

PART 3 – DELEGATIONS

SECTION A - RESPONSIBILITY FOR FUNCTIONS

1.0 Executive and Non-Executive Functions

- 1.1 The Glossary contains an explanation of the meaning of Executive Functions and Non-Executive functions. Detail in respect of such functions may be found in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which can be found at the link below:

<http://www.legislation.gov.uk/ukxi/2000/2853/contents/made>

2.0 The Exercise of Executive Functions

- 2.1 Executive Decisions will be taken by the Leader unless they are delegated to Cabinet, a sub-committee of Cabinet, individual Cabinet Members or officers or are dealt with under joint arrangements.

3.0 Who may exercise Officer Delegations?

- 3.1 Where a function has been delegated to an officer(s) (“delegated officers”), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) (“authorised officer(s)”) in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

SECTION B - RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

1.0 General Provisions

- 1.1 There shall be delegated to every Committee and Sub-Committee of the Council full powers to act in all matters covered by the Committee or Sub-Committee’s Terms of Reference, subject to compliance with Procedural Standing Orders and / or financial regulations for the time being in force.
- 1.2 Each Committee shall be authorised to appoint Sub-Committees and to delegate any part of its functions to a Sub-Committee and to any officer.
- 1.3 Members of all Sub-Committees shall be confined to members of the appointing Committee unless otherwise authorised by the Council.
- 1.4 It shall be a condition of all delegation to all Committees and Sub-Committees that they shall report all important steps taken by them in exercising their delegated powers to the extent necessary to ensure that all members of the Council are broadly aware of the progress and the problems of the Council in every sphere; this provision will be satisfied by a copy of confirmed or unconfirmed minutes from the Committee or Sub-Committee being reported to Council.
- 1.5 No general reference of a power, duty, function or other matter to a Committee or Sub-Committee shall include any matters specifically referred to another Committee or Sub-Committee.

- 1.6 Every Committee and Sub-Committee shall have power to appoint delegates to attend conferences and meetings concerned with matters which come within the terms of reference of the Committee.
- 1.7 Each Committee may recommend to Council the making of bye-laws relevant to any function of the Committee.
- 1.8 Each Committee shall have the power to recommend to Council changes in its structure, constitution, membership and functions.
- 1.9 Each Committee and Sub-Committee shall, so far as the context practically and legally allows, exercise its powers in accordance with the Council's Policy Framework (in particular with the Council's Business Plan and Environment Strategy), and in accordance with the Budget as approved or as properly varied.
- 1.10 For the avoidance of doubt, the terms 'Committee' and 'Sub-Committee' do not include Tasks Groups or other informal member working groups.

SECTION C - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 1.0 The Leader is responsible for the discharge of Executive Functions and may delegate those functions to:
 - a) The Cabinet
 - b) Individual Portfolio Holders
 - c) Committees of the Cabinet
 - d) Officers of the Council
 - e) Individual Members to the extent that the function is exercisable in relation to the ward for which the individual member is elected and subject to Section 236 of the 2007 Act
- 1.1 The table attached at Section E indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Cabinet Members. Cabinet Support Members do not have delegated powers.
- 1.2 All decisions under Section D4 must only be taken by the Cabinet Member after consideration of a written report by a Chief Officer and must be evidenced by a form ("Portfolio Holder Decision Proforma") signed by the Cabinet Member and delivered to the Democratic Services Team.

SECTION D - DELEGATIONS TO COMMITTEES

- 1.0 The quorum of each committee and sub-committee shall be 3 or one third (whichever is the greater) of the total number of its members not including non-voting ex-officio members or as otherwise specified in legislation or as specified below.
- 1.1 The quorum of meetings of the Cabinet shall be 3. The quorum of the Shared Memorandum of Agreement Committee shall be 6, consisting of 3 members from Breckland Council and 3 members from South Holland District Council.
- 1.2 Composition of each committee and sub-committee shall be appointed in accordance

with the Local Government (Committees and Political Groups) Regulations 1990.

- 1.3 Arrangements for the South East Lincolnshire Joint Strategic Planning Committee are set out in the South East Lincolnshire Joint Strategic Planning Committee Order 2011 (SI 2011/1455)
- 1.4 Substitution of members is permitted for the **Planning Committee** subject to the following:
 - (a) substitutions will be for individual meetings only
 - (b) substitutes will be appointed by group leaders or their representatives for that political group.
 - (c) notice of the substitution by a group leader or his/her representative must be submitted to the Senior Legal Officer by noon on the day of the meeting.
 - (d) substitute members will have all of the powers and duties of any ordinary members of the Committee but will not be able to exercise any special powers or duties exercisable by that person they are substituting (eg acting as Chairman or Vice-Chairman).
 - (e) substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent from the whole of the meeting.
 - (f) only members who have attended approved planning training during the previous twelve months will be eligible to attend as a substitute
- 1.5 Substitution of members is permitted for the **Performance Monitoring Panel and the Policy Development Panel** subject to the following:
 - (a) substitutions will be for individual meetings only
 - (b) substitutes will be appointed by group leaders or their representatives for that political group from those members who are not on the Cabinet or on the relevant Panel
 - (c) notice of the substitution by a group leader or his/her representative must be submitted to the Senior Legal Officer by noon on the day of the meeting.
 - (d) substitute members will have all of the powers and duties of any ordinary members of the Committee but will not be able to exercise any special powers or duties exercisable by that person they are substituting (eg acting as Chairman or Vice-Chairman).
 - (e) substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent from the whole of the meeting.
- 1.6 Substitution of members is also permitted for:
 - The **Chairman's Panel** for individual meetings (including for the Chairman and Vice-Chairman of the Planning Committee), so long as the substitute is a member of the Planning Committee and the political balance is retained. Substitutions will apply for individual meetings only but there is no requirement for the Senior Legal Officer to be notified.
 - The **Chief Officer Employment Panel** where 3 named members may act as substitute.
- 1.7 Substitutions are not permitted for:

