



East Northamptonshire Council

Policy and Resources Committee - 22 February 2010

Constitutional and Procedural Changes

Summary

Following the changes made to the Constitution and procedures at the December meeting, further changes are being proposed by the Constitution Review Group. These relate to the Officer Delegation Scheme, and the new statutory requirements for a Petitions Scheme and details of support given to Councillors

Attachment(s)

Appendix 1: Changes to Part 3 of the Constitution

Appendix 2: Draft Petitions Scheme

Appendix 3: Consequential Changes to the Constitution following Petitions Scheme

Appendix 4: Support to Councillors

1.0 Introduction

1.1 The Constitution Review Group (CRG) is continuing its work and considers that the following matters should now be considered and approved by full Council on 1 March 2010, in advance of other changes to the Constitution and Terms of Reference of Committees:-

- Changes to the Scheme of Delegation (Part 3 of the Constitution)
- Draft Petitions Scheme and consequential amendments to the Constitution.

2.0 The Proposed Changes

2.1 *Delegation Scheme*

Appendix 1 sets out the proposed and consequential changes to Part 3 of the Constitution. The major document is Table 1. The CRG has spent a considerable time reviewing this document and proposed changes are shown in red and green. To complete the review of the whole of Part 3, minor changes also require to be made to pages 3 and 4 of the introductory section of Part 3, to reflect changes made to Licensing Panels. These are shown in bold italics.

2.3 The changes were finalised before discussion about changes to the structure at Head of Services level. These changes will impact on some names or officer titles and it is therefore suggested that the Monitoring Officer be given authority to make appropriate consequential adjustments to the Delegation Scheme once the position is clearer.

2.4 *Petitions Duty*

Appendix 2 sets out the draft Petitions Scheme recommended by the CRG. It follows from the introduction of the Local Democracy Economic Development and Construction Act 2009 (LDEDCA), which statutorily obliges the Council to have a Petitions Scheme and also to have a facility for enabling petitions to be made in an electronic form. The Government is currently consulting on the draft statutory guidance on the duty to respond to petitions. The draft scheme follows the model with the consultation papers and several changes have been proposed to this model. These are shown in italics and deleted text. Members' attention is drawn to the added footnotes which give further clarification regarding the position with East Northamptonshire Council, are not part of the model Scheme and will not form part of the published Scheme.

- 2.5 The consultation period ends on 24 February 2010. There is some uncertainty about the implementation date of the new duties and the report and draft Publications Scheme is submitted to the Committee to ensure that a Scheme is in place if the date is 1 April 2010. However, representations are being made to Government suggesting a later date for implementation of the Petitions Scheme duty and a gap of 12 months for the start of the e-petitions duty.
- 2.6 It is possible, therefore, that any Scheme adopted on 1 March 2010 by the Council will require amendment in view of changes to the model and further secondary legislation as a result of responses to the consultation. It is therefore suggested that the Monitoring Officer, in consultation with the Leader and Deputy Leader, be given the authority to make any necessary changes. If the implementation of the Petitions Scheme provisions is delayed beyond 1 April, the CRG may wish to look at the situation again.
- 2.7 Appendix 3 sets out the consequential changes to different parts of the Constitution and the Terms of Reference of the Scrutiny Committee as a result of the adoption of the Petitions Scheme.
- 2.8 The Head of ICT is investigating the technology required for the e-petition requirements and will be pursuing this on behalf of both this Council and the Borough Council of Wellingborough. At this stage, the cost is not known, but it is hoped that it can be met from existing budgets.
- 2.9 **Support provided for Councillors**
Section 1 of the LDEDCA requires the Council to promote, among local people, an understanding of what support is available for Councillors. This is in addition to promoting an understanding (a) of the functions and democratic arrangements of the Council and how members of the public can take part in the arrangements and what is involved, and (b) how to become a Councillor and the roles and responsibilities of Councillors. Basic information is already covered in the Constitution and publicised in the lead up to an election, but the approach will be reviewed.
- 2.10 It is suggested that the support to Councillors be set out in Article 2 of the Constitution, by amending paragraph 2.05. The support is outlined in Appendix 4. This will also be publicised on the Council's website.

3.0 Recommendations

- 3.1 It is recommended that, subject to any comments made by Members at the meeting, the Committee endorse the proposals set out in the report and recommend that full Council:-
- (1) Adopt the proposed changes to Part 3 of the Constitution shown in Appendix 1, and give authority to the Monitoring Officer to adjust names and titles as appropriate following restructuring at Heads of Service level.
 - (2) Adopt the draft Petitions Scheme and consequential changes to the Constitution and Terms of Reference of the Scrutiny Committee as shown in Appendices 2 and 3.
 - (3) Give authority to the Monitoring Officer, in consultation with the Leader and Deputy Leader, to make any changes which are necessary to the Petitions Scheme after 1 March (but before 1 April 2010 if implementation is set for that date) as a result of the Government's response to the current consultation on the petitions duty.
 - (4) Give authority to the Monitoring Officer to reject petitions that are vexatious, abusive or otherwise inappropriate (subject to notifying SMT and the Leader of the Council).
 - (5) Adopt the proposed changes to Article 2 of the Constitution as a result of the duty to promote understanding of the support given to Councillors, as set out in Appendix 4.

Implications:					
Corporate Outcomes or Other Policy/Priority/Strategy					
Good Quality of Life	<input type="checkbox"/>	Good Reputation	<input checked="" type="checkbox"/>		
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery	<input checked="" type="checkbox"/>		
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership	<input type="checkbox"/>		
Effective Management	<input checked="" type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>		
Employees and Members with the Right Knowledge, Skills and Behaviours			<input type="checkbox"/>		
Other:					
Decision(s) would be outside the budget or policy framework and require full Council approval <input checked="" type="checkbox"/>					
Financial	There are no financial implications at this stage				<input type="checkbox"/>
	There will be financial implications – see paragraph				<input checked="" type="checkbox"/>
	There is provision within existing budget				<input checked="" type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date				<input type="checkbox"/>
	Decisions may have potential for income generation				<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks				<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -				<input type="checkbox"/>
Staff	There are no additional staffing implications				<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph				<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications				<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph				<input type="checkbox"/>
Legal	Power: Local Government Act 1972; Local Democracy Economic Development and Construction Act 2009, Chapters 1 and 2				
	Other considerations: Council's Constitution				
Background Papers: Current Constitution; Minutes of Constitution Review Group					
Person Originating Report: Keith Osborne, Democratic Services Manager (01832 742113) kwosborne@east-northamptonshire.gov.uk					
Date: 28 January 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 19)

Part 3 –

Responsibility for Functions

Who makes the decisions

CONTENTS

1. Responsibility for Council functions
2. Responsibility for Joint Functions
3. Table 1 - Scheme of Delegation of Responsibility for functions.
4. ~~Table 2 - Joint Arrangements - North Northamptonshire Planning Committee and Welland Joint Committee~~

Part 3: Responsibility for Functions

1. Responsibility for Council Functions

Responsibility for certain functions is reserved to the full Council as described in Article 4.01. Other functions and decisions are the responsibility of the Council's policy committees, as set out in the following Table. The primary powers and duties of the principal policy committee are to implement the budget and policy framework set annually by the Council, operating in accordance with the Procedure Rules of this constitution. The functions and responsibility of the Committees are as set out in the following table

Committee (type)	Membership	Functions	Delegation of Functions
<p>Policy and Resources</p> <p>(principal policy committee)</p>	<p>15 members of the council</p>	<p>The formulation and development of the council's overall financial management, budgetary and strategic policy framework.</p> <p>The coordination of the implementation of policy and strategic objectives across the council.</p> <p>The implementation of the budgetary and policy framework.</p> <p>The implementation of strategy in respect of the social, economic and environmental well-being of citizens in respect of functions and services not otherwise the responsibility of the full council.</p> <p>The promotion and maintenance of excellent customer services in line with the Council's corporate priorities of providing excellent services and achieving sustainable communities.</p> <p>Functions relating to personnel and health and safety to the extent that those functions are discharged in the council's</p>	<p>Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in Table 1 of the Constitution</p> <p>A standing Finance Sub-Committee manages revenues and capital expenditure and the progress of the capital programme.</p> <p>A standing Personnel Sub Committee determines matters in relation to personnel and the health and safety of council employees.</p>

		capacity as an employer.	
Planning Policy (Policy)	15 Members of the Council	The formulation and development of the Council's Local Development Framework. The implementation of spatial planning policy and determination of strategic planning objectives	Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in Table 1 of the Constitution
Development Control (Regulatory)	18 members of the council	Planning and Conservation – The functions relating to town and country planning and development control as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations)	Functions which are delegated on, for example to an Officer, and the limits of that delegation are defined in Table 1 of the Constitution
Licensing (Regulatory)	12 members of the council	Licensing functions as set out in the Licensing Act 2003 and The Gambling Act 2005	Functions which are delegated on, for example to a Licensing (Liquor and Gambling) Panel, or an Officer, and the limits of that delegation are defined in Table 1 of the Constitution
Standards	4 members of the Council other than the Chairman and the Leader; 4 independent voting co-optees and 4 voting members of a Town or Parish Council appointed by the Town and Parish Councils respectively in East Northamptonshire	The promotion and maintenance of high standards of conduct within the Council Assistance to Members and co-opted Members to ensure that all Members of the Council have access to training on the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected of Local Councillors under the Code The exercise of these functions in relation to the Town and Parish Councils in	Assessment, Review and Hearings Sub-committees deal with various stages of the local complaints process

		<p>the district and the Members of those councils, in accordance with section 55 of the Local Government Act 2000 and the LG and Involvement in Health Act 2007.</p> <p>Other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act</p>	
Audit & Risk Management Committee	7 members of the council	The provision of independent assurance as to the adequacy of the Council's risk management framework and the associated control environment; the approval and monitoring of the Council's annual audit programme, and the monitoring of the Data Quality Strategy.	
Licensing (Taxi and Miscellaneous) Panels	3 members of the council	The determination of Hackney carriage and Private Hire Drivers' Licences where a CRB check has revealed serious issues and determination of any other licensing applications – apart from Liquor and Gambling) where the Head of Environmental Services is minded to refuse	

2: Responsibility for Joint Functions

- 2.1 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with Northamptonshire County Council, and the Borough Councils of Corby, Kettering and Wellingborough to form a North Northamptonshire Joint Planning Committee to agree a common set of strategic planning policies for the North Northamptonshire Area.

2.2 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with the Borough Councils of Harborough and Melton and Rutland County District Council to form a Welland Joint Committee to deliver specific functions as agreed by the Council.

2.3 In accordance with Article 10, Part 10.02 of this constitution, the Council has agreed to establish joint arrangements with other local authorities in Northamptonshire to deliver the following specific functions:-

- (a) licensing administration (with several District and Borough Councils)
- (b) ICT (with the Borough Council of Wellingborough)
- (c) Financial Services (with the Borough Council of Corby),

and to explore the scope for further joint working.

DELEGATED POWERS - OFFICERS

Arranged in the following Order:-

A: Planning Services; B: Licensing & Registration; C: Environmental Services; Housing & Community Safety; D: Financial, Staffing & Legal/Corporate; E: Proper Officer Provisions

Note – The delegation to the Solicitor to the Council extends to the Council’s second solicitor. All references to consultation with the Chair of a Committee extend to the Vice-Chair should the Chair be unavailable.

A: PLANNING SERVICES

Function and Legislation

Town & Country Planning Act 1990, as amended and related legislation

Planning applications

- 1(a) To determine applications with the exception of those applications falling within categories A to I below:-
- A. Outline or full applications for residential development involving 10 or more units in Towns or 0.5 hectares or more site area.
 - B. Outline or full applications for residential development involving more than 1 unit in Restricted Infill Villages or more than 2 units in Limited Development Villages (terms defined in the Local Plan).
 - C. Total or partial demolition of Listed Buildings
 - D. Non-residential development involving more than 1,000 square metres of additional floorspace, unless upon land allocated for commercial development in the development plan or other development document.
 - E. District Council applications under Article 3 or 4 of the Town & Country Planning (General Regulations) 1992
 - F. Applications affecting property owned or controlled by an officer or Member of the Council.
 - G. Observations on proposals referred by adjoining Planning Authorities, Government Departments and statutory undertakers in those cases where such proposals are likely to significantly affect this District.
 - H. Any application at the discretion of the Head of Planning Services
 - I. Any application which a Member requests to be determined by Development Control Committee within the agreed 21 day time scale.
 - J. Any application for renewal where the Development Control Committee considered the original application.

