed External Auditor and Relationship Manager. Other attendees may include the Monitoring Officer or Deputy and the Chief Executive. These Officers will be able to have access to the Committee and/or chair as required and the Committee may meet informally with Officers if it chooses to do so.
- (c) The Committee may instruct any Chairman of any Committee to attend a meeting of the Committee and if they do so it is the duty of that Member to attend.
- (d) The Committee may instruct any Officer of the Council to attend a meeting of the Committee and if they do so it is the duty of that Officer to attend.

- (e) The Committee as soon as reasonably possible after the start of each Council year must consider and agree a schedule of meetings and work for that year. A copy of the work programme must be sent to Full Council for information. The Committee will have discretion to vary the work programme as necessary and appropriate.

Scheme of Delegation to Members and Officers

This section sets out the circumstances in which decisions may be taken by individual Members of the Council and by Council Officers.

Delegation to Members

The Council has resolved that there shall be no delegation of functions or decision making to individual Members of the Council.

Delegation to Officers

Introduction

In this Scheme of Delegation, any mention of any Act of Parliament shall be deemed to extend to any Act amending modifying or replacing it and to any Regulation or Order made under it.

References to "Chief Officer" shall include the following:

Chief Executive

An officer for the time being designated as a Chief Officer by the Chief Executive.

The Council may alter this scheme at any time. If the Council so resolve, the Cabinet may also alter it, provided that at least 14 days notice is given to all Members in accordance with the arrangements for notification approved by the Council from time to time. The Cabinet in deciding whether to alter the Scheme shall take into account any views received from Members during that period.

Types of Delegation

- 1.0 Delegation to Committees of the Council shall be in accordance with the Terms of Reference for Committees. Delegation to officers of the Council shall be **either**:
- 1.1 **Full Delegation** - where the named officer(s) shall have unrestricted authority to exercise the delegated power without notification or consultation in matters falling within established policies and within existing budgets.

or any combination of:

1.2 **Conditional Delegation** - where the Officer proposing to exercise or exercising the delegated power shall be required to take one or more of the following steps in the order specified:

- 1.2.1. notify all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) within such period after the exercise of the power as may be specified
- 1.2.2. notify all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) before exercise of the power, giving such period of notice as shall be specified
- 1.2.3. consult with such Member or Members as may be specified prior to exercise of the delegated power.

and

- 1.3 **Default Delegation** – where a power shall normally be reserved to a Committee or to the Council. However, it may be exercised by a specified Officer if after notification of all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) no request to refer the matter to the appropriate Committee or the Council has been received.

Scope of Delegation

- 2.0 No power delegated under this scheme shall unless specifically provided in this scheme be exercised otherwise than in accordance with any policy or direction of the Council. Nor shall any such power be exercised (unless specifically provided in this scheme or by the rules of virement contained in the Finance Standing Orders) so as to incur expenditure not provided for the purpose in the approved budget.
- 2.1 Where a matter involves considerations within the professional or technical competence of another Officer(s) or his or her staff, the delegated power shall be subject to consultation and agreement with the other Officer(s). In the event of disagreement, the Chief Executive shall have authority to exercise the delegated power after considering all views.
- 2.2 An Officer need not exercise a delegated power in any particular matter and shall not do so if in his or her opinion the matter involves questions of policy as yet undecided by the Council. In that event, he or she may seek the view of the Cabinet before deciding whether or not to exercise the power or may refer the matter to Full Council for decision.
- 2.3 Any power conferred on an Officer under this scheme (including any power to act as the proper officer) may be exercised by a person or

persons appointed by him or her to act as his or her deputy or deputies either:

2.3.1 in his or her absence;

2.3.2 when he or she is not available to exercise it at the relevant time or

2.3.3 in accordance with any general directions of the Officer.

Provided that the fact of the appointment of a deputy or deputies (either for specific powers or generally) has been recorded in the register maintained by the Monitoring Officer together with the terms of any general directions where applicable.