- Governance and Audit Committee
- Standards Panel
- Chief Officer Employment Appeals Panel
- Appeals Panel
- Settlement Agreements Sub-Committee
- Licensing Committee whether meeting in its usual role as a Committee of the Licensing Authority, Licensing Panel
- Committee of the Licensing Authority
- Panel of the Committee of the Licensing Authority

COUNCIL BODY	MEMBERSHIP	FUNCTIONS / TERMS OF REFERENCE
Council	All Members Quorum 13 (SO 38)	<ol style="list-style-type: none"> 1. The approval or adoption of the following, including any changes to them except for changes authorised elsewhere in these Terms of Reference or Standing Orders: <ol style="list-style-type: none"> (a) the Constitution (b) the Policy Framework insofar as this is not an Executive Function (see SO 63) (c) setting Council Tax (d) the Budget insofar as this is not an Executive Function (see SO 64), (e) Codes of Conduct for members and officers (f) Members Allowance Scheme (g) Appointment of representatives to joint authorities and joint committees, unless the appointment is a Cabinet function or has been delegated by the Council (Non-Executive Functions only) (h) payments or other benefits relating to complaints or finding of maladministration, other than minor payments/benefits of up to £1,000 2. Approval of any expenditure not provided for in the Budget, except as otherwise specifically provided elsewhere in this Constitution 3. Except for Executive Functions, the following are reserved to full Council <ol style="list-style-type: none"> a) to exercise powers not previously exercised by the Council b) to cease to exercise any power of the Council c) action involving the exercise of any of the powers of the Council by any person or body

		<p>other than the Council or a committee or officer of the Council</p> <p>d) to participate in the creation of, or undertake any of the responsibilities of, another body.</p> <p>e) determining which Committees, Sub-Committees, working parties, Boards, Panels etc shall be established as Standing Committees, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and making the necessary appointments to the bodies</p> <p>4. Electing and removing the Leader</p> <p>5. Duty to designate posts as the Head of the Paid Service. The Monitoring Officer, the Section 151 Officer, the Electoral Registration Officer and the Returning Officer</p> <p>6. Approving in association with any other Council with whom any such appointments are jointly made, the appointment or dismissal of the Head of the Paid Service (as required by current regulations) the dismissal of the Monitoring Officer or Section 151 Officer (as required by current regulations) and the taking of any disciplinary action short of dismissal in relation to the Head of the Paid Service, Monitoring Officer or Section 151 Officer.</p> <p>7. Power to appoint Proper Officers for any purpose where such appointments have not been made by the Chief Executive under Part 3 Section F2 – Delegation to Chief Executive.</p> <p>8. Appointing the Council's Independent Person under the Localism Act 2011</p> <p>9. Approving an increase in rents for Council housing properties</p> <p>10 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills</p> <p>11. Delegating Non-Executive Functions to Committees, Sub-Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required</p> <p>12. Receiving reports from the Leader, the Cabinet, the Governance and Audit Committee which they have referred to Council</p> <p>13. Functions relating to name and status of areas and individuals as detailed in Schedule 1 of the 2000 Regulations</p> <p>14. Authorising the making of any application to the Secretary of State for disposal of housing land under</p>
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		<p>not an executive function;</p> <p>(b) to any body other than: the Council; a joint committee of two or more authorities; or to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p> <p>(The above function is detailed at Schedule 2 of the 2000 Regulations and may be carried out by both the full Council and the Cabinet) (Appointments to outside bodies may be made for more than one municipal year, including periods up to the date of the next District Council election).</p> <p>29. Power to appoint staff and determine terms and conditions.</p> <p>30. Duty to designate officer as the head of the authority's paid service and to provide staff etc.</p> <p>31. Duty to designate officer as the monitoring officer and to provide staff etc.</p> <p>32. Duty to make arrangements for proper administration of financial affairs etc.</p> <p>33. Powers relating to complaints about high hedges.</p> <p>34. All other matters which, by law, must be reserved to the decision of the Council as a whole.</p> <p>35. The taking of decisions in respect of Council companies except where the decision would be an Executive Decision.</p>
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Cabinet	Cabinet Members	EXECUTIVE POWERS
	Quorum 3 (SO 38)	ARRANGEMENTS BY LEADER FOR CABINET DELEGATIONS
	Maximum 9 members (excluding the Leader)	D1 – GENERAL PROVISIONS RELATING TO EXECUTIVE POWERS
	The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.	<ol style="list-style-type: none"> 1. The Delegated Powers under Part 3 Section C are determined by the Leader in accordance with powers conferred by the 2000 Act. 2. Part 3 Section C applies to Executive Functions. The terms ‘Executive’, ‘Executive Functions’, ‘Non-Executive Function’, ‘Policy Framework’ and ‘Budget’ are defined in the Glossary 3. Subject to Standing Order no. 26, Executive Functions may only be exercised if <ol style="list-style-type: none"> (a) they fall within the Policy Framework and (b) they are within the Budget 4. The delegations in Parts D2, D3 and D4 below may be changed by the Leader by giving notice in writing of the changes to the Chief Executive or the Director responsible for Democratic Services. The Chief Executive or the Director will notify all members of the Council of any changes as soon as possible. 5. Any Executive Functions not expressly delegated to the Cabinet or a Cabinet Member under Section D or officers under Section F will be exercisable by the Leader. 6. Where either the Leader, a Cabinet Member, the Chief Executive or a Chief Officer indicates formally that a delegated power under Part D4 (Powers delegated to Cabinet Members) should not be exercised in respect of a particular matter that matter shall be referred to the Cabinet for decision. 7. All Executive Decisions are subject to the Call-In procedure set out later in Part 3, other than urgent decisions (as set out in the Access to Information Procedure Rules), decisions made during a major incident under the emergency powers in Paragraph 5 of Part 3 Section F2, and non-Key Decisions made by officers.
	D2 POWERS AND RESPONSIBILITIES	
	<ol style="list-style-type: none"> 1. To determine the Scheme of Delegation of Cabinet Functions to Cabinet, Cabinet Members and officers 	