1 (b) Applications on which Parish or Town Councils have made representations

Where -

Delegation & Provisos (caps)

Executive Director (Planning) with the ability to specify other officers (in addition to those below) within Planning Services to act under the scheme

Head of Planning Services (HoPS)

Development Control Manager (DCM)

SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

Development Control Committee

UNDER SECTION 1(a), PROPOSALS ~~GENERALLY FAILING TO COMPLY WITH DEVELOPMENT PLAN POLICY WILL NOT BE APPROVED UNDER OFFICERS' DELEGATED POWERS WITHOUT REFERRED ENCE TO THE DEVELOPMENT CONTROL COMMITTEE~~

1. Representations are made on non-planning grounds, or
 2. Objections can be overcome by imposing a planning condition, or
 3. Objection has been overcome by an amendment to the proposal, or
 4. The decision accords with the representations.
 5. Upon direct consultation with the ward members, they agree that a delegated decision should be made.
- Otherwise determination shall be by:-

2. Environmental Impact Assessment

Under the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 as amended, to form a view as to whether an Environmental Statement is considered necessary in connection with a particular development proposal.

3. Adjoining Authority Consultations

To make formal observations on applications relating to proposals submitted by other local authorities, Crown bodies or Government Departments, where it is considered that the proposals are unlikely to significantly affect this District.

4 (a) Minor Non-Material Amendments

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved.

4 (b) Minor Material Amendments

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved, unless the original application was considered by the Development Control Committee.

5. Refusals of applications which are contrary to policy.

Enforcement

5. Institution of proceedings for failure to comply with an enforcement notice.

HoPS, DCM; Executive Director (Planning) with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme
SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO
AUTHORISED AND THE DATE OF AUTHORISATION

Development Control Committee

HoPS, DCM; Executive Director (Planning), with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

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~~HoPS, DCM; Executive Director (Planning), with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS~~

Executive Director (Planning), HoPS, DCM in conjunction with Solicitor to the Council with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme
SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO

	AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
6. Institution of legal proceedings under the Town and Country Planning (Control of Advertisement) Regulations relating to fly posting.	Executive Director (Planning), HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
7. Service of Planning Contravention Notices, Breach of Condition Notices and Requisition for Information notices under Section 330	Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
8. Issue of Enforcement Notices, Completion Notices and Stop Notices (see under Planning (Listed Building and Conservation Areas Act 1990 for listed buildings enforcement)	Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
9. Rescind Enforcement Notices (or authority to take action) where matters have been satisfactorily resolved	Executive Director (Planning); or HoPS, DCM; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
10. Service of Notices under Section 215 – Land adversely affecting amenity.	Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS
11. Service of Discontinuance Notices under the Town and Country Planning (Control of Advertisement) Regulations.	Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS

TO MEMBERS

- Applications seeking to renew an extant Planning Permission**
- 13.** Applications for reserved matters relating to the whole or part of a site in respect of which an outline planning permission is in force and pursuant to the outline planning permission, except where existing buildings outside the application site boundary but peripheral to the site are affected. ~~HoPS, DCM; Executive Director (Planning), with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION~~
- 14.** Applications relating to the whole or part of a site which has the benefit of planning permission for the same type/class of development notwithstanding any representation made by a Town or Parish Council as set out at 1(b)(5). ~~HoPS, DCM; Executive Director (Planning), with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION~~
- 12. Notifications**
To deal with notifications received for agricultural and telecommunications development, hazardous substances and demolition proposals
HoPS, DCM; Executive Director (Planning), with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
- 13. Legal Agreements (S106)**
Execution and completion of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission granted under delegated powers.
HoPS, DCM, Executive Director (Planning) in conjunction with Solicitor to the Council
- 14. Authority to enter land and premises (Section 196A) for enforcement purposes**
Executive Director (Planning), with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
- 15. Prosecution - great urgency**
Laying information for contravention of regulations and instigation of emergency injunctions
Solicitor to the Council IN CONSULTATION WITH THE CHAIRMAN & THEN SUBJECT TO RATIFICATION BY DEVELOPMENT CONTROL COMMITTEE
- 16. Footpath Orders**
Confirmation of unopposed diversion or extinguishment orders made following the grant of planning permission
Democratic Services Manager or Legal Officer
SUBJECT TO REPORTING TO MEMBERS
- Listed & Historic Buildings: (Planning (Listed Buildings and Conservation Areas) Act 1990)**
- 17.** Authority to enter land and premises (Section 88)
HoPS; Executive Director (Planning), with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION
- 18.** To serve Listed Building Enforcement Notices
HoPS, DCM, Executive Director (Planning) in conjunction with Solicitor to the Council
- ~~**22.** To determine applications for Grant Aid in accordance with the Historic Buildings Grant Scheme approved on 3 July 2002
HoPS, DCM, Executive Director (Planning); Conservation Team Leader
SUBJECT TO REPORTING APPROVALS IN NENE VALLEY NEWS~~

- Trees: (*The Hedgerow Regulations 1997*)**
19. To deal with notifications for removal of hedgerows HoPS, DCM, **Planning Policy & Conservation Manager** AFTER CONSULTING WITH CHAIRMAN & ~~VICE-CHAIRMAN~~ OF THE DEVELOPMENT CONTROL COMMITTEE & WARD MEMBER(S)
20. The issuing of Notices to replant a hedgerow or to reinstate a gap in a hedgerow where it appears that a hedgerow has been removed in contravention of Regulation 5(1) or (9) HoPS, DCM; **Planning Policy & Conservation Manager** SUBJECT TO REPORTING TO MEMBERS
- (Town & Country Planning (Trees) Regulations 1999; Local Government (Miscellaneous Provisions) Act 1976)**
21. The making of Tree Preservation Orders. HoPS, DCM, **Planning Policy & Conservation Manager** SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
22. To sign Tree Preservation Orders. Chief Executive, or Solicitor to the Council, or Democratic Services Manager
23. Confirmation of unopposed Tree Preservation Orders Democratic Services Manager or Solicitor to the Council (also covers modification to original order to provide clarity) SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
24. Confirmation of opposed Tree Preservation Orders Democratic Services Manager or Solicitor to the Council SUBJECT TO AGREEMENT OF THE CHAIRMAN & ~~VICE-CHAIRMAN~~ OF PLANNING THE DEVELOPMENT CONTROL COMMITTEE AND LOCAL WARD MEMBERS AND REPORTING TO MEMBERS
25. The determination of applications pursuant to Tree Preservation Orders. HoPS, DCM, **Planning Policy & Conservation Manager** SUBJECT TO: 1. REPORTING TO MEMBERS
2. APPROVALS TO OBSERVE THE FOLLOWING CRITERIA:
TO MAINTAIN THE TREE IN A SAFE CONDITION OR TO IMPROVE THE RELATIONSHIP AND PROVIDE A BETTER BALANCE BETWEEN THE TREE AND ITS ENVIRONMENT OR IN FURTHERANCE OF GOOD ARBORICULTURAL PRACTICE
26. The consideration of notices of intention to carry out works to trees in Conservation Areas and the taking of action arising therefrom. HoPS, DCM, **Planning Policy & Conservation Manager** SUBJECT TO 1. & 2. ABOVE
27. To respond to Forestry Authority consultations HoPS, DCM, **Planning Policy & Conservation Manager** – SUBJECT TO NOTIFICATION OF WARD MEMBER
28. Authority to enter land or premises (Section 214B) Executive Director (**Planning**), with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

- | | | |
|-----|--|---|
| 32. | To determine applications for Grant Aid in accordance with the Amenity Tree Grant Scheme approved in July 2002. | HoPS, DCM; Planning Policy & Conservation Manager; Executive Director (Planning)
SUBJECT TO PUBLICISING GRANTS IN NENE VALLEY NEWS |
| 29. | To determine applications under the High Hedges (Appeals) (England) (Regulations) 2005 | HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO RIGHT OF REFERRAL, TO THE DEVELOPMENT CONTROL C'TTEE OF ANY APPLICATION BY MEMBERS, WHERE THEY CONSIDER APPLICATION GIVES RISE TO MORE SIGNIFICANT ISSUES |
| 30. | To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council | HoPS, DCM in consultation with the Solicitor to the Council |

General Operational Arrangements relating to Planning applications.

1. No application is determined before the expiration of the *21 day* period allowed for public comment.
2. Delegated decisions are made on a daily basis
3. Applications in the delegated categories are identified in **notifications to Councillors**
4. All applications received are included on a weekly list circulated to all Members and Parish/Town Councils. The list is also available to view on the Council's web site at www.east-northamptonshire.gov.uk
5. Members wishing to refer an application to **Development Control** Committee for determination must do so before the "earliest decision" date identified against each application on the Weekly List by **notifying – in writing – the appropriate Development Control Officer.**

Function/Legislation

Delegation & Provisos (caps)

31. **Building Control: (Building Act 1984)** See under Environmental Services (includes delegation to Building Control and Planning officers)

(Party Wall Etc. Act 1996)

- | | | |
|-----|---|---|
| 32. | To appoint a third surveyor to arbitrate between two surveyors representing respective neighbours: | Head of Planning Services or Building Control Manager |
|-----|---|---|

~~**Licensing of Goods Vehicles: (Goods Vehicle (Licensing of Operators) Act 1995, Section 12)**~~

~~**To make objections to the Licensing Authority on applications:**~~

~~Head of Planning Services~~

33. **Street Naming & Numbering: Public Health Act 1925 (Sections 17-19); Town Improvement Clauses Act 1847 (Sections 64 and 65); Public Health Act 1875 (Section 160); Public Health Act 1907 (Section 21); Local Government Act 1972**

34. To implement street naming on new developments where all the **statutory consultees** are in agreement: Head of I.C.T., or Property Information Officer
TO BE REPORTED TO MEMBERS
35. To number streets: Head of I.C.T., or Property Information Officer
- Economic Development: (*Local Government Act 2000*)**
36. To fund environmental improvement schemes within the annual budget (Section 1): Head of Planning Services **SUBJECT TO CONSULTATION WITH CHAIRMAN AND VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE & APPROVAL OF APPLICATIONS IS WITHIN A POLICY FRAMEWORK**
37. To approve Business Development Grants within the approved scheme: Economic Development Officer **SUBJECT TO CONSULTATION WITH CHAIRMAN OR VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE**
- Local Plan: Planning Policy: *Town & Country Planning Act 1990 – Section 324***
38. Powers of entry: Head of Planning Services; Planning Policy & Conservation Manager **Team Leader**; Senior Planning Officer; Planning Officer; Research & Information Officer
- End of delegation specifically relating to Planning functions
- B: LICENSING & REGISTRATION:**
- Function/Legislation**
- General**
39. To specify other officers or posts to act under any specific licensing legislation (following changes to staff or responsibilities): Chief Executive
PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC SERVICES MANAGER)
- Acupuncture, Tattooing etc: (*Local Government (Misc. Provisions) Act 1982 - as amended by the Local Government Act 2003*)**
40. Powers of entry, inspection & examination Sections 15- 17 and Schedule 1(14) Acupuncture etc: Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officers; Environmental Health Officers; **Senior Housing Manager; Grants Officer; Licensing Administrators**; Licensing Enforcement Officer; Waste Manager
- Second delegation transferred to Section C**
41. To register ear piercers, cosmetic piercers, skin-colouring businesses, tattooists, electrolysis (Sections 13-16): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager

Animal Boarding: (Animal Boarding Establishments Act 1963)