Full Delegation to Officers

All Chief Officers and Service Managers shall have full delegated power:

- (a) to undertake the day-to-day management and control of the staff reporting to them and the premises and services for which they are responsible.
- (b) to act in accordance with the Council's Finance and Contracts' Standing Orders and any risk assessments arising from their own or Corporate activity.
- (c) to approve the acquisition or disposal or extension of any interest in property by the Council where the sale or purchase price or an annual rent does not exceed £50,000 provided:
 - (i) the terms have been approved by the Legal Services Manager, Property Services Manager or the District Valuer and
 - (ii) the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council, a Committee or under this Scheme.
- (d) to dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Legal Services Manager and Property Services Manager, they consider to be surplus to requirements.
- (e) to initiate appropriate action on matters related to remuneration (including superannuation), recruitment, selection and training and career development of staff generally (with the exception of the recruitment of Chief Officers and Chief Officers). To take disciplinary action (including dismissal) in accordance with the Council's Disciplinary Procedure in respect of staff reporting to them.

- (f) To deal with complaints under the Council's Complaints Scheme.
- (g) To undertake risk management in accordance with the Council's risk management framework.
- (h) to be the proper officer for the purposes of Section 234 of the Local Government Act 1972, to sign any notice or document which falls to be given, made or issued in the course of the exercise of any power given to him or her by this Scheme of Delegation or by the Council or a Committee.

Full Delegation to specified Chief Executive and Chief Officers

- 4.1 There shall be delegated to the Chief Executive, or in his or her absence any other Chief Officer, the exercise of any power or function of the Council in routine matters falling within established policies and within existing budgets where waiting until a meeting of the Council, a Committee or Working Party would disadvantage the Council or a local government elector or other inhabitant of or visitor to the District. Such delegated power shall only be used after consultation with the Leader of the Council or other appropriate Portfolio Member and if the matter relates to a particular part of the District with the appropriate local Member or Members. Any exercise of such delegated power shall be reported to the next available meeting of the Council, Committee or Working Party as appropriate. For the purposes of this paragraph "routine matters" shall not be taken to include any matter reserved by law to the Full Council.
- 4.2 There shall be delegated to the Chief Executive, or in his or her absence any other Chief Officer the exercise of any power or function of the Council, which in law is capable of delegation, in an emergency threatening life, limb or substantial damage to property within the District. The Chief Executive or Chief Officer shall consult with the Leader of the Council (unless he or she cannot be contacted after all reasonable efforts have been made). The exercise of such delegated power shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be first and to the appropriate local member.
- 4.3 Chief Officers shall have full delegated power to undertake any of the functions in relation to the matters mentioned in Column 1 below to include, but not restricted to powers under the enactments mentioned in Column 2.
- 4.4 Service Managers shall have full delegated power to undertake the functions listed under their office in relation to the matters mentioned in Column 1 below to include, but not restricted to powers under the enactments mentioned in Column 2.

However, these general delegated powers shall not unless specifically provided be taken to include any power reserved to the Council or given to a Committee by the Council's Terms of Reference nor any Conditional or Default Delegated power contained in Section 5 below.

An Officer need not exercise any such power if he or she considers that it is not in the best interests of the Council and may instead refer the matter to the appropriate Committee or to Council for decision.

Chief Executive	
Dealings with the Local Government Ombudsman	Local Government Act 1974
Health and Safety	
Active Communities Manager	
Community Safety	
Linked Towns CCTV	
Community Development	
Public Transport Support	
Health Education and Promotion	
Strategic Director – Resources and Deputy Chief Executive	
Dealings with the Local Government Ombudsman	Local Government Act 1974
Health and Safety	
Human Resources Manager	
Training	
Human Resources	
Car Leasing	
Performance Indicators	Local Government Act 1992
Policy and Research	
Chief Accountant	
Accountancy and Treasury Management	Local Government Act 1972
	Local Government Finance Act 1988
Debt Management	
Exchequer Services (Cashiers)	Local Government Act 1972
	Local Government Finance Act 1988
Cash and Investment Management	
Concessionary Fares	
Housing Advances	
Creditors	
Internal Audit	Local Government Act 1972
Benefits and Revenues Manager	
Community Charge	
Council Tax	