		<p>in accordance with Standing Orders and Part D1 of these Terms of Reference</p> <ol style="list-style-type: none"> 2. To appoint members of the Council to the position of Cabinet Member and, if appropriate, Cabinet Support Member. Written notice of the appointment must be given to the Chief Executive or the Director responsible for Democratic Services and the appointment will take effect on receipt of such a notice. The Chief Executive or Director will notify all members of the Council of any notices as soon as possible. 3. To exercise any Executive Functions not expressly delegated to Cabinet, Cabinet Members or officers. 4. To determine (as the Leader sees fit) any executive matter that is of strategic importance or which raises issues that affect more than one portfolio, or refer any such matter to the Cabinet or (in so far as the law permits) to the Full Council. 5. Delegation of an Executive Decision by the Leader shall not prevent the Leader from exercising that Executive Function, provided that the Executive Decision has not already been made and implemented. 6. The Leader shall not exercise a power in respect of any matter in which he/she has a Disclosable Pecuniary or other Interest under the Code of Conduct, but shall instead refer the matter to Cabinet. <p style="text-align: center;"><u>The Deputy Leaders</u></p> <ol style="list-style-type: none"> 1. Power to exercise any of the powers of the Leader in the temporary absence or incapacity of the Leader.
D3 - DELEGATIONS TO CABINET		
<ol style="list-style-type: none"> 1. Constitution Cabinet will consist of the Leader and up to nine Cabinet Members (including the Deputy Leader(s)) duly appointed under the provisions in Part D2. 2. Delegated Powers <ol style="list-style-type: none"> (a) To deal with any matters within Executive Functions which raise points of strategic importance or policy, subject to reference to Council if a decision would require an alteration to the Policy Framework (b) To deal with any matter within Part D4 referred to it by the Leader, a Cabinet Member, Chief Executive 		

		<p>or Chief Officer</p> <p>(c) To consider and recommend to Council:</p> <p>(i) the amount of the Council Tax to be levied;</p> <p>(ii) a draft budget; and</p> <p>(iii) any policies or strategies within which form part of the Policy Framework, or amendments.</p> <p>(d) To be responsible for the overall allocation and control of resources within the parts of the Budget which relate to Executive Functions</p> <p>(e) To review, research and plan the effectiveness of all services and arrangements for implementing policies and achieving objectives</p> <p>(f) To agree general terms and conditions or schemes relating to grants, subject to any policies within the Policy Framework.</p> <p>(g) To settle any policies or strategies which fall outside the Policy Framework</p> <p>(h) To deal with any matters relating to corporate improvement</p> <p>(i) To deal with Executive Function matters which involve more than one Portfolio area (i.e. Cross-cutting issues), referred by the Leader</p> <p>(j) To approve external funding programmes such as European Objective 2, Rural Priority Area, Market Towns Initiative and Single Regeneration Budget and all applications in connection with these programmes, which fall within Budget</p> <p>(k) To authorise all steps in connection with the making of Compulsory Purchase Orders.</p> <p>(l) To authorise Capital Projects within Budget.</p> <p>(m) To approve Discretionary Renovation Grants (excluding Home Repairs Assistance Grants) and Disabled Facilities Grants exceeding mandatory level (£20,000).</p> <p>(n) To authorise the release of Capital Monies after consideration of a financial appraisal.</p> <p>(o) To consider and respond to recommendations made by an Overview and Scrutiny Committee hearing on a Councillor Call for Action, in accordance with the</p>
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		<p>protocol adopted by the Council.</p> <p>(p) The taking of decisions in respect of Council companies including the appointment of shareholder representatives except where the Company is exercising Non-Executive Functions, or where the establishment of the company would be outside the Policy Framework or budget.</p> <p>(q) Any and all issues where the Council acts as trustee.</p> <p>(r) The appointment of any individual:</p> <p>(i) to any office other than an office in which he/she is employed by the Council where this is an executive function ;</p> <p>(ii) to any body other than: the Council; a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment.</p> <p>(The above function is detailed at Schedule 2 of the 2000 Regulations and may be carried out by both the full Council and the Cabinet.) (Appointments to outside bodies may be made for more than one municipal year, including periods up to the date of the next District Council election).</p> <p>3. The following functions, detailed at Schedule 2 of the 2000 Regulations, are reserved to Cabinet unless otherwise delegated to an officer of the Council,</p> <p>a) Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the 2000 Regulations</p> <p>b) Any function relating to contaminated land</p> <p>c) The discharge of any function relating to the control of pollution or the management of air quality</p> <p>d) The service of an abatement notice in respect of a statutory nuisance</p> <p>e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p> <p>f) The inspection of the authority's area to detect any statutory nuisance</p> <p>g)The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>h) The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.</p>
D4 DELEGATIONS TO CABINET MEMBERS		