42. To issue licences (Sections 1(1) and (3)): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental) Waste Manager
43. Powers of entry, inspection & examination (Section 2): Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Officers; Licensing Enforcement Officer; Senior Housing Manager; Grants Officer
44. Changes to conditions (where there are no financial implications): Head of Environmental Services in consultation with the Lead Member for Environmental Services SUBJECT TO A CENTRAL RECORD BEING KEPT

Butchers Shops: (Food Safety (General Food Hygiene) (Butchers Shops) Amendment Regulations 1999)

To issue, revoke and suspend licences:

Head of Environmental Services; Commercial Health Manager
~~POLICY & RESOURCES COMMITTEE TO CONSIDER INITIAL APPLICATIONS NOT MEETING LEGISLATIVE REQUIREMENTS~~

Caravans: (Caravan Sites & Control of Development Act 1960)

45. Powers of entry, inspection & examination (Section 2(b)): Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Officers; Senior Housing Manager; Grants Officer; Waste Manager
46. To issue licences; amend conditions (Sections 3 & 8): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager TO BE REPORTED TO MEMBERS
- Dogs: (Breeding of Dogs Act 1973)**
47. To issue licences (Sections 1(4) and (5)): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
48. Powers of entry, inspection & examination (Section 2): Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Senior Environmental Health Officer; Environmental Health Officer; Senior Housing Manager; Grants Officer; Licensing Enforcement Officer

(Breeding of Dogs Act 1991)

49. Powers of entry – premises not covered by licence:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; Technical Officers; Commercial Health Officers; Environmental Protection Officers; Executive Director (Environmental); Waste Manager

(Breeding and Sale of Dogs (Welfare) Act 1999)

50. To issue licences:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager

Dangerous Animals: (Dangerous Wild Animals Act 1976)

51. To issue Licences:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager

SUBJECT TO REPORTING TO WARD MEMBERS

52. Powers of entry, inspection & examination (Section 3):

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Officers; ~~Senior Housing Manager;~~ ~~Grants Officer;~~ Waste Manager

Gambling: (Deregulation (Gaming Machines and Betting Offices Facilities) Order 1996)

53. To issue permits for amusements with prizes gaming machines:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental)

(Gambling Act 2005)

54. To carry out functions:

Head of Environmental Services, Commercial Health Manager, Senior Environmental Health Officer (Commercial), Environmental Health Officers (Commercial), Commercial Health Officers, Technical Officers (Commercial), Environmental Protection Manager, Environmental Protection Officers, Licensing Enforcement Officer; Waste Manager

	Head of Environmental Services or in his absence the Commercial Health Manager or Executive Director
55. To determine non-contentious applications under the Gambling Act 2005 within the scope of Appendix 3 (1):	Head of Environmental Services, Commercial Health Manager or Executive Director (WARD MEMBERS ARE NOTIFIED OF APPLICATIONS)
56. To issue cancellations of gaming machine permits within the scope of Appendix 3 (1):	Head of Environmental Services, Commercial Health Manager or Executive Director
<u>(House to House Collections Act 1939 (Section 2) and Police, Factories (Etc) (Miscellaneous Provisions) Act 1916)</u>	
57. To issue licences:	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
<u>(Lotteries & Amusements Act 1976 - Schedule 1)</u>	
58. To register Societies for the purpose of operating lotteries:	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY POLICY AND RESOURCES COMMITTEE
<u>Game: (Game Act 1831)</u>	
59. To issue licences	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
<u>Liquor and Entertainment: (Licensing Act 2003)</u>	
60. To carry out the functions of the Act:	Head of Environmental Services, Commercial Health Manager, Senior Environmental Health Officer (Commercial), Environmental Health Officers (Commercial), Commercial Health Officers, Technical Officers (Commercial), Trainee Environmental Health Officer, Environmental Protection Manager; Environmental Protection Officers; Licensing Enforcement Officer; Waste Mgr
61. To determine non-contentious applications (for example no representations to the grant of a premises licence) within the scope of Appendix 1 – Licensing Committee – 26/1/05	Head of Environmental Services or in his absence the Commercial Health Manager or Executive Director (Environmental) WARD MEMBERS ARE NOTIFIED OF APPLICATIONS

62. **To grant or refuse minor variations:** Executive Director (Environmental), Head of Environmental Services, Commercial Health Manager and Senior Environmental Health Officer
WARD MEMBERS TO BE NOTIFIED IF OFFICERS MINDED TO APPROVE APPLICATIONS
63. **To issue Notices relating to hearings under the Hearings Regulations.** Democratic Services Manager
64. **To arrange alternative Members to serve on Panels (from any Constituted Panel) whenever attendance difficulties arise:** Democratic Services Manager; Head of Resources
- (Local Government (Misc. Provisions) Act 1976)**
65. **To serve Notices for the provision of sanitary appliances at places of entertainment (Section 20 and Part II Sections 16 and 35):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Executive Director (Environmental); Waste Manager
66. **Powers of entry, inspection & examination:** Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Environmental Protection Officers; Commercial Health Officer; Senior Environmental Health Officers; Environmental Health Officers; Senior Housing Manager; Grants Officer; Waste Manager
67. **To serve Requisitions for Information (Section 16):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
- Pet Animals: (Pet Animals Act 1951)**
68. **To issue licences (Section 1(6):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
69. **Powers of entry, inspection & examination (Section 4):** Commercial Health Manager; Technical Officer (Commercial); Head of Environmental Services; Senior Environmental Health Officer (Commercial); Environmental Health Officer (Commercial); Waste Manager
- Riding Establishments: (Riding Establishments Acts 1964 & 1970)**
70. **To issue full and provisional licences (Sections 1(2) and 4):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager

71. Powers of entry, inspection & examination (Section 2): Head of Environmental Services; Commercial Health Manager; Technical Officers; Environmental Protection Officers; Senior Environmental Health Officers; Environmental Protection Manager; Environmental Health Officers
Licensing Enforcement Officer; Waste Manager
- Scrap Metal Dealers: (*Scrap Metal Dealers Act 1964*)**
72. To issue registrations (Section 1): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
73. Powers of entry, inspection & examination (Section 6): Commercial Health Manager; Technical Officers; Head of Environmental Services; Commercial Health Officer; and Officer; Senior Environmental Health Officers; Environmental Protection Officers; ~~Senior Housing Manager; Grants Officer;~~ Waste Manager
- Streets: (*Town Police Clauses Act 1847*)**
74. To deal with applications for all road closures: Democratic Services Manager; Head of Resources
- (*Local Government (Misc. Provisions) Act 1982 - as amended by the Local Government Act 2003*)**
75. To institute legal proceedings - illegal street trading (Schedule 4 & Section 3): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager AFTER CONSULTATION WITH SOLICITOR TO THE COUNCIL
76. To issue licences for street layby trading (vacancies only): Head of Environmental Services; Commercial Health Manager. IN CONSULTATION WITH CHAIRMAN OF POLICY AND RESOURCES COMMITTEE & SUBJECT TO COUNCIL'S POLICY
- Vehicles (*Local Government (Miscellaneous Provisions) Act 1976; Town Police Clauses Act 1847, Transport Act 1985 and ENC Byelaws*)**
77. To grant applications for the issue of hackney carriage and private hire vehicle, drivers' and operators' licences, including renewals of drivers' licences where there have been previous issues arising from reports from CRB, DVLA or other sources but no subsequent issues have arisen since the last grant: Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
78. To suspend and revoke licences under Sections 60, 61 and 62 of the 1976 Act: Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; ~~Technical Officers;~~ Commercial Health Officer; ~~Licensing Administrators;~~ Executive Director (Environmental); Waste Manager

79. To carry out all duties under the above legislation: Commercial Health Manager; Senior Environmental Health Officer (Commercial); Technical Officer; (Commercial); Commercial Health Officer; Environmental Health Officers; Licensing Enforcement Officer; Waste Manager
- Vehicle (Crime) Act 2001
80. To determine applications for registration - Motor Salvage Operators Regs 2002: Head of Environmental Services
- Zoos: (Zoo Licensing Act 1981 - Section 10)
81. Powers of entry, inspection and examination: Head of Environmental Services; Commercial Health Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officers; Environmental Protection Manager; Environmental Health Officers; Waste Manager

C: ENVIRONMENTAL SERVICES, HOUSING & COMMUNITY SAFETY
Function/Legislation

(Arranged in alphabetical order of legislation)
Delegation and Provisos (caps)

General

82. To specify other officers or posts to act under any specific environmental health legislation (following changes to staff or responsibilities): Chief Executive
 PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC SERVICES MANAGER)
- Anti Social Behaviour Act 2003 (Sections 43,48,49, 55 & 56)
83. To take action in relation to graffiti, flyposting, flytipping, and unlawful depositing of waste, including the service of notices and the recovery of expenditure: Head of Environmental Services; Environmental Protection Manager; Waste Manager; Waste Management Officers; Waste Project Officer; Environmental Protection Officers; Senior Environmental Services Officer; Environmental Services Officers; Commercial Health Manager
- Bovine Products (Production & Despatch) Regs 1992 – S.8)
84. Powers of entry, inspection and examination: Head of Environmental Services; Commercial Health Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Technical Officer (Public Health); Senior Environmental Health Officers; Environmental Protection Manager; Environmental Health Officers
- Building Control: Building Act 1984**
85. To issue decisions with appropriate conditions as necessary on applications under Building Regulations: Building Control Manager or Head of Planning Services or Executive Director (Planning)
86. To determine applications for relaxation of Building Regulations: Head of Planning Services or Building Control Manager or Exec. Director (Planning)

87. To take action for contravention of Building Regulations – fine and removal/alteration of offending work (Sections 35 and 36):	Head of Planning Services or Building Control Manager or Exec. Director (Planning)
88. To serve notices requiring repair of drains etc (Section 59):	Head of Planning Services; Head of Environmental Services; Building Control Manager; Environmental Protection Manager; Waste Manager; Commercial Health Manager; Executive Director (Environmental)
89. To serve notices (Section 69 – Houses insufficient water supply):	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
90. To serve abatement notices requiring defects to be remedied (Section 76):	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Manager; Senior Housing Manager
91. To serve notices regarding dangerous structures and require work to be done at the owners expense (Sections 77 and 78):	Head of Planning Services and Building Control Manager
92. To serve notices regarding ruinous or dilapidated sites (Section 79):	Head of Environmental Services; Environmental Protection Manager
93. To serve notices about demolition works (sections 81 and 82):	Head of Planning Services and Building Control Manager
94. Powers of entry, inspection and examination (Section 95):	Building Control Manager; Head of Planning Services; Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Manager; Building Control Surveyors; Environmental Protection Officers; Senior Housing Manager; Grants Officer; Environmental Health Officers; Senior Environmental Health Officers; Technical Officers
95. To arrange work in default where there is a failure to comply with a notice and recover costs (Section 107):	Head of Environmental Services; Head of Planning Services; Executive Directors IN CONSULTATION WITH THE CHAIRMAN OF THE POLICY & RESOURCES COMMITTEE (OR LEADER) WHERE PRACTICAL
96. To take all appropriate action to apply to the Magistrates Court in respect of any potentially dangerous buildings or other structures:	Head of Planning Services or Building Control Manager SUBJECT TO AGREEMENT OF SOLICITOR TO THE COUNCIL

Control of Pollution Act 1974 – Sections 60 & 61 (Control of Noise on Construction Sites)