Rent Allowances	
Housing Benefits Administration	
Council Tax Benefits	
Business Rates	
Sundry Debtors	
Audit and Risk Manager	
Insurance	
Property Services Manager	
Functional and Works Contracts	Local Government Act 1988
Catering	
Land Ownership/Occupancy	Local Government (Misc. Provisions) Act 1976
Estates and Valuation	Local Government and Housing Act 1989
Administrative Buildings	Local Government Act 1972
Depots (other than Housing Depots)	
Industrial Estates	
Car Parking	Road Traffic Act
Markets	
Foreshore Properties and Amenity Buildings	
Parks, Open Spaces and Playgrounds	Local Government Act 1972
Putting and Bowling Greens	
Community Centres	
Strategic Director - Community	
Dealings with the Local Government Ombudsman	Local Government Act 1974
Health and Safety	
Head of Planning and Building Control	
S106 Agreements	Town and Country Planning Act 1990
Certificates of Lawful Use	Town and Country Planning Act 1990
Development Control (except planning policy)	Town and Country Planning Act 1990
Listed Buildings and Conservation Areas	Planning (listed Buildings and Conservation Areas) Act 1990
Building Regulations	Building Act 1984
	Building Regulations 1991
Access for the Disabled	Building Regulations 1991
	Disability Discrimination Act 1995
Countryside Planning	
High Hedges	
Countryside Management	
Footpaths and Rights of Way	
Trees and Hedges	
Head of Coastal Strategy	
Flood Protection and Coastal Protection	Coast Protection Act 1949

Economic Development Manager	
Tourism	
Leisure	
Economic Development/Tourism Promotion	
Tourist Information Centres	
Planning Policy Manager	
Planning Policy	Town & Country Planning Act 1990
Forward Planning (including LDF)	Town & Country Planning Act 1990
Land Charges	
Street Naming and numbering	
Strategic Housing Manager	
Housing (unfit premises, repairs slum clearance, HMO's)	
Renewal Areas	Housing Act 1985
	Local Government and Housing Act 1989
Housing Grants	
Disabled Adaptation Grants	
Homelessness	Housing Act 1996
Housing Associations	
Housing Strategy	
Houses in Multiple Occupation	Housing Act 1996
Strategic Director - Environment	
Dealings with the Local Government Ombudsman	Local Government Act 1974
Health and Safety	
Leisure Manager	
Foreshore and Water Safety	Environmental Protection Act 1990
Grassed Areas	
Recreation Grounds	
Swimming Pools	Local Government Act 1972
Community Health Improvement	
Active Grants	
Caravan Parks (other than regulation)	
Theatres	
Museums	
Sports Halls	
Sports and Recreation Development	
Meteorological Stations	
Cromer Pier	
Development of the Arts	Local Government Act 1972
Environmental Health Manager	
Health Education and Promotion	
Travellers	
Disease Control, Infectious diseases notifications, cleansing	Public Health (Control of Disease) Act 1984

Dangerous/Dilapidated Buildings	Building Act 1984
	Local Government (Misc. Provisions) Act 1982
Land Drainage	Land Drainage Act 1991
Drainage, Private Sewers	Public Health Acts 1936 and 1961
	Building Act 1984
	Local Government (Misc. Provisions) Act 1976
Burial of the Dead, exhumations	
Animal Welfare	Animal Boarding Establishment Act 1963
	Animal Health Act 1981
	Pet Animals Act 1951
	Protection of Animals (Amendment Acts) 1911/1964
	Dangerous Wild Animals Act 1976
	Zoo Licensing Act 1981
	Riding Establishment Acts 1964 and 1970
	Breeding of Dogs Acts 1973 and 1991
Emergency Planning	Civil Defence (General Local Authority Functions) Regulations 1983 Civil Contingencies Act 2004
Scrap Metal	Scrap Metal Dealers Act 1964
Sunday Trading	Sunday Trading Act 1994
Unauthorised Campers	Criminal Justice & Public Order Act 1994
Home Energy Conservation	Home Energy Conservation Act 1995
Water Supplies and Sampling	Public Health Act 1936
	Water Industry Act 1991
	Building Act 1984
Public Registers	Environment and Safety Information Act 1988
Radioactive substances	Radioactive Substances Act 1993
Rural Sewerage Schemes	
Caravan Regulation	Caravan Sites and Control of development Act 1960
Environmental Strategy	
Internal Drainage Boards	Land Drainage Act 1991
Pollution Control	Environmental Protection Act 1990
	The Environment Act 1995
	The Clean Air Act 1993
	The Refuse Disposal (Amenity) Act 1978
	The Water Industry Act 1991
	The Noise and Statutory Nuisance Act 1993
	The Public Health Act 1936