General provisions relating to each Cabinet Member

Delegations

1. Subject to paragraphs 2 to 7 of Part D1 each Cabinet Member shall have the power to make decisions within areas of responsibility determined by the Leader, ("Portfolios"). A copy of the current schedule of Portfolios shall be appended to these Delegations
2. Power to deal with grant applications within the remit of the Portfolio
3. Any functional area within each Portfolio includes power for the Cabinet Member to authorise the acquisition (within agreed Budget) or disposal of land or an interest in land held for that purpose ("land" to include any buildings on the land), subject to consultation with Ward Members and the appropriate Chief Officer at a price not less advantageous than a qualified valuer's valuation.
4. No delegated powers under this Part (Delegations to Cabinet Members) shall be used where the matter in question directly affects the interests of the Ward of the Cabinet Member with delegated power to make a decision on the matter, or where the Cabinet Member has a Disclosable Pecuniary or other Interest under the Code of Conduct and such matters will be referred to Cabinet for decision
5. Each of the powers under this Part shall include power to authorise the commencement of criminal or civil legal proceedings. [NB: This power relates only to Executive Functions].
6. A Cabinet Member has the power to amend the scale of fees and charges for any functions falling within his/her Portfolio.
7. All decisions under Part D4 must only be taken by the Cabinet Member after consideration of a written report by a Chief Officer and must be evidenced by a form ("Portfolio Holder Decision Proforma") signed by both the Cabinet Member and the relevant officer and delivered to Democratic Services.
8. Where the Leader indicates formally that a delegated power under this Part should not in a particular matter be used, that matter shall be referred to Cabinet for decision.

<p>Planning Committee</p>	<p>15 members</p> <p>Quorum 5 (SO 38)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<ol style="list-style-type: none"> 1. To carry out any of the Council's functions under town and country planning development legislation, including all Town and County Planning and Development functions listed at Schedule 1 of the 2000 Regulations, other than: <ol style="list-style-type: none"> (a) those reserved to full Council, (b) powers reserved to the Executive as specified by legislation from time to time. 2. The following function, detailed at Schedule 2 of the 2000 Regulations, is reserved to the Planning Committee : <ol style="list-style-type: none"> (a) The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land (b) To determine applications to pollard or fell trees which are considered by the relevant Director after consultation with the relevant Cabinet Member to be of extreme public importance or likely to set a precedent for applications. <p>Where an item included on an agenda of a meeting of the Planning Committee relates specifically to a ward of the district that a ward member although not being a member of the Committee, may nevertheless attend that meeting and take part in any debate on the item, but not vote on the item.</p> 3. Functions relating to public rights of way (in so far as they relate to District Council Functions). 4. Powers relating to the protection of important hedgerows. 5. Powers relating to the preservation of trees. <p style="text-align: center;"><u>Chairman's Panel</u></p> <ol style="list-style-type: none"> 6. The Chairman's Panel comprises three members, following as closely as possible the Political Balance of the Planning Committee, and including the Chairman and Vice-Chairman of the Planning Committee. <p>Relevant ward members, or a substitute, may attend meetings of the Chairman's Panel where the Panel is to consider an item that relates specifically to that member's ward.</p>
<p>Governance and Audit Committee</p>	<p>7 non-Cabinet members, excluding the Chairman of the Council and the Chairman of the</p>	<p>The purpose of the Governance and Audit Committee is to monitor governance, risk management and internal control arrangements at the Council, to provide independent assurance that these are effective and</p>

	<p>Performance Monitoring Panel and Policy Development Panel</p> <p>Quorum 3 (SO 38)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>efficient.</p> <p>This is achieved through key regular items received by the Committee in relation to, but not limited to; internal and external audit, key finance items, governance reviews and strategic risk management reporting.</p> <p>Internal Audit</p> <ol style="list-style-type: none"> 1. To consider and approve annually the Internal Audit plan of work, considering the scope and depth of the work in addressing the Council's significant risks and issues. 2. To consider the outcomes of the internal audit plan of work and to monitor management's progress in implementing agreed audit recommendations. 3. To consider and approve the Annual Report and Opinion of the Head of Internal Audit, ensuring that the systems of internal control, governance and risk management have been effective and efficient over the course of the year. 4. To consider the performance of the internal auditors in relation to the adherence to the Public Sector Internal Audit Standards. <p>External Audit</p> <ol style="list-style-type: none"> 5. To consider annually the External Audit plan of work. 6. To consider External Audit reports and letters. <p>Accounts / Finance</p> <ol style="list-style-type: none"> 7. To consider the extent of the Council's compliance with its own and other published financial statements and controls. 8. To review and approve the annual Statement of Accounts and the Annual Governance Statement contained therein. 9. To approve the Council's Treasury Management Strategy & Policy and subsequent performance against this. <p>Risk Management</p> <ol style="list-style-type: none"> 10. To monitor and approve policies for the effective development and operation of risk management
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		<p>and corporate governance in the Council.</p> <p>Governance</p> <p>11. To review the Council's arrangements for governance, with particular regard to the Local Code of Corporate Governance.</p> <p>12. To review allegations from whistleblowers; and to review and approve all Council policies and strategies that relate to the prevention of fraud and corruption including (but not limited to) policies on counter fraud, whistleblowing and money laundering.</p> <p>13. To hold periodic private discussion with the Head of Internal Audit and the External Auditors to review working relationships and discuss any pertinent issues.</p> <p>14. To commission ad-hoc work from internal and external audit.</p> <p>15. To report annually to Full Council on the Committee's work and performance during the financial year.</p> <p>16. To assess the Committee's own effectiveness on an annual basis against best practice.</p>
Standards Panel	<p>6 members</p> <p>Quorum 3 (SO 38)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>1. The promotion and maintenance of high standards of conduct within the Council.</p> <p>2. To advise the Council on the adoption or revision of its Code of Conduct and its arrangements for dealing with complaints against Members.</p> <p>3. To monitor and advise the Council on the operation of its Code of Conduct in the light of best practice or changes in legislation.</p> <p>4. Functions relating to standards of conduct of members under the adopted arrangements.</p> <p>5. To form a Hearing Panel consisting of 3 members of the Standards Panel as called by the Monitoring Officer, to deal with functions in relation to hearings relating to standards of conduct of Members under the arrangements as adopted by full Council.</p>
		<p>OVERVIEW AND SCRUTINY (INCLUDING CALL-IN PROCEDURES)</p> <p>1. To review or scrutinise any decisions made, or other</p>