97. **Authority to act:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Housing Manager~~; Environmental Protection Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Senior Environmental Health Officers; ~~Grants Officer~~; Waste Manager
- Control of Pollution Act 1974 - Section 91**
98. **Powers of entry, inspection and examination:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Housing Manager~~; Environmental Protection Officers; Environmental Health Officers; ~~Technical Officers~~; Commercial Health Officer; Senior Environmental Health Officers; ~~Grants Officer~~; Waste Manager
- Control of Pollution (Amendment) Act 1989 Section 5/5B**
99. **To issue Fixed Penalty Notices:** Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Licensing Enforcement Officer, Waste Management Officers, Environmental Services Officers, Police Community Support Officers
- Clean Air Act 1993**
100. **Powers of entry, inspection and examination (Section 5(b)):** Commercial Health Mgr; Head of Environm'tal Serv.; Environm'tal Protection Mgr; ~~Snr Housing Mgr~~; Environm'tal Protection Officers; Environm'tal Health Officers; Technical Officers; Comm. Health Officer; ~~Snr. Technical Officers (Public Health)~~; Senior Environmental Health Officers; ~~Grants Officer~~; Waste Mgr
101. **To take action under Sections 6-8; 12-14; 15; 16; 36 & 58:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager
- Clean Neighbourhoods and Environment Act 2005**
102. **Part 2 - Abandoned Vehicles – To act under Sections 10 – 14:** Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, ~~Project Officer~~, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
103. **Part 3 - Litter and Refuse – to act under Sections 18 – 22:** Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, ~~Project Officer~~, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
104. **To authorise entry to land and recover costs (Section 20):** Executive Directors, Head of Environmental Services, Waste Manager, Environmental Protection Manager; Commercial Health Manager

- 105. Part 5 - Deposit and Disposal of Waste - to act under Sections 40 – 45:** Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, **Project Officer**, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
- 106. To authorise prosecutions or serve notices (Section 48):** Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, **Project Officer**, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
- 107. To act under Section 50 including authorisation of prosecutions, service of notices, removal of waste, recovery of costs:** Executive Directors, Head of Environmental Services, Waste Manager, Environmental Protection Manager; Commercial Health Manager
- 108. Controls on Dogs - To authorise the making of “Dog Control Orders” (Sections 55 – 58):** Head of Environmental Services, Waste Manager, Environmental Protection Manager; Commercial Health Manager
- 109. To authorise prosecutions or service of notices etc (Sections 59 – 67)** Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, **Project Officer**, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police Licensing Enforcement Officer Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales
- Crime & Disorder Act 1998**
- 110. To process or initiate requests for personal information or conviction data under the Act:** Executive Director (**Environmental**) or Community Safety Officer (designated officers); Head of Environmental Services
- Criminal Justice and Public Order Act 1994**
- 111. To take appropriate action against unauthorised encampments (Part V):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ;Executive Director (**Environmental**); Waste Manager **SUBJECT TO NOTIFICATION OF WARD MEMBERS**
- 112. Powers of entry, inspection & examination (Section 77):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Housing Manager; Environmental Protection Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Senior Environmental Health Officers; Grants Officer; Waste Manager

Deer Acts 1963 and 1980-1991

113. Power to inspect:

Commercial Health Manager; Environmental Protection Manager; ~~Technical Officers (Commercial)~~; Head of Environmental Services; Environmental Health Officers; Senior Environmental Health Officers; Commercial Health Officer

Dogs Act 1871 and Dangerous Dogs Act 1989

114. To authorise applications to be made to a court in relation to the keeping of a dog under proper control or the destruction of a dog on the grounds that it is dangerous (s. 2 of the Dogs Act 1871) and for a failure to comply with the provision of section 1 of the Dangerous Dogs Act 1989 (breach of a disqualification order and failure to comply with an order to keep a dog under proper control or to deliver a dog up for destruction as required by a court order).

Head of Environmental Services, Waste Manager, Environmental Protection Manager; Commercial Health Manager

Dogs (Fouling of Land) Act 1996

~~Powers under Sections 3 and 4:~~

~~Commercial Health Manager; Technical Officers; Commercial Health Officer; Environmental Protection Manager; Waste Manager; Waste Management Officers; Project Officer; Grants Officer; Environmental Protection Officers; Environmental Health Officers; Head of Environmental Services; Contaminated Land Officer; Clerk of Oundle Town Council; Park Rangers at Barnwell/Brigstock Country Parks; Park Rangers at the 3 Rockingham Forest Trust areas; Project Co-ordinator; Voluntary Warden Police Officer and Special Constable employed by Northamptonshire Police; Environmental Services Officers; Senior Environmental Services Officer; Police Community Support Officers; Licensing Enforcement Officer; Senior Housing Manager
SUBJECT TO ACTIONS TAKEN WITHIN ENG POLICIES & TRAINING/
APPRAISAL~~

Environment Act 1995 - S. 108 (1) and 108 (a) - (h) & (j) - (m); Environmental Protection Act 1990 – S. 17 (3) (a)-(l) & Sc.3, paras 2/2A

115. Powers of entry, inspection and examination:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Housing Manager~~; Environmental Protection Officers; Environmental Health Officers; ~~Technical Officers~~; Commercial Health Officer; Senior Environmental Health Officers; ~~Grants Officer~~; Waste Manager

Environmental Protection Act 1990: See also Clean Neighbourhoods and Environment Act 2005

- 116. To take action under Sections 33 and 34 including the authorisation of prosecutions or service of notices:** Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Waste Management Officers; ~~Waste Project Officer~~; Environmental Protection Officers; Senior Environmental Services Officer; Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager
- 117. To serve notices (Sections 79, 80 & 80A – Statutory Nuisances):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Technical Officers~~; Commercial Health Officer; Senior Environmental Health Officers; Environmental Protection Officers; Environmental Health Officers; ~~Grants Officer~~; Executive Director (Environmental); Waste Manager; Senior Housing Officer
- 118. To authorise prosecution for non-compliance with abatement notices served under Section 79 of the Act:** Head of Environmental Services (in his absence, Commercial Health Manager; or Environmental Protection Manager or Waste Manager) SUBJECT TO SOLICITOR TO THE COUNCIL BEING SATISFIED WITH THE EVIDENCE AND IN CONSULTATION WITH THE OF THE POLICY AND RESOURCES COMMITTEE AND LOCAL WARD MEMBER.
- 119. To revoke authorisations where processes no longer operate:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
- 120. To authorise prescribed processes under Part B Sections 6 & 7:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
- 121. To vary conditions on authorisations (Section 10):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager
- 122. To enforce notices – prescribed processes (Section 13):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental)
- 123. To serve notices to obtain information (Section 19):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Manager

<p>Part 2 - Waste on Land</p> <p>124. To take action – receptacles for waste including the authorisation of prosecutions or service of notices (Sections 46 and 47):</p>	<p>Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers, Project Officer, Environment Protect -on Officers; Senior Environmental Services Officer, Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager</p>
<p>125. To take all action – removal of waste unlawfully deposited (Section 59):</p>	<p>Executive Directors, Head of Environmental Services, Waste Manager, Environmental Protection Manager; Commercial Health Manager</p>
<p>Part 4 – Litter etc</p> <p>126. To take all action – Littering, Street Control Notices (Sections 87, 88, 92 - 94):</p>	<p>Head of Environmental Services, Waste Manager, Environmental Protection Manager, Waste Management Officers , Project Officer, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police; Licensing Enforcement Officer; Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales</p>
<p>127. To enter premises/determine if a nuisance exists/seek warrant in appropriate cases (Section 81/Schedule 3):</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Technical Officers; Commercial Health Officer; Senior Environmental Health Officers; Environment Protection Officers; Environmental Health Officers; Senior Housing Manager; Trainee Environmental Health Officer; Waste Manager</p>
<p>128. To apply to the High Court for an injunction (noise complaints “pay parties” where normal procedures insufficient):</p>	<p>Head of Environmental Services (in his absence, Environmental Protection Manager or Commercial Health Manager, or Waste Manager) IN CONSULTATION WITH CX AND CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE</p>
<p>129. Seizure of noise making equipment (Section 80(4)):</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; Environmental Health Officers; Environmental Protection Officers; Executive Director (Environmental);Waste Manager</p>
<p>130. To serve Fixed Penalty Notices (Schedule 3A paras 1(1) & 7):</p>	<p>Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Licensing Enforcement Officer, Waste Management Officers, Waste Manager, Environmental Services Officers, Police Community Support Officers</p>

- 131. Enforcement of The Contaminated Land (England) Regulations 2000 and statutory provisions of Part 11A of the Environmental Protection Act, including service of Remediation Notices:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager
- 132. Environmental Protection (Stray Dogs) Regulations 1992 Discharge of functions - stray dogs:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager
- 133. Discretion to reduce/waive charges for first offences/in hardship cases:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager

Food Safety

- 134. The Food Safety Act 1990 (as amended) and any Orders or Regulations made thereunder or relating thereto or having effect by virtue of the European Communities Act 1972*, and any modification or re-enactment thereto General authorisation to act:** Mike Deacon; Julia Smith; Christopher Jordan;. Amanda Robinson; Amy White; Racheal Phillips; Robert Rowland; Beth Gordon
*NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.
- 135. Specific general authorisation to act under The Products of Animal Origin (Import and Export) Regulations 1996, as amended; The Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004; Emergency Control Regulations eg The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005; and The Official Feed and Food Controls (England) Regulations 2006** Julia Smith; Racheal Phillips; Amanda Robinson
- 136. Powers to serve, Hygiene improvement notices, Hygiene Emergency notices, Remedial Action notices and Detention notices:** Julia Smith; Christopher Jordan; Amanda Robinson; Racheal Phillips
- 137. Food Safety Act 1990 and all subordinate Regulations Lead Officer for Food safety:** Commercial Health Manager

- 138. General authorisation (Section 5):** Mike Deacon - Head of Environmental Services; Julia Smith - Commercial Health Manager; Christopher Jordan;- Senior Environmental Health Officer; Amanda Robinson and Racheal Phillips - Environmental Health Officers; Robert Rowland – Commercial Health Officer; Amy White - Technical Officer; Caroline Ellis –Environmental Protection Officer; Darren Hale – Environmental Protection Manager; Mandy Dennis – Environmental Protection Officer
- 139. Powers of inspection and seizure of suspected food:** Julia Smith – Commercial Health Manager; Christopher Jordan - Senior Environmental Health Officer; Racheal Phillips, Environmental Health Officer (Commercial)
- 140. Powers of entry, inspection and examination (Section 32) and to serve notices:** Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Keith Randle~~; Technical Officers; Commercial Health Officer; ~~Stewart Sheppard~~; Environmental Protection Officer; Environmental Health Officers; Senior Environmental Health Officers; Trainee Environmental Health Officer
- Food and Environment Protection Act 1985 & Control of Pesticides Regulations 1986 - Sections 3,4 and 11**
- 141. To enforce the legislation:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Keith Randle~~
- 142. To act as an investigating/enforcement officer - delegation from MAFF Department of Health:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager
- Pollution, Prevention and Control Regulations 2000 (Section 28) as amended by the Environmental Permitting (England and Wales) Regs 2007**
- 143. To require information about a process to determine if it should be permitted or if there is a breach of the requirements of the legislation:** Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers
- Smoking Prohibition: Health Act 2006**
- 144. General authority to act:** Head of Environmental Services, Commercial Health Manager, Licensing Enforcement Officer, Trainee Environmental Health Officer, Senior Environmental Health Officer, Commercial Health Officers, Environmental Health Officers, Environmental Protection Officers, Waste Management Officers; Waste Manager; Environmental Protection Officer
- Health & Safety at Work Etc Act 1974**