	The Building Act 1983
	The Control of Pollution Act 1974
	The Noise Act 1996
Pest Control	Prevention of Damage by Pests Act 1949
Dog Control	Environmental Protection Act 1990
	Dogs (Fouling of Land) Act 1996
Licensing including:	
Liquor Licensing	Licensing Act 2003
Public Entertainment Licences	Local Government (Misc. Provisions) Act 1982
Lotteries and Amusements	Lotteries and Amusements Act 1976
Theatre Licences	
Late Night Refreshments Houses	
Street Trading	
Taxi Licensing inc. drivers	
Private Hire Vehicles	Town Police Clauses Act 1847
Riding Establishments	Local Government (Misc. Provisions) Act 1976
Pleasure Boats	Public Health Act 1907
Zoos	
Animal Boarding Establishments	
Food Safety	Food Safety Act 1990
Health and Safety Enforcement	Health and Safety Act 1974
Environmental Services Manager	
Street Cleaning	
Materials recycling	
Cesspool Emptying	
Nightsoil Collection	
Street Cleaning	
Public Conveniences	
Refuse Collection	
Strategic Director – Information	
Dealings with the Local Government Ombudsman	Local Government Act 1974
Health and Safety	
ICT Manager	
Information and Communication Technology	
Geographic Information Systems	
Communications Manager	
Publicity	
Reprographics	
Public and Media Relations	
Legal Services Manager	
Legal Services	
Register of Members Interests	Local Government and Housing Act

	1989
Parish Councils	
Data Protection and Freedom of Information	
Ethical Standards	Local Government Act 2000
Electoral Registration (other than as Registration Officer)	Representation of the People Act 1983
Elections (other than the powers of Returning Officer and Acting Returning Officer)	Representation of the People Act 1983
Committee and Member Services	Local Government Act 1972
Customer Services Manager	
NNDC Complaints and Compliments system	

Conditional and Default Delegation

5.0 Chief Officers and the Officers specified below shall have delegated power in respect of the matters listed below subject to the conditions specified. However these delegated powers shall not unless specifically stated be taken to include any power reserved to the Council or given to a Committee by the Council's Terms of Reference.

Note:

References to "the appropriate Cabinet Member" mean the Cabinet Member with responsibility for the function. In the event of the "appropriate Cabinet Member" having an interest, personal or prejudicial in the matter, consultation shall be with any other Cabinet Member without such an interest.

5.1 Determination of Planning Applications

Reserved to: Area Development Control Committees

Default Delegation to: Head of Planning and Building Control

Conditions:

5.1.1 All Members to be notified weekly of all applications received in the last seven days

5.1.2 No request for the application to be considered by Committee has been received from a Member within 14 days of notification and

5.1.3 No written representations with which the local District Councillor (or either one of them in two-Member wards) agrees, have been

received from a Town or Parish Council which conflict with the intended determination and

- 5.1.4 No other written representations have been received which conflict with the intended determination and which, in the view of the Head of Planning and Building Control, contain unresolved objections or comments which are material considerations in planning terms.
- 5.1.5 Where the proposed decision to be taken is against the Council's adopted planning policy or against the advice of a technical consultee then the Head of Planning and Building Control should ensure that there are sound planning reasons for the decision and that these are properly recorded. The Local Member(s), Planning Portfolio Holder and relevant Development Committee Chairman should be consulted.

Notes:

(1) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they do not object, then a delegated refusal may still be issued;

(2) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they object on other grounds which, in the view of the Head of Planning and Building Control, are incapable of substantiation on appeal, then a delegated refusal on the originally recommended basis may still be issued.

(3) The requirement to refer to Committee shall not apply where the intended course of delegated action is to approve an application in accordance with this scheme of delegation, and where objections have been received with which the local District Councillor(s) disagree(s) OR where the intended course of action is to refuse an application in accordance with this scheme of delegation where a letter or letters of support have been received with which the local District Councillor(s) disagree

(4) Applications submitted by or on behalf of the District Council may be determined under delegated powers with the agreement of the local District Councillor(s) and the Chairman or Vice-Chairman of the relevant Development Control Committee.