<p>Performance Monitoring Panel</p>	<p>15 members</p> <p>Quorum 5 (SO 38)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>action taken, in connection with the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions). (This power includes the power of Call-in which is described below)</p> <ol style="list-style-type: none"> 2. To make reports or recommendations to the full Council or Cabinet in relation to the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions) 3. To make reports or recommendations to the full Council or Cabinet on matters which affect the authority's area or the inhabitants of the area. 4. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas – this will be assisted by officers submitting quarterly Performance Indicator reports to the Panel; 5. question Cabinet Members and/or committees, Chief Officers, Deputy Chief Officers and Service Managers about: <ol style="list-style-type: none"> (a) their decisions and performance generally in comparison with service plans and targets over a period of time; (b) their decisions and performance in relation to particular decisions, initiatives and projects; and (c) their decisions and performance in respect of items which have been called-in; 6. question Directors of the Merged Services Organisation in respect of the discharge of any functions which are the responsibility of South Holland District Council. 7. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Panel and local people about their activities and performance; 8. question and gather evidence from any person (with their consent); 9. consider progress reports and the outcome of Best Value Reviews and submit reports to the Cabinet; 10. conduct research, community and other consultation in the analysis of performance monitoring; 11. liaise with other organisations operating in the area, whether national regional or local to ensure that the
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		<p>interests of local people are enhanced by collaborative working;</p> <p>12.Revisit a number of implemented planning decisions;</p> <p>13.report annually to the Council on the work programme</p> <p>14.report to Council on matters relating to the Merged Services Organisation.</p> <p>15.To consider any relevant Petitions under the Local Democracy, Economic Development & Construction Act 2009 referred to it by the Council or the petition organiser under the Council's Petitions Scheme, to instigate any necessary investigations and to make appropriate recommendations.</p> <p><u>Call-In procedure for Executive Decisions(Call-in does not apply to Executive Decisions taken under Rules 12 to 15 of the Access to Information Procedure Rules, decisions made during a major incident under the emergency powers in Paragraph 5 of Part 3 Section F2, and non-Key Decisions made by officers.)</u></p> <p>1. No Executive action shall be taken to implement a decision by the Leader, a Cabinet Member or by the Cabinet, a Sub-Committee of the Cabinet or a Key Decision by an officer for a period of five clear Working Days from the date of publication of the decision to members, and if any reference is made within this time under the following paragraph, Executive action shall be further delayed pending consideration by the Performance Monitoring Panel. However, Executive action can proceed at once if the action is urgent and the procedures set out in the Access to Information Procedure Rules are followed</p> <p>2. Where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear</p>
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		<p>Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that member/those members consider should be taken.</p> <p style="text-align: center;"><u>Action on Call-In</u></p> <ol style="list-style-type: none"> 1. The power of the Overview & Scrutiny Committee under paragraphs 1&2 above to review or scrutinise a decision made but not implemented includes power; <ol style="list-style-type: none"> (a) to recommend that the decision be reconsidered by the person(s) who made it, or (b) to refer its function to review or scrutinise the decision to full Council (c) take no further action
		<p style="text-align: center;"><u>Reference of matters to the Performance Monitoring Panel (Councillor call for action)</u></p> <ol style="list-style-type: none"> 1. Any member of the Performance Monitoring Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel, and that matter must be discussed at the meeting. 2. Any member of the Council may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel (other than any “excluded matter” set down by law), and that matter must be discussed at the meeting. 3. Any member of a sub-committee of the Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the sub-committee any matter relevant to the functions of the sub-committee, and that matter must be discussed at the meeting.
<p>Policy Development Panel</p>	<p>Quorum 6 (SO 38)</p> <p>16 members appointed in accordance with the Local Government (Committees and Political Groups)(regulations 1990</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<ol style="list-style-type: none"> 1. Assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues; <ol style="list-style-type: none"> (a) conduct research, community and other consultation in the analysis of policy issues and possible options; (b) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; (c) question Cabinet Members and/or committees, Chief Officers, Deputy Chief Officers and