- 145. Powers of entry, inspection & examination/service of notices (S. 19 & 20):**
- 146. Appointment of Inspectors (Section 19):**
- 147. Powers of Inspectors (Section 20):**
- Julia Smith – Commercial Health Manager; Mike Deacon – Head of Environmental Services; ~~Keith Randle~~; Robert Rowland –Commercial Health Officer; Amy White - Technical Officer; ~~Stewart Sheppard~~; Palden Dorje – Environmental Protection Officer; Amanda Robinson and Racheal Phillips – Environmental Health Officers; Darren Hale – Environmental Protection Manager; Christopher Jordan, - Senior Environmental Health Officer;
Caroline Ellis – Environmental Protection Officer (NOT SERVICE OF ;Waste Manager – Beth Gordon NOTICES)
- 148. To serve notices (Sections 21 & 22 - Improvement & Prohibition and S. 25**
- 149. Seizure of articles or substances - cause of imminent danger):**
- Julia Smith -Commercial Health Manager; ~~Keith Randle~~; Darren Hale - Environmental Protection Manager; Racheal Phillips and Amanda Robinson – Environmental Health Officers
Sections 21 & 22 only: Robert Rowland – Commercial Health Officer; Amy White – Technical Officers (Commercial); Christopher Jordan – Senior Environmental Health Officer (Commercial)
- 150. To authorise prosecution (Section 33):**
- Mike Deacon – Head of Environmental Services; Julia Smith, Commercial Health Manager; ~~Mark Lovell – Executive Director (Environmental)~~; ~~Neil Pritchard – Solicitor to the Council~~
- 151. To instigate proceedings under Section 38:**
- Julia Smith – Commercial Health Manager;– Christopher Jordan, - Senior Environmental Health Officer (Commercial); Racheal Phillips and Amanda Robinson – Environmental Health Officers; Robert Rowland – Commercial Health Officer; Amy White – Technical Officer IN CONSULTATION WITH HEAD OF ENVIRONMENTAL SERVICES AND SUBJECT TO CONSIDERATION OF EVIDENCE BY SOLICITOR TO THE COUNCIL
- Housing: Housing Act 1985**
- 152. Powers of entry inspection and examination (Sections 222 repair; 319 unfitness procedures; 340 overcrowding; 395 houses in multiple occupation; 411 common lodging houses; 600 survey & examination):**
- Head of Environmental Services; Senior Housing Manager, Grants Officer; Executive Director (~~Environmental~~); ~~Housing Technical Officer~~; ~~Environmental Protection Manager~~
- 153. Powers of entry inspection and examination (Section 54):**
- Head of Environmental Services; Senior Housing Manager, Grants Officer; ~~Housing Technical Officer~~; ~~Environmental Protection Manager~~
- 154. To issue repair notices (S.189 unfit dwellings and S. 190 dwellings in disrepair but not unfit:**
- Head of Environmental Services; Senior Housing Manager; Executive Director (~~Environmental~~); ~~Environmental Protection Manager~~
- 155. To serve notices (Sections 352, 354, 360 and 361 - houses in multiple occupation):**
- Head of Environmental Services;, Senior Housing Manager; Executive Director (~~Environmental~~); ~~Environmental Protection Manager~~

~~To release covenants restricting former right to buy properties to use as a single dwelling, if planning permission is granted for an additional dwelling within the site:~~

~~Solicitor to the Council~~

Housing Acts 2004 and 1985 – Part 1 – Housing Conditions

- 156.** To carry out Inspections - (Sections 4 (1) and 4 (2): Environmental Protection Manager; Senior Housing Manager
- 157.** To serve or suspend Improvement Notices - Sections 11, 12 and 14:
158. To revoke and vary Improvement Notices – Section 16: Environmental Protection Manager; Senior Housing Manager; Senior Housing Manager; Housing Technical Officer; Grants Officer
- 159.** To review Improvement Notices - Section 17: Environmental Protection Manager; Senior Housing Manager; Housing Technical Officer; Grants Officer
- 160.** To serve or suspend Prohibition Orders Sections 20, 21 and 23:
161. To revoke and vary Prohibition Orders - Section 25: BOTH -Executive Directors, Head of Environmental Services
- 162.** To serve Hazard Awareness Notices - Sections 28 and 29: Environmental Protection Manager; Senior Housing Manager
- 163.** To carry out Emergency Remedial Action - Section 40: Executive Directors, Head of Environmental Services, Environmental Protection Manager
- 164.** To serve Emergency Remedial Action Notices - Section 41: Executive Directors, Head of Environmental Services, Environmental Protection Manager, Senior Housing Manager
- 165.** To recover Expenses for taking Emergency Remedial Action - Section 42: Solicitor to the Council, Executive Directors, Head of Environmental Services
- 166.** To serve Emergency Prohibition Order - Section 43: ALL - Executive Directors, Head of Environmental Services
- 167.** To serve Demolition Orders - Subsection (1) or (2) Section 265:
168. To declare the Area in which premises with a Category 1 is located as a Clearance Area - Section 289(2) and (2A) (1985):
169. To deal with Failures to Comply with Improvement Notices - Section 30(1):
- 170.** To recover Expenses for taking Enforcement Action - Section 31: Solicitor to the Council, Executive Directors, Head of Environmental Services
- 171.** To prosecute for Failure to Comply with Prohibition Orders - Section 32(1):
172. To authorise charges for Enforcement Action - Section 49: BOTH - Executive Directors, Head of Environmental Services
- 173.** To recover Charges - Section 50: Solicitor to the Council, Executive Directors, Head of Environmental Services

<i>Part 2 - Licensing of Houses in Multiple Occupation</i>	
174. To Grant or Refuse Licences - Section 64:	Executive Directors, Head of Environmental Services
175. To Vary Licences - Section 69:	Executive Directors, Head of Environmental Services, Environmental Protection Manager
176. To revoke Licences - Section 70	ALL - Executive Directors, Head of Environmental Services
177. To Designate an Area subject to Additional Licensing - Section 56:	
178. To Revoke Designation of an Area Subject to Additional Licensing - Section 60:	
179. To Serve Temporary Licensing Exemption Notices - Section 62:	Executive Directors, Head of Environmental Services, Environmental Protection Manager
180. To Prosecute for Offences - Section 72:	Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL SUBJECT TO NOTIFICATION OF WARD MEMBERS
181. To Apply - Rent Repayment Orders - Section 73:	Executive Directors, Head of Environmental Services; Solicitor to the Council
<i>Part 3 - Selective Licensing of Other Residential Accommodation</i>	
182. To Designate Selective Licensing Areas - Section 80:	BOTH - Executive Directors, Head of Environmental Services
183. To Revoke Selective Licensing Areas - Section 84:	
184. To Serve Temporary Licensing Exemption Notices - Section 86:	Executive Directors, Head of Environmental Services, Environmental Protection Manager
185. To Grant or Refuse Licences - Section 88:	Executive Directors, Head of Environmental Services
186. To Prosecute for Offences - Section 95:	Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL
187. To Apply - Rent Repayment Orders - Section 96:	Executive Directors, Head of Environmental Services
<i>Part 4 - Additional Control Provisions In Relation to Residential accommodation</i>	
188. To make Interim Management Orders - Section 102:	Executive Directors, Head of Environmental Services

189. To Vary or Revoke Interim Management Orders - Section 102:
 190. To Revoke Final Management Orders - Section 113:
- BOTH - Executive Directors
191. To make or Vary Final Management Orders - Section 113:
- Executive Directors, Head of Environmental Services
192. Power of Entry; Section 131:
- Head of Environmental Services, Environmental Protection Manager,
 Senior Housing Manager
- Chapter 2*
193. To make Interim Empty Dwelling Management Orders –Section 133:
 194. To make Final Empty Dwelling Management Orders - Section 136:
- BOTH - Executive Directors, Head of Environmental Services
- Chapter 3 - To serve Overcrowding Notices - Section 139:*
195. To revoke or vary Overcrowding Notice - Section 144:
- BOTH - Head of Environmental Services, Environmental Protection
 Manager, Senior Housing Manager
- Mortgages:
196. To serve notice on mortgagors in arrears requiring either payments of the arrears of instalments or payment of the outstanding loan debt and, in default, to institute proceedings in the County Court for either recovery of debt or recovery of possession and power of sale as appropriate:
- Head of Resources or Chief Finance Officer
197. To authorise the affixing of Council's seal on redemption of mortgages:
- Solicitor to the Council
198. To suspend temporarily repayments of the principal element of house purchase loans (authority to take effect retrospectively from date on which Social Security payments commenced):
- BOTH - Head of Resources or Chief Finance Officer
199. To determine and declare at 6 monthly intervals local average rate of applicable to each of the two main categories of mortgage lending:
200. To transfer the outstanding sum to an alternative provider:
- BOTH - Chief Finance Officer
201. To authorise incentive payments for the transfer of the mortgage to an alternative provider:
- SUBJECT TO THE CONSENT OF THE BORROWER
 SUBJECT TO STATUTORY LIMITS
202. Housing Stock transfer: To agree monies due from Spire Homes under the terms of the transfer contract:.
- Chief Finance Officer

Homelessness

203. To decide on homelessness claims under Part III of the Act:

Housing Services Officer; **Housing Strategy Manager** (appeal to Solicitor to the Council)
In the absence of the Housing Services Officer or **Housing Strategy Manager**, the Executive Director (**Planning**) to nominate an appropriately qualified officer in a neighbouring authority to make a recommendation on which a decision can be made by the ED (**Planning**) PROVIDED THAT A RECORD IS KEPT OF THE NAME(S) OF OFFICERS AND DATES OF ACTIONS TAKEN

Housing Grants Construction & Regeneration Act 1996

204. To approve applications for renovation, disabled facilities and home repair grants:

Head of Environmental Services or in his absence, Senior Housing Manager or **Environmental Protection Manager** DETAILS TO BE REPORTED TO MEMBERS

205. Powers of entry, inspection & examination (Section 82):

Head of Environmental Services; Senior Housing Manager; Environmental Protection Officer; Environmental Protection Manager; Grants Officers; **Housing Technical Officer Racheal Phillips; Keith Randle; Stewart Sheppard**

Land Drainage Act 1991

206. To undertake land drainage functions under Sections 14, 15, 25, 26 and 64:

Executive Director (**Environmental**)

Local Government Act 1972 – Sections 112 and 223

207. To act as appropriate in the Magistrates Court:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager

208. Powers of entry, inspection and examination:

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; **Keith Randle**; Technical Officers; **Stewart Sheppard**; Commercial Health Officer; **Racheal Phillips**; Environmental Protection Officers; Environmental Health Officers

Local Government (Miscellaneous Provisions) Act 1976

209. To serve Notices for removal of obstruction in private sewers (Section 35):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**Environmental**); Waste Manager

Local Government (Miscellaneous Provisions) Act 1982

210. To serve notices and to arrange for work to be done in default and recover costs (Section 29):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (**ENVIRONMENTAL**); Waste Manager

- Meat Products (Hygiene) Regulations 1994**
211. To issue approvals where premises meet required standard: Head of Environmental Services; Commercial Health Manager; Executive Director (**Environmental**)
- National Assistance Act 1993** See also Proper Officer Provisions
212. Powers of entry, inspection and examination: Commercial Health Manager; Environmental Protection Manager; Senior Housing Manager; Technical Officers; Commercial Health Officer; Grants Officer; Senior Technical Officer (**Public Health**); **Racheal Phillips**; Environmental Protection Officers; Environmental Health Officers; Waste Manager
- Noise & Statutory Nuisance Act 1993**
213. Powers of entry, inspection and examination (Schedule 3, para. 6): Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Housing Manager; Technical Officers; Commercial Health Officer; Grants Officer; Environmental Protection Officers; **Senior Technical Officer (Public Health)**; Environmental Health Officers; Senior Environmental Health Officers Waste Manager
214. To serve notices and action any subsequent prosecutions Sections 2-5):
215. To serve notices regarding recovery of costs (Sections 2-5): **BOTH** - Executive Director (**Environmental**); Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager Waste Manager
- Noise Act 1996 (Section 8)**
216. To issue Fixed Penalty Notices: Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Manager, Senior Environmental Health Officer, Environmental Health Officer, Commercial; Licensing Enforcement Officer, Commercial Health Officer, Technical Officer, Environmental Protection Officer
- Pollution Prevention and Control (England and Wales) Regulations 2000**
217. To undertake duties under Sections 10,11,12,13,17,1,21 & 24) Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager
- Prevention of Damage by Pests Act 1949**
218. To serve notices on owner or occupier requiring treatment and/or structural or other works (Section 4): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Manager; Executive Director (**Environmental**); Senior Environmental Health Officers; Environmental Health Officers; Technical Officer; Commercial Health Officer; Environmental Protection Officer