5.2 Responses to prior notification/approval under the provisions of the Town and Country Planning (General Permitted Development) Order 1995, involving agricultural buildings and operators (Part 6), development by telecommunications code system operators (Part 24) and demolition of buildings (Part 31)

Conditional Delegation to: Head of Planning and Building Control

Conditions:

Where any representation is received from a Town or Parish Council within seven days of the date of consultation which conflicts with the intended course of action, the Head of Planning and Building Control should consult with the Chairman of the relevant Area Development Control Committee and the local Member(s)

Any additional or amended plans submitted under these procedures should be sent to the relevant Town or Parish Council for information purposes

5.3 Commencement of enforcement proceedings under Development Control legislation

Conditional Delegation to: Head of Planning and Building Control

Conditions:

Subject to consultation with Chairman of the relevant Area Development Control Committee or the Vice-Chairman and with the local Member(s) and to

Subsequent notification of all members

Note: Planning Contravention Notices and the conduct of "Time and Place" Meetings are not caught by this conditional delegation. These functions are fully delegated to both the Head of Planning and Building Control and the Legal Services Manager.

5.4 The acceptance of the lowest tender for the supply of goods or services where the contract price is £50,000 or less

Conditional Delegation to: All Service Managers

Conditions:

Subject to subsequent notification of all Members

5.5 The acceptance of the lowest tender for the supply of goods or services where the contract price is more than £50,000 but less than £250,000

Conditional Delegation to: All Directors

Conditions:

Subject to consultation with the appropriate Cabinet Member and 14 days prior notification of all Members

5.6 The acceptance of any tender for:

(1) £250,000 or more

(2) any price which is not the lowest tender

(3) where it is proposed not to follow the Contracts' Code of

Practice

Reserved to: The Cabinet

Default Delegation to: Directors

Conditions:

At least 14 days prior notification to all Members

No request by a Member within 14 days of notification for the matter to be decided by the Cabinet

Consultation with the appropriate Cabinet Member

Subsequent notification of the acceptance of the tender to all Members

5.7 The commencement of or the entry of a defence to civil or criminal proceedings other than in the High Court

Conditional Delegation to: Legal Services Manager

Conditions:

Subject to consultation with the appropriate Cabinet Member and with the Local Member(s) for the Ward(s) where the other party resides and/or where the subject matter of the action arose and to

Subsequent notification of all Members

5.8 The commencement of or the entry of a defence to proceedings in the High Court

Conditional Delegation to: Legal Services Manager

Conditions:

Subject to the Strategic Director - Resources being satisfied that the proceedings are necessary to protect the Council's interests and that there is insufficient time to wait for or call a meeting of the Council or a Committee and to

Consultation with, if time permits, the Leader of the Council and at least one other Cabinet Member and if applicable with the Local Member(s) for the Ward(s) where the other party resides and/or where the subject matter of the action arose and to

Subsequent notification of all members of the Council

5.9 The cancellation of any scheduled meeting of the Council, a Committee or Working Party and the calling of an additional meeting of the Council, a Committee or Working Party (other than a Extraordinary meeting)

Conditional Delegation to: Strategic Director, Information.

Conditions:

Subject to consultation with all leaders of declared political groups and the spokesman or woman of the non-grouped members or each such member if they have no spokesman or woman, and to

Prior notification of all Members

5.10 The awarding or declining of grants in Table B below

Conditional Delegation to: Strategic Director, Community

Conditions:

Prior notification of all members

Consultation with the appropriate Cabinet Member and if the grant relates to a specific location or person with the appropriate Local Member(s).

TABLE B	
(1)	Leisure and Arts Activities; Economic Development Activities; Tree Planting - Town/Parish

	Councils Scheme; Playgrounds: Safe Surfaces.	
(2)	Building, Conservation Area and other related built environment Grants; Grants to the North Norfolk Historic Buildings Trust; Tree planting and landscaping grants;	Head of Planning & Building Control
(3)	Other Grants not specified in (1) or (2)	Chief Officer with budgetary responsibility

5.11 Responding to requests for support or for expression of the Council's view

Reserved to: The Cabinet

Default Delegation to: Directors

Conditions:

At least 7 days prior notification of all Members

No request by a Member within 7 days of notification for the matter to be decided by the Cabinet.

Consultation with the appropriate Cabinet Member.