		<p>Service Managers about their views on issues and proposals affecting the area;</p> <ul style="list-style-type: none"> (d) question Directors of the Merged Services Organisation in respect of any functions which are the responsibility of the South Holland District Council; (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; (f) make recommendations to the Cabinet, a committee of the Cabinet and/or Council arising out of the analysis of policy issues; and (g) report annually to the Council on the work programme; and (i) report to Council on matters relating to the Merged Services Organisation. <p>2. To make reports or recommendations to the full Council or Cabinet in relation to the discharge of any functions (this applies to both Executive Functions and Non-Executive Functions).</p> <p>3. To make reports or recommendation to the full Council or Cabinet on matters which affect the authority's area of the inhabitants of the area.</p> <p style="text-align: center;"><u>Reference of matters to the Policy Development Panel</u></p> <p>1. Any member of the Policy Development Panel may;</p> <ul style="list-style-type: none"> (a) instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel, and that matter must be discussed at the meeting. (b) Any member of the Council may instruct the Senior Legal Officer to include on the agenda for a meeting of the Panel any matter relevant to the function of the Panel (other than any "excluded matter" set down by law), and that matter must be discussed at the meeting. (c) Any member of a sub-committee of the Panel may instruct the Senior Legal Officer to include on the agenda for a meeting of the sub-committee any matter relevant to the functions
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		of the sub-committee, and that matter must be discussed at the meeting.
Joint Performance Monitoring Panel and Policy Development Panel	Quorum 9 (SO 38) Substitutions: see paragraphs 1.4 to 1.7 above	<ol style="list-style-type: none"> 1. If there is an important matter that is relevant to the Performance Monitoring Panel and the Policy Development Panel then a special Joint Scrutiny Panel meeting will be called. As Joint Scrutiny Panel meetings are held infrequently they are not included in the calendar of meetings and are arranged as required. 2. The membership of the Joint Scrutiny Panel shall consist of the members of the two separate Panels. 3. The special joint meeting shall as its first item of business elect a Chairman for the duration of that meeting. 4. The Joint Scrutiny Panel is not a decision making body, and can only make recommendations. 5. Any vote taken at the Joint Scrutiny Panel will be taken as a single entity, i.e. the Panels will not vote separately. Any member who sits on both the Performance Monitoring Panel and the Policy Development Panel shall have, as a member of the Joint Scrutiny Panel, only one vote. 6. Substitution of members on the Joint Scrutiny Panel shall be for individual meetings only and will be appointed by Political Group leaders or their representatives from the pool of members comprising of those members who are not Cabinet Members or the relevant Panels. 7. Cabinet Support Members are permitted to sit on the Policy Development Panel and so may sit on the Joint Scrutiny Panel. Cabinet Support Members shall not take part in any item, or part of any item, that is concerned with scrutinising performance. Cabinet Support Members shall not take part in any item, or part of an item, that is concerned with a policy with which they have assisted the Portfolio Holder. <p style="text-align: center;"><u>Task and Finish Groups</u></p> <p>Task and Finish Groups will be set up and be time limited and have their terms of reference agreed by the Performance Monitoring Panel and/or Policy Development Panel.</p>
Chief Officer Employment Panel	3 Members (in accordance with Local Government	<ol style="list-style-type: none"> 1. The making of recommendations to the Full Council on (i) the appointment of the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer; and (ii) proposed dismissal of any of those officers in respect

	<p>(Committees and Political Groups) Regulations 1990)</p> <p>(Quorum 3 including at least one Cabinet Member)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>of misconduct, capability or for some other substantial reason. When dealing with potential dismissal of a statutory officer the Panel will carry out the necessary hearing in accordance with the model disciplinary procedure for the time being approved as part of the Joint Negotiating Committee (“JNC”) Conditions of Service and prepare a report to the Full Council which report will be accompanied by the findings of the Independent Panel.</p> <p>2. The taking of disciplinary or capability action, short of dismissal, against the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer, in accordance with the JNC model disciplinary procedure.</p> <p>3. Where required or recommended by the JNC model disciplinary procedure, the commissioning of an investigation by an Independent Investigator appointed in accordance with that procedure, including the setting of terms of reference for the investigation.</p> <p>4. The consideration of any independent investigation in respect of a statutory Chief Officer.</p> <p>5. Consideration of any submissions made by executive members following the ‘Executive Objections Procedure’ (under which the Proper Officer must notify all members of the Executive of any proposed dismissal and allow an opportunity for objections to be submitted) and the consideration of any reasonable representations submitted to the Panel by the Chief Officer Employment Panels of Boston Borough Council and East Lindsey District Council.</p> <p>6. The appointment of any other Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Head of Paid Service).</p> <p>7. The dismissal of, or the taking of any action against any non-statutory Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Post of Head of Paid Service) on the grounds of misconduct, capability or for some other substantial reason.</p> <p>8. The suspension of any statutory Chief Officer, non-statutory Chief Officer or Deputy Chief Officer and the keeping under review of any such suspension. In exceptional circumstances, the Chairman of the Panel may authorise suspension where s/he considers such action necessary and urgent.</p> <p>9. Approving staffing policies in respect of redundancy,</p>
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		<p>early retirement and discretionary compensation.</p> <p>NOTE:</p> <p>a) Subject to (b) below, where any current or prospective (as the case may be) Chief Officer, or Deputy Chief Officer is shared with East Lindsey District Council and Boston Borough Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by this Council, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by this Panel on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of this Panel, it shall have regard to any reasonable representations made by the members of the other two Panels.</p> <p>b) Where any decision (or recommendation to Full Council) to be made by this Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with the other Panels but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from either of the other councils as s/he sees fit.</p> <p>c) Subject to (d) below, where any current or prospective (as the case may be) Chief Officer or Deputy Chief Officer is shared or to be shared with East Lindsey District Council and Boston Borough Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by one of the other Councils, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by the Panel in question on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of that other Panel, the members of this Panel shall provide such representations to the other Panel as this Panel considers reasonable.</p> <p>d) Where any decision (or recommendation to Full Council) to be made by the other Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with this Panel but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from this Council as s/he sees fit</p>
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		must comply with Standing Order no. 60A.)
Chief Officer Employment Appeals Panel	<p>3 Members in accordance with Local Government (Committees and Political Groups) Regulations 1990)</p> <p>(Quorum 3 including at least one Cabinet Member)</p> <p>No member of the Chief Officer Employment Panel shall be appointed to this Panel</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<ol style="list-style-type: none"> 1. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to the dismissal of any Chief Officer or Deputy Chief Officer (other than the Head of the Paid Service, Monitoring Officer or Section 151 Officer). 2. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to action short of dismissal in respect of any Chief Officer or Deputy Chief Officer including the Head of Paid Service, Monitoring Officer or Section 151 Officer. <p>Note: In the exercise of these functions the Committee must act in accordance with Standing Orders relating to Staff and the Local Authority (Standing Orders) (England) Regulations 2001 (as amended)</p>
Shared Memorandum of Agreement Committee	<p>6 Members</p> <p>(3 South Holland & 3 Breckland Members in accordance with Local Government (Committees and Political Groups) Regulations 1990)</p> <p>(Quorum 6 which must comprise 3 members from each authority including at least one Cabinet Member from each authority)</p> <p>Each Council shall appoint three named members who may act as substitute.</p>	<p>Considering and reporting to each Council on any disputes submitted to it in accordance with sections 8 (termination and review of joint arrangements) or 11 (dispute resolution) of the Memorandum of Agreement made between South Holland District Council and Breckland District Council dated 1 April 2011.</p> <p>This Committee shall dissolve and be removed from the constitution upon the later of:</p> <ol style="list-style-type: none"> (i) the date on which the Leaders of each Council jointly confirm that the period of dispute permitted by the Memorandum of Agreement has expired and that no disputes are outstanding; or (ii) the date on which the last of any outstanding disputes is resolved in accordance with the terms of the Memorandum of Agreement.
Independent Panel	3 members (to comprise of the Independent Person appointed by this Council pursuant to s28(7) of the Localism Act 2011 together with	The Independent Panel shall consider any proposal to dismiss a statutory Chief Officer, including the Independent Investigator's report, in accordance with the model disciplinary procedure and at least twenty days prior to any decision of the Full Council relating to dismissal of the Statutory Chief Officer.