- 219. Powers of entry, inspection & examination (Part 1 and Section 22):**
Head of Environmental Services; Commercial Health Manager; Waste Manager; Environmental Protection Manager; ~~Racheal Phillips~~; Technical Officer; Commercial Health Officer; ~~Stewart Sheppard~~; Environmental Protection Officer; Environmental Health Officer; Senior Environmental Health Officers
- 220. To serve Notices - Removal of Noxious Matter (Section 79):**
221. Powers of entry, inspection and examination (Section 287):
Public Health Act 1936
BOTH - Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Senior Housing Manager; Environmental Protection Officers; Technical Officers; ~~Grants Officer~~; Environmental Health Officers; Senior Environmental Health Officers; Commercial Health Officer
Waste Manager
- 222. To serve notices - intention to fumigate (Section 83):**
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Waste Manager
- 223. To apply to Court in respect of domestic supplies or supplies where there is preparation of food/drink for human consumption (Section 140 - closure of polluted water supply):**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Manager
- Public Health Act 1961
224. Powers of entry, inspection & examination (Sections 17,34,36 & 37):
Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers; Technical Officers; Commercial Health Officer; Environmental Health Officers; Senior Environmental Health Officer; Senior Housing Manager; Grants Officer; Waste Manager
- 225. To serve notices/undertake work in default & recover costs (Section 17):**
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Waste Manager
- 226. To serve notices/recover costs (Section 34-Accumulations of Rubbish):**
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Waste Manager
- 227. To serve notices (Section 36):**
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Waste Manager

Public Health (Control of Disease) Act 1984 - Section 61 See also Proper Officer Provisions

228. Powers of entry, inspection and examination:

Senior Environmental Health Officers; Environmental Protection Officers; Technical Officers; Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Commercial Health Officer; Grants Officer; Environmental Health Officers; Senior Housing Officer; Waste Manager

Public Health (Infectious Disease) Regulations 1998 See also Proper Officer Provisions

229. Powers of entry, inspection and examination:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Grant Officer; Environmental Protection Officer; Environmental Health Officers; Senior Environmental Health Officer; Waste Manager

Rag Flock & Other Filling Materials Act 1951 - Section 13

230. Powers of entry, inspection & examination:

Senior Environmental Health Officers; Environmental Protection Officers; Technical Officers; Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; ~~Senior Housing Manager;~~ ~~Racheal Phillips;~~ ~~Grants Officer;~~ Commercial Health Officer

Refuse Disposal (Amenity) Act 1978 See also Clean Neighbourhoods and Environment Act 2005

231. Power to authorise proceedings for unauthorised dumping (Section 2):

Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Waste Management Officers; ~~Waste Project Officer;~~ Environmental Protection Officers; Senior Environmental Services Officer; Environmental Services Officers; Commercial Health Manager
SUBJECT TO CONSULTATION WITH THE CHAIRMAN OF POLICY & RESOURCES COMMITTEE SHOULD THE ESTIMATED COSTS EXCEED £1000.

232. To remove abandoned items/recover costs (Section 6):

Executive Director (**Environmental**) or Head of Environmental Services or Waste Manager; Environmental Protection Manager; Commercial Health Manager
REPORT ON ACTION TO MEMBERS

233. To serve notices (Sections 3 and 4) and to recover costs (Section 5):

Executive Director (**Environmental**); Head of Environmental Services; Waste Manager; Waste Management Officers; ~~Project Officer;~~ Commercial Health Manager

- 234. Powers of entry (Section 8 - controlling fly-tipping):**
Executive Director (**Environmental**); Head of Environmental Services; Waste Manager; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officers; Environmental Health Officers Technical Officers; Commercial Health Officer; Environmental Protection Officers
- Slaughter of Poultry Act 1967 - Section 4**
- 235. Powers of entry:**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officer; Environmental Health Officers; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Waste Manager
- Slaughter of Poultry (Licences & Specified Qualifications) Regs.1991**
- 236. To act as Welfare Supervising Officers:**
Head of Environmental Services; Commercial Health Manager; Technical Officer (Commercial)
- Sunday Trading Act 1994 – Sch. 2, para. 2**
- 237. Powers of entry, inspection & examination:**
Senior Environmental Health Officers; Environmental Protection Officers; Technical Officers; Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; ~~Senior Housing Manager;~~ Commercial Health Officer; ~~Grants Officer;~~ Environmental Health Officers Waste Manager **TO BE REPORTED TO WARD MEMBERS AND LEAD MEMBER FOR ENVIROVNMENTAL SERVICES**
- Water Act 1989 - Sections 56, 57, 58 and 59 (unwholesome or insufficient mains or private water supply**
- 238. To take action:**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director (**Environmental**); Waste Manager
- Water Industry Act 1991**
- 239. To serve Improvement Notices (Section 80):**
Head of Environmental Services; Commercial Health Manager; ~~Public Health Manager;~~ Executive Director (**Environmental**); Waste Manager
- 240. Powers of entry, inspection & examination (Section 84):**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Housing Manager; Grants Officer; Waste Manager
- Private Water Supplies Regulations 1991**
- 241. To relax standards:**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Manager
- Contravention of environmental health legislation**
- 242. To issue cautions for minor offences:**
Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officer (Commercial); ~~Senior Technical Officer (Public Health);~~ Executive Director (**Environmental**); Waste Manager

End of Environmental Health delegation

D: FINANCIAL, STAFFING AND LEGAL/CORPORATE ISSUES

Function/Legislation

Delegation and Provisos (caps)

Council Tax, Benefits, Recovery of Money: Local Government Finance Acts 1988 and 1992 –

- | | | |
|---|--|--|
| 243. | To represent the Council in proceedings in the Magistrates Court: | Head of Revenue and Benefit Services; Business Rates Officer; Senior Revenue Officer |
| 244. | To deal with completion of dates of new or altered buildings: | Head of Revenue and Benefit Services; Business Rates Officer; Senior Revenue Officer |
| 245. | To impose or quash penalties: | Head of Revenue and Benefit Services; Chief Finance Officer |
| 246. | To administer the legislation including various control, management and relief functions: | Head of Revenue and Benefit Services; Chief Finance Officer |
| <u>Rate relief :</u> | | |
| 247. | To approve applications for relief for partial occupation of non-domestic properties: | Head of Revenue and Benefit Services or Chief Finance Officer |
| 248. | To approve applications for discretionary relief: | Head of Revenue and Benefit Services; Chief Finance Officer |
| <u>Local Government Finance Act 1992 and Council Tax Benefit Regulations</u> | | |
| 249. | To implement and operate the Act and its supporting regulations: | Head of Revenue and Benefit Services; Chief Finance Officer |
| 250. | To calculate the award of Council Tax benefit: | Head of Revenue and Benefit Services; Assessment Staff and Quality Manager |
| 251. | To conduct internal reviews: | Chief Finance Officer and Head of Revenue and Benefit Services |
| 252. | To operate the Council's scheme on discretionary payments: | Chief Finance Officer; Head of Revenue and Benefit Services |
| 253. | To represent the Council at Appeals Tribunals: | Senior Assessment Officers and Quality Manager |

254. To determine and recover the overpayment of benefit: Head of Revenue and Benefit Services; Senior Benefits Officer
255. To institute recovery proceedings through the Courts including representing the Council in Court: Head of Revenue and Benefit Services; Senior Benefits Officer; Recovery Officer
- Social Security Contributions and Benefits Act 1992; Immigration and Asylum Act 1999 (Section 15); Social Security Administration Act 1992; Child Support, Pensions and Social Security Act 2000: Social Security (Consequential Provisions) Act 1992; Social Security Administration (Fraud) Act 1997; Social Security Act 1998; Tribunals, Courts and Enforcement Act 2007**
256. To implement the Acts and supporting legislation: Head of Revenue and Benefit Services; Chief Finance Officer
257. To calculate and approve the award of housing benefit: Head of Revenue and Benefit Services; Assessment staff and Quality Manager
258. To conduct appeals for reconsideration: Chief Finance Officer and Head of Revenue and Benefit Services
259. To operate the Council's scheme on discretionary payments: Chief Finance Officer; Head of Revenue and Benefit Services
260. To represent the Council at Appeals Tribunals: Senior Assessment Officers and Quality Manager
261. To determine and recover the overpayment of benefit: Head of Revenue and Benefit Services; Senior Benefits Officer
262. To institute recovery proceedings through the Courts including representing the Council in Court: Head of Revenue and Benefit Services; Senior Benefits Officer
263. To operate counter fraud activities in respect of benefit fraud, including authorising prosecutions, and imposing sanctions (see also Regulation of Investigatory Powers Act under **Legal/Corporate** below) : Head of Revenue and Benefit Services
- Transport Acts 1985 and 2000**
264. To administer the Council's agreed Concessionary Travel Scheme: Chief Finance Officer; Revenues Manager; Quality Manager
- Public Health Act 1936 - Section 291**
265. To enter into repayment agreements and make Charging Orders (expenses recoverable from owners): Both Executive Directors, with power to delegate to specific officers

Land transactions and Council Assets: Local Government Act 1972 (Sections 120-123)

266. To select valuer (etc): Head of the Paid Service or Executive Directors or Head of Resources
267. To deal with leases - (1) implementation of options to renew on terms specified in lease or to be negotiated by valuer (2) approve licences to assign existing leases: Head of the Paid Service or Executive Directors

Road Traffic Regulation Act 1984

268. To take court action in respect of contraventions of the Rushden Off-Street Parking Places Order Solicitor to the Council SUBJECT TO BEING SATISFIED AS TO THE EVIDENCE

Town & Country Planning General Regulations 1976

269. To seek deemed planning permission (regulations 4 & 5): Executive Director (not-Planning)

Legal/Corporate Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990; County Courts Act 1984; Rights of Audience Order 1999

270. To institute or defend proceedings in the Magistrates/County/High Court: Head of the Paid Service or Executive Directors, or Solicitor to the Council SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER
271. To authorise staff under the above provisions: Solicitor to the Council
272. To take Counsel's opinion when he deems it in the Council's interest: Head of the Paid Service or Executive Directors, or Solicitor to the Council CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE AND THE LEADER TO BE NOTIFIED

Administration of Estates Acts, 1925 & 1971

273. To make application, in all appropriate cases, to administer the estates: Solicitor to the Council

Covert Surveillance: (Regulation of Investigatory Powers Act 2000)

274. Authorisation of covert surveillance - undertaking investigations:-
Authorisation of requests for access to, and disclosure of, communications data:
1. Crime and disorder and anti-social behaviour; Noise; Licensing; Food Safety; Littering; Dog Control; Flytipping; Refuse; Health & Safety; Abandoned Vehicles
Executive Director (Environmental); Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Manager
2. Planning Enforcement
Executive Director (Planning); Head of Planning Services

3. Benefit Fraud

Head of Revenue and Benefit Services; Executive Director (Revenues and Benefits)

4. Personnel Issues

Head of Organisational Development; Executive Director (Organisational Development)

Other officers in absence of all 4 above:
Solicitor to the Council; Democratic Services Manager

275. Covert Human Intelligence Authorisations for vulnerable people or juveniles, or where surveillance involves communications subject to legal privilege, confidential person information or confidential journalistic material:

Chief Executive (or other Executive Director in his absence) IN CONSULTATION WITH LEADER OF COUNCIL (OR DEPUTY LEADER IN HIS ABSENCE)

Staff Benefits and Actions: Local Government Act 1972 – Section 112(2)

276. To approve or decline applications for car loans from staff:

Chief Finance Officer or Head of Resources

277. To approve changes to the defined cars as a result of changes to the Vauxhall range; discretion to disallow vehicles not deemed appropriate (Car leasing)

Chief Executive

278. To deal with requests from Chief Officers for the grant of car allowances for appropriate posts:

Chief Executive

279. To appoint, discipline and dismiss staff below the grade of Senior Officer & to initiate action for the discipline/dismissal of staff at/above that rank:

Chief Executive

Local Government Pensions Regulations 1997

280. To agree to the release of preserved benefits where the request does not have significant cost implications:

Chief Finance Officer

Ombudsman – Maladministration: Local Government Act 2000 – Section 92

281. To make payments in cases of maladministration:

Chief Executive SUBJECT TO REPORTING TO THE POLICY & RESOURCES COMMITTEE

Leisure

~~To agree the costs and charges associated with services being provided to the Council by the Leisure Trust or any other relevant service to be included in this arrangement:~~

~~Chief Finance Officer~~

Local Government Act 1972

To approve Village Hall Grants up to £3,500

Head of Policy and Community Development and Executive Director
(Policy and Community Development)

Local Government (Miscellaneous Provisions) Act 1976

282. To approve Sport & Leisure, Youth Council, and Art, and Heritage Grants to £3.5k:

Head of Policy and Community Development

D: PROPER OFFICER PROVISIONS - Local Government Act 1972:

The Chief Executive & Clerk of the Council is the Proper Officer under the various sections indicated (April 1974):-

39	Electoral Registration Officer	41	Returning Officer for Elections
13	Parish Trustee	83	Declaration of Acceptance of Office
88	Notice of Resignation of Office	89	Receipt of Notice of Casual vacancy - local government electors
204	Receipt of Application for Justices Licence	146	Transfer of Securities
225	Deposit of Documents	210	Charity functions
234	Authentication of documents	229	Certification of photographic copies of documents
238	Certification of Byelaws	236	Procedure etc. for Byelaws
Sch 12	Signature -Summons to Meeting; Receipt of Notices-address to send Summons	248	Keeping of Roll of Freemen
Sch 16	Receipt on deposit of lists of protected buildings	Sch14	Certification of Resolutions

The Chief Finance Officer is the Proper Officer for the sections indicated:-

Section 115(2) Receipt of money due from officers

Section 228(3) Accounts to be open for inspection by Members

Administration of the Council's financial affairs

The Monitoring Officer is the Proper Officer for the following:-

Section 100A-K Access to Information

The Executive Director (Planning) is the Proper Officer for:-

Section 191 Functions relating to Ordnance Survey

The Executive Director (Planning) is the Proper Officer for:-

Section 212 Local Land Charges Register

The Executive Director (Chief Finance Officer) is the Chief Property Officer (Asset Management).