	the Independent Persons of East Lindsey District Council and Boston Borough Council.)	The Panel shall prepare its own report to Full Council setting out its findings.
Appeals Panel	<p>4 members (excluding any members involved in the original decision which is subject to appeal), not appointed in accordance with the Local Government (Committees and Political Groups) Regulations 1990</p> <p>(Quorum 3 (SO 38))</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	(Excluding (a) matters reserved to the Chief Officer Employment Panel and the Chief Officer Employment Appeals Panel and matters dealt with under Standing Orders relating to Staff and (b) appeals under the Job Evaluation scheme where an alternative appeals procedure exists). To consider and determine any appeals by employees on staffing matters (including but not limited to grading, disciplinary action, dismissal, termination of employment for any reason, redundancy, retirement and grievance) where the Monitoring Officer or Section 151 Officer considers it inappropriate for the matter to be dealt with under officer delegations.
Settlement Agreements Sub-Committee	<p>4 members – not appointed in accordance with Local Government (Committees and Political Groups) Regulations 1990</p> <p>Quorum 3 (SO 38)</p> <p>Appointments to the sub-committee shall be two from each of the two largest Political Groups on the Council and appointments shall be made by the respective Political Group leaders when required.</p> <p>There shall be no substitution of members.</p> <p>Substitutions: see</p>	<p>1. The agreement of Heads of Terms for settlement agreements relating to the termination of an employee’s employment with the Council where the cost to the Council is in excess of £30,000, subject to:</p> <p>(a) payments being financed through savings in the year in question or failing that from HRA or General Fund balances, subject to maintaining the minimum balances agreed by the Council.</p> <p>(b) The Chief Executive or, in the absence of the Chief Executive, any Director, submitting an annual report to both Chairman of the Performance Monitoring Panel and the policy Development Panel advising on the use of the delegated authority.</p>

	paragraphs 1.4 to 1.7 above	
Licensing Committee	<p>15 Members</p> <p>Quorum 5 (SO 38)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>1. To deal with all Policy related decisions relating to</p> <p>a) Hackney Carriage & Private Hire Vehicles, Operators and Drivers</p> <p>b) Sex Establishments</p> <p>c) Hypnotism</p> <p>d) Street Trading</p> <p>e) Functions relating to health and safety at work – functions under any of the relevant statutory provisions within the meaning of Part 1 (Health, Safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p> <p>f) Animal Welfare</p> <p>g) Any other Licensing provisions that the authority is required to undertake not mentioned elsewhere in this Constitution including all functions detailed at part B of Schedule 1 of the 2000 Regulations and where those functions either cannot be, or may be (but need not be), the responsibility of an authority’s executive.</p>
Licensing Panel	<p>3 Members</p> <p>(no quorum – all members must be present)</p> <p>Substitutions: see paragraphs 1.4 to 1.7 above</p>	<p>1. To deal with applications for licences for Hackney Carriages and Private Hire Vehicles, in so far as these are not delegated to officers, and all other licences/permits/registrations etc and functions detailed at Regulation 2 and Part B of Schedule 1 of the 2000 Regulations in so far as these are not delegated to officers and are not the responsibility of the Committee of the Licensing Authority.</p> <p>2. To deal with applications for performances of Hypnotism, Drinking in Public Places Byelaws: Permits</p> <p>3. To deal with objections to applications for permits for the use of the highway for the provision of facilities for refreshments under Section 115(E) of the Highways Act 1980.</p> <p>4. Street Trading</p> <p>5. To consider and determine applications for licences recommended for refusal, or recommendations for revocation of a licence.</p>