The Head of Environmental Services is the Proper Officer for:- Housing Inspections Housing Act 2004 Section 4

Health Protection

The consultants in Health Protection below based in the East Midlands have been appointed as Proper Officers

Dr Philip Monk; Dr Deborah Modha; Dr Nachi Arunachalam; Mrs Cathy Mallaghan *for the legislation indicated*

Legislation & Sections	Effect
Public Health (Control of Disease) Act 1984 Sections 11, 18, 20, 21, 22, 24, 29, 31, 32,36, 38,40, 42, 43 and 48	Notification and control powers for Communicable Diseases
Public Health (Infectious Diseases) Regulations 1988 - Regulations 6, 8, 9, 10 Schedules 3 and 4	Additional Powers to the above
Public Health Act 1936 - Sections 84 and 85	Cleansing of filthy or verminous articles, persons or clothing
Public Health Act 1961 - Section 37	Disinfestations of verminous articles offered for sale
National Assistance Act 1948 - Section 48	Removal to suitable premises of persons in need of care and attention

The Head of Environmental Services is authorised to appoint Proper Officers in future to exercise the powers set out above subject to the appointees being the Consultants in Health Protection based in the East Midlands and approved by the Health Protection Agency.

Draft East Northamptonshire Council Petitions Scheme

The Council welcomes petitions *bearing 50 or more signatures within this Scheme* and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:

Rachel Reeds, Member Services Officer, East Northamptonshire Council, Cedar Drive, Thrapston NN14 9LZ

or be created, signed and submitted online by following this link [\[link\]](#) ¹

Petitions can also be presented to a meeting of the Council. *There are 5 meetings of the Council each year*, and dates and times can be found here [\[link\]](#).² If you would like to present your petition to the Council, or would like your councillor to present it on your behalf, please contact Keith Osborne, Democratic Services Manager on 01832 742113 or e-mail kwosborne@east-northamptonshire.gov.uk at least 5 working days before the meeting and he will talk you through the process.

Throughout this Scheme, reference is made to “you” or “your” and this generally means the “petition organiser”.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must relate *to a function of the Council* and include:-

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition
Petitions should be accompanied by *your* contact details, as the petition organiser, including *your* address. This *is to enable us to contact you* to explain how we will respond to the petition.
- *A minimum number of signatures to justify any action under this Scheme This has been set at 50 but there are higher thresholds which will justify other types of action (see pages.....).*

¹ include only if the e-petitions scheme is in place (this will be governed by secondary legislation)

² Link to be included

Your contact details, as the petition organiser, will not be placed on our website. *If there is any doubt about the identity* of the petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If *your* petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives the petition?

An acknowledgement will be sent to *you, as* the petition organiser within 14 days of receiving the petition, advising what we plan to do with the petition and when we will make a further response. It will also be published on our website.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and advise when and where the meeting will take place. If the petition needs more investigation, we will outline the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links] ³

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

³ Insert link

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council *or Committee* meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners ⁴
- referring the petition for consideration by the Council's Scrutiny Committee (responsible for scrutinising the work of the Council)
- calling a referendum ⁴
- writing to the petition organiser setting out our views about the request in the petition
- *responding in accordance with the Council's Comments, Complaints and Compliments Procedure (see page 6)*

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control we will *consider whether* to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link to list of LAA partners] ⁵ and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [link]. ⁶

If your petition is about something that a different council is responsible for we will consider the best method for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

⁴ Not referred to in the legislation

⁵ Our website already lists our services & also County & parish services

⁶ Insert link

Full council debates

If a petition contains more than **4,000** ⁷ signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given **five three** minutes to present the petition at the meeting and the petition will then be discussed by councillors **for a maximum of 15 minutes**. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.

If your petition contains at least **2000** ⁸ signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here ⁹ [link]

You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the Committee by contacting **Rachel Reeds** – (**see page 1**) up to three working days before the meeting.

⁷ The proposed Order refers to no more than 5% of the total local authority population – ie 4300 in the Council's case but a lower figure is proposed.

⁸ The Model Petitions Scheme is suggesting 1% of the total population (ie less than 1000)

⁹ Suggest only Chief Officers and Heads of Service

E-petitions ¹⁰

The Council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions (*see page 1*).

The petition organiser will need to provide us with a name, postal address and email address, and decide how long the petition is to be open for signatures. *This will usually be for a maximum of one month. Most petitions run for six months, but a shorter or longer timeframe, up to a maximum of 12 months, can be chosen.*

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to *Rachel Reeds – see page 1*. In the same way as a paper petition, you will receive an acknowledgement within 14 *working* days. If you would like to present your e-petition to a meeting of the Council, please contact *Keith Osborne – contact details on page 1* - within five *working* days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

How do I 'sign' an e-petition? ¹⁰

You can see all the e-petitions currently available for signature here [insert link]. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

¹⁰ Inclusion of these sections should only be included if the Council has been able to introduce appropriate software by the date identified by the Government (representations are calling for a date in 2011)

Petitions with between 50 and 199 signatures

Petitions within this category will be considered as part of Stage 3 of the Council's published Comments, Complaints and Compliments Procedure [link]¹¹ Petition organisers will receive a response from the appropriate Executive Director.

Petitions with between 200 and 3,999 signatures

Petitions falling within this category (unless it is a petition asking for a senior Council officer to give evidence at a public meeting) will be considered in the first instance by the Council's Senior Management Team (comprising the Chief Executive and two Executive Directors). The Leader and Deputy Leader of the Council, and, if appropriate, Committee Chairman and Lead Member, will be advised of the petition at the time of submission.

The action taken will be notified to all Members of the Council for information as well as the petition organiser and details will appear on the Council's website.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, *you, as* petition organiser, have the right to request that the Council's Scrutiny Committee review the steps that the Council has taken in response to your petition ¹¹.

The Committee will consider your request at *the next appropriate meeting* ¹² ~~within 30 days of receiving it.~~ Should the Committee determine we have not dealt with your petition *appropriately adequately* ¹³, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to *the appropriate Committee or Officer council executive* and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered ~~you the petition organiser~~ will be informed of the results within seven *working* days. The results of the review will also be published on our website.

- ¹¹ This role for the Scrutiny Committee has been included in the legislation, therefore it would be inappropriate for all petitions to be submitted to Scrutiny Committee in the first instance. The legislation also seems flawed – petitions which have already been debated by full Council can still be subjected to the Scrutiny review, it appears
- ¹² The wording in the Model Scheme is too prescriptive. Whilst we should not be adverse to calling special meetings, we should try as much as possible to fit the items into scheduled meetings
- ¹³ The legislation states "the adequacy of the authority's steps" and in view of the wording in the first sentence, this is considered to be a better word

Changes to the Constitution and Scrutiny Committee Terms of Reference (in red)

Pursuant to introduction of Petitions Scheme

Part 1 - Summary

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights; others depend on the Council's own processes. Citizens' Advice Bureaux can advise on an individual's legal rights. Where members of the public use specific council services they have additional rights. These are not covered in this constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor and the Leader of the Council about any matters of concern to them;
- obtain a copy of the constitution;
- participate in the public time **(petitions and speaking)** at Council and committee meetings in accordance with the Council's published procedures, and contribute to investigations by the Scrutiny Committee;
- attend meetings of the Council and its committees except where, for example, personal, confidential or otherwise exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- find out, from the annual Performance Plan and the committees' forward programmes, what major decisions are proposed, when they are to be discussed and by whom;
- see reports and background papers, and the published record of decisions made by the Council and its committees, if these are not exempt from publication;

- complain to the Council if they are unhappy about a decision and the Council will consider the complaint in accordance with its published complaints procedure;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer or the East Northamptonshire Standards Board if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- complain to the Chief Executive if they are unhappy about the actions or conduct of a council officer, and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work through the Residents Panel; the comments, compliments and complaints procedure and through the various consultation exercises that take place throughout the year. For more information or to register interest contact the Customer Contract Centre at the Council Offices in Thrapston on 01832 742000.

Article 3 – Citizens and The Council

3.01 Citizens' rights

People living and working *(and in some cases studying)* in East Northamptonshire have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and *mayoral* petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.
- (b) ***Other types of petitions. Those who live or work or study in the area have the right to submit petitions within the Council's published Petitions Scheme***
- (c) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where

confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

- (ii) see reports and background papers, and any records of decisions made by the Council and its committees, except insofar as they are confidential or otherwise exempt; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (d) Participation.** Citizens have the right to address the Council and meetings of its committees in accordance with the appropriate procedures and to contribute to investigations undertaken by the Scrutiny Committee.
- (e) Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its complaints procedures;
 - (ii) the Local Government Ombudsman after using the Council's own complaints procedure; or
 - (iii) the council's Monitoring Officer or the East Northamptonshire Standards Board about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Councillors and Council Officers have an equal right to fair treatment. People must not be violent, abusive or threatening to councillors or officers and must not wilfully harm property or land owned by the Council, councillors or officers. All registered electors are encouraged to use their democratic right to vote.

Article 4 – The Full Council

4.01 Functions of the full Council

Only the full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) agreeing and/or amending the terms of reference for Committees,

deciding on their constitution and making appointments to them;

- (d) *debating issues the subject of petitions signed by a specified number of people (as laid down in the Council's published Petitions Scheme)***
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting an allowances scheme for councillors under Article 2.05;
- (g) changing the name of the area;
- (h) confirming the appointment of the Head of the Paid Service;
- (i) appointing the Leader of the Council;
- (j) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (k) deciding whether or not to accept a delegation of function from another local authority under Part 10.04 of this Constitution;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself; and
- (m) all other matters which, by law, must be reserved to the Council.

Article 7 – The Scrutiny Committee

7.01 Terms of reference

The Council will appoint a single Scrutiny Committee, the purpose of which is to manage and co-ordinate the overview and scrutiny process in accordance with the Scrutiny Arrangement Rules set out in Part 4 of the constitution and to monitor statutory and local performance indicators and set standards and targets for performance improvement. The Scrutiny Committee has the power to appoint time limited working parties and panels as necessary.

7.02 General role

Within its terms of reference, the Scrutiny Committee will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council, the policy committees and/or any joint or area committee in connection with the discharge of any functions;

- (iii) consider any matter affecting the area or its inhabitants;
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the policy committees and/or any joint committees;
- (v) oversee any Inspection programme and consider reports relating to service reviews and Inspections, and may make recommendations.
- (vi) oversee the Council's performance framework, monitor statutory and local indicators and consider reports relating to service performance, standards and targets and may make recommendations for service and performance improvement.
- (vii) Consider petitions where, in accordance with the Council's Petitions Scheme, a senior member of the Council's staff (identified as the Chief Executive, Executive Directors or Heads of Service) shall answer the Committee's questions and explain how they are delivering public services***
- (viii) Act as a review body where petition organisers feel that the way the Council has dealt with the petition response has not been appropriate.***

7.03 Specific functions

- (a) **Policy development and review.** The Scrutiny Committee may:
 - i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - iv) question Members of the Council and the policy committees, the Chief Officers and Heads of council services, about their views on issues and proposals affecting the area; and
 - v) 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.

- (b) **Scrutiny.** The Scrutiny Committee may:
- i) review and scrutinise the decisions made by, and performance of, the policy committees and Chief Officers both in relation to individual decisions and over time;
 - ii) review and scrutinise the performance of the Council in relation to its policy objectives;
 - iii) question Members of the Council and the policy committees and Chief Officers about their decisions and actions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - iv) make recommendations to the Council and/or appropriate policy committee arising from the outcome of the scrutiny process;
 - v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
 - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** The Scrutiny Committee shall exercise overall responsibility for the finances made available to discharge the overview and scrutiny function.
- (d) **Annual report.** The Scrutiny Committee must report annually to the full Council on the operation and effectiveness of scrutiny arrangements and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Scrutiny Committee will be serviced by the corporate committee administration, subject to the Officer/Member Protocol set out in Part 5 of this constitution.

7.04 Proceedings of the Scrutiny Committee

The Scrutiny Committee and any working party or panel appointed by it will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this constitution.

Part 4.1 – Council Procedure Rules

2. ORDINARY MEETINGS

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. A minimum of six ordinary meetings of the Council shall be held each year.
- 2.2 A time limit of two hours applies for consideration of business (excluding time allowed for the public to speak).
- 2.3 Order of proceedings at meetings unless otherwise provided by law or directed by the Council.

Ordinary meetings will:

- i. appoint a person to preside if the chairman or vice-chairman are absent;
- ii. receive **and, if appropriate within the Council's published Petitions Scheme, debate**, petitions; and hear from members of the public of which notice has been given in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- iii. receive any apologies for absence from the meeting;
- iv. approve the minutes of the last meeting (which shall be taken as read); No motion or discussion shall be allowed on the minutes except as to their accuracy. (see Rule 17)
- v. receive any declarations of interest from Members and Officers under section 50 of the Local Government Act 2000;
- vi. receive any official announcements, notices or reports from the Chairman or the Chief Executive
- vii. receive any announcements or reports from the Leader;
- viii. receive reports from the chairmen of the Council's policy committees and receive questions and answers on any of those reports;
- ix. consider any recommendations arising from the reports of the chairmen of committees;
- x. receive, for information, the minutes of Licensing Panel and Taxi Panel meetings;
- xi. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- xii. consider motions of which notice has been given in accordance with Rule 11, in the order in which they were received;
- xiii. consider any other business specified in the summons to the meeting, including any business appointed for the particular meeting by resolution

- of a previous meeting, any proposals in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate;
- xiv. interview any person(s) invited to attend the meeting; and

9. PUBLIC TIME AT MEETINGS

9.1 (a) General

Members of the public who have given notice of their intention to speak may address the Council at ordinary meetings of the Council and committees in accordance with the Council's published procedures. A period of not more than 15 minutes will be allowed before the formal business of the meeting during which members of the public may speak for up to **3** minutes. ~~or present a petition on a matter due for consideration at the meeting.~~ A 'member of the public' includes a local resident, a Parish or Town Council representative and an applicant (in the case of the Development Control Committee, this can be an agent). This right reflects Articles 6 and 10 of the European Convention of Human Rights (Right to be heard and Freedom of Expression).

(d) Petitions

Different provisions apply to petitions. Petitions may be presented to a Council meeting by petition organisers or a councillor on their behalf.

Some petitions may trigger debates at a Council meeting if they contain sufficient signatures within the Council's Petitions Scheme. In these cases, the subject will be set out in the Summons for the meeting, and the petition organiser will be told, in writing, of the Council's decision.

Petitions which call for a specific senior officer to answer questions on the delivery of a Council service will, provided they contain sufficient signatures within the Council's published Petitions Scheme, be submitted to the Scrutiny Committee. That Committee will also review the Council's response on a petition, on receipt of an appeal from the petition organiser.

Part 4.4 – Scrutiny Procedure Rules

6. Terms of reference

6.1 The Scrutiny Committee will fulfil the overview and scrutiny role in relation to Council services and, in particular will

- (a) review and scrutinise decisions, and exercise the right to ‘call-in’, in accordance with these Procedure Rules;
- (b) assist in the development of the overall budgetary and policy framework; **and**
- (c) oversee the performance management framework and any service review programme and consider reports of reviews, and make recommendations, **and**
- (d) ***within the Council’s published Petitions Scheme, consider petitions which call for a senior officer of the Council to attend the Committee to answer questions on how a particular service is being delivered; and also to review the Council’s response to petitions in cases where the petition organiser feels this is inadequate.***

and In so doing, ***the Committee*** may

- (a) review and assess the quality of services
- (b) review information from customer satisfaction surveys
- (c) receive reports on quality and service from the Policy and Resources Committee or Chief Officer, and from Auditors and Inspectors, and recommend improvements as appropriate
- (e) identify and promote best practice in relation to service delivery
- (f) co-ordinate and publish information on service performance.

6.2 Within its overall terms of reference, the role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out Article 7, and in the Budget and Policy Framework Procedure Rules at Part 4.3 of the constitution.

6.3 The Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and, provided appropriate financial provision is available, may appoint advisers and assessors to assist them in this process. The committee may make site visits, conduct public surveys, hold public meetings, commission research and do other things that it reasonably considers necessary to inform its

deliberations. The committee may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the allocation of funds approved by the Council. In the development of policy, the Scrutiny Committee may require any member of the Council, and/or the Chief Officers or Heads of council Services to attend before it to discuss their views on issues and proposals affecting the council area, and it is the duty of those persons to attend if so required.

10. Members and Officers giving account

10.1 The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions **and shall do so if a petition has been received, within the Council's Petition Scheme, calling for a senior officer to attend to answer questions on the delivery of a service.** As well as reviewing documentation, in fulfilling the scrutiny role it may require any member of a policy committee and/or the Chief Officers **or Heads of Service** to attend before it to explain in relation to matters within their remit:-

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy;
and/or
- (c) their actions;

and it is the duty of those persons to attend if so required.

10.2 A policy committee member may ask the relevant chief officer or **Head of Service** to attend with him or her to provide advice.

10.3 Where any Member or officer is required to attend a Scrutiny Committee meeting under this provision, at least 7 working days notice of the meeting at which he/she is required to attend will be given. The notice to attend will state the nature of the item for which attendance is required and whether any papers are required to be produced for the committee. Where the production of any report is required, the Member or officer concerned will be given due and reasonable notice to allow documentation to be prepared. Where the Member or officer is unable to attend on the required date, the Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance within a maximum of two months from the date of the original request.

10.4 The powers of the Scrutiny Committee to review decisions do not extend to the scrutiny of individual decisions made by the Council or any

committee or sub committee in respect of development control, licensing, or registration matters.

Terms of Reference of Scrutiny Committee

Approved by Council - 1 March 2007 - Minute 391

- 1 The Council has appointed a single Scrutiny Committee, comprising 15 members of the Council appointed at the Annual Meeting. The Committee's purpose is to manage and co-ordinate the overview and scrutiny process in accordance with the Scrutiny Procedure Rules set out in Part 4.4 of the Constitution and to monitor statutory and local performance indicators and set standards and targets for performance improvement. The Scrutiny Committee has the power to appoint time-limited working parties, review teams and panels as necessary.
- 2 The Terms of Reference of the Scrutiny Committee are set out in Article 7 of the Constitution. These were approved and adopted by the Council on 1 March 2007 in accordance with Article 4.1 (c) of the Constitution.
- 3 The Scrutiny Committee terms of reference are to
 - (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - (b) make reports and/or recommendations to the full Council, the Policy **and Resources** Committee and/or any joint or area committee in connection with the discharge of any functions;
 - (c) consider any matter affecting the area or its inhabitants;
 - (d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the policy committees and/or any joint committees;
 - (e) consider reports from the Audit Commission and internal and external auditors where considered appropriate by the Chief Finance Officer;
 - (f) oversee the Council's performance framework, monitor statutory and local performance indicators and consider reports relating to service performance, standards and targets and may make recommendations for service and performance improvement;

- (g) assist the Council in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;
- (h) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (i) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (j) question Members of the Council and the policy committees, and Chief Officers and Heads of Council Services, about their views on issues and proposals affecting the area;
- (k) 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.
- (l) review and scrutinise the decisions made by and performance of, the policy committees and Chief Officers both in relation to individual decisions and over time;
- (m) review and scrutinise the performance of the Council in relation to its policy objectives;
- (n) question Members of the Council and the policy committees and Chief Officers about their decisions and actions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (o) *within the Council's published Petitions Scheme, consider petitions which call for a senior officer of the Council to attend the Committee to answer questions on how a particular service is being delivered; and also to review the Council's response to petitions in cases where the petition organiser feels this is inadequate.***
- (p) make recommendations to the Council and/or appropriate policy committee arising from the outcome of the scrutiny process;
- (q) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- (r) question and gather evidence from any person (with their consent)

- (s) receive reports from Council Champions.
- 4 The Constitution requires the Scrutiny Committee to report annually to the full Council on the operation and effectiveness of scrutiny arrangements.
- 5 Proceedings of the Scrutiny Committee and any Sub Committee, working party or scrutiny panel appointed by it take place in accordance with the Procedure Rules set out in Part 4.1 of the Constitution and the Scrutiny Procedure Rules set out in Part 4.4 of the Constitution.

STATEMENT OF COUNCILLORS' SUPPORT
Addition to Part 2 of the Constitution
Article 2

Delete 2.05 - Allowances

And substitute -

2.05 Support

The Council provides support to Councillors to enable them to perform their roles and functions. For the purposes of section 1(2)(c) of the Local Democracy, Economic Development and Construction Act 2009, support for Councillors includes:

- Members' Allowances Scheme: (see Part 6 of the Constitution). Members are entitled to receive
 - travel allowances (support covers vetting of claims, advice and payment)
 - Basic and Special Responsibility Allowances (payment and administration)
- Training (internal, external, conferences)
- Induction arrangements following elections
- IT support:
 - Option of computer allowance of £250 per year or equipment (laptop and printer)
 - Payment for broadband internet
 - Training, setting up of equipment or installation of broadband/Citrix where equipment not supplied, maintenance of Council equipment, use of servicedesk
- Printing of headed paper and paper with individual letterhead, and supply of plain printer paper
- Printing and supply of business cards
- Agendas/reports/minutes/briefings sent by post and/or e-mail as preferred
- Yearbook
- Schedule of Meetings on a weekly basis (as an aide memoire and supplementing the published Calendar of Meetings)
- Briefings given by, and meetings held with, Chief Officers and Heads of Service on a wide variety of topics (Leader, Committee Chairmen, Lead Members, Champions etc)
- Information service (e-mailing of details of interest to Members – including action taken under the Officers' Delegation Scheme – all Members or Ward Members or Chairmen/Vice-Chairmen)
- Publication of dates for Members' Surgeries (via Nene Valley News)
- Guidance/advice on Standards/Code of Conduct issues (Monitoring Officer)
- Guidance/advice on other constitutional or procedural matters, including Council meetings
- Responses to Members' enquiries and requests
- Schedules of action taken after policy committee meetings, and monitoring of action
- Administration of Scrutiny Call In arrangements
- Use of the Members' Room and Library
- Circulation of a weekly list of planning and licensing applications
- Free car parking.