Committee of the Licensing Authority	15 Members (Same membership as Licensing Committee) Substitutions: see paragraphs 1.4 to 1.7 above	<ol style="list-style-type: none"> 1. To deal with all matters relating to the discharge by the Council of its Licensing functions under the Licensing Act 2003 and Gambling Act 2005, except for the requirement to determine the authority's Licensing Policy under section 5 of the Licensing Act 2003 and the Licensing Authority Policy Statement under section 349 of the Gambling Act 2005 (which are both full Council functions) and matters which are delegated by legislation or otherwise to Licensing Sub-Committees. 2. The Committee of the Licensing Authority shall appoint such number of sub-committees as it considers necessary to discharge any of the duties under the Licensing Act 2003 or the Gambling Act 2005 that are delegated to a sub-committee by the Committee of the Licensing Authority.
Panel of the Committee of the Licensing Authority	3 Members (no quorum – all members must be present) Substitutions: see paragraphs 1.4 to 1.7 above	<ol style="list-style-type: none"> 1. To deal with applications for grant, renewal or variations of premises licences, club certificates and personal licences under the Licensing Act 2003 and Gambling Act 2005 (or any subsequent Licensing legislation) where a hearing is required because either relevant representations, or a valid review notice or a valid objection notice has been received by the authority. 2. Any other Powers set from time to time by Licensing legislation or delegated by Licensing Committee

Certain Executive Functions and Non-Executive Functions have been delegated to officers. Details of those delegations can be found in the Tables in Part F of this section and any specific delegations contained in a list maintained by the Senior Legal Officer.

The committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities, as approved by Council.

SECTION E – CABINET PORTFOLIOS

Portfolio	Functions
Leader of the Council	<ul style="list-style-type: none"> • Authority Reorganisation • Strategic Positioning
Deputy Leader (Council) Portfolio Holder for People, Places, Economy	<ul style="list-style-type: none"> • Holbeach Town Regeneration • Towns, Villages, Parishes • Tourism • South Holland Promote • Woodlands • Community Inward Investment • Grants for Growth, LEGE Economic Dev • FEZ, SWRR, EU, GLEP, LCC Lead

	<ul style="list-style-type: none"> • District Safety • Crime & Disorder • Police CC • CCTV
Deputy Leader (Cabinet) Portfolio Holder for Finance, Commercialisation & Partnerships	<ul style="list-style-type: none"> • Corporate Finance • Council Inward Investment and Funding • Delivery Unit • Budget • Management Accounts • Capital Programs and administration • Treasury Management • External Audit • Commissioning Contracts + Procurement • Transformation and efficiency delivery • Housing Strategy & Enabling • Strategic Planning Policy • PSPS Company Lead
Portfolio Holder for Environmental Services	<ul style="list-style-type: none"> • Environmental Services Delivery • Garden Waste Collection • Refuse Collection • PRIDE in South Holland • Street Scene, Cleaning • Recycling • Emergency Planning
Portfolio Holder for Health & Wellbeing, Conservation & Heritage	<ul style="list-style-type: none"> • Health Promotion • Promote Wellbeing • Safeguarding Lead • Health Awareness • Ageing Better • Mental Health Lead • Active Lifestyle • Young Persons Lead • Conservation – Nature, Land, Buildings & Energy • Heritage – Sites, Buildings, Culture, Artefacts • Cemeteries
Portfolio Holder for HRA & Private Sector Housing	<ul style="list-style-type: none"> • Strategic Housing Policy • Housing Landlord • HRA Property Management • HRA Housing Development Programme • Private Sector Housing • Homelessness • Sheltered Housing
Portfolio Holder for Communities and Facilities	<ul style="list-style-type: none"> • Community Development • ASB and Community Safety • Leisure Lead • District Events • Community Assets Register • Community Cohesion & Support • South Holland Maintenance • Facilities Management
Portfolio Holder for	<ul style="list-style-type: none"> • Public Protection Management

Public Protection	<ul style="list-style-type: none"> • Licensing • Food Safety • Health & Safety • Pollution Control • Power Stations • Dog Warden • Pest Control • Environmental Protection • Infectious Diseases
Portfolio Holder for Corporate & Communications	<ul style="list-style-type: none"> • Customer I.T. & HR (PSPS) • Network Digital Infrastructure • Communications • Corporate Planning and Risk Management • Corporate Innovation and Performance • Equality Diversity and Inclusion • Members Development • Legals • Democratic Services • GDPR
Portfolio Holder for Assets & Planning	<ul style="list-style-type: none"> • Building & Land Assets, Inc. HRA & Commercial • Strategic Assets & Reviews • Housing Company Lead • Housing Asset Development Plan • Assets Management • Asset Programmed Maintenance • Welland Homes Shareholder Representative • Spalding Town Improvement • Internal Audit • Local Plan Delivery • Planning Enforcement • Planning Development Management • Building Control

RESPONSIBILITY FOR FUNCTIONS

OFFICER DELEGATIONS

SECTION F1 – GENERAL CLAUSES AND DELEGATIONS RELATING TO NON-EXECUTIVE AND EXECUTIVE FUNCTIONS

- 1.0 Any mention in these Delegated Powers to any Act shall be deemed to extend to any Act amending or replacing the same and to any Regulation and Order made thereunder.
- 2.0 The powers delegated to Officers shall be exercised in accordance with:
- (a) the Standing Orders of the Council;
 - (b) Financial Regulations; and
 - (c) the Law.

- 3.0 The powers shall be exercised in accordance with any policy or direction of the Council or of the Committee concerned (and mindful of the need to avoid any unlawful fetter of discretion) and in particular, so far as the context practically and legally allows, shall be exercised in accordance with the Council's Corporate Plan and other corporate procedures.
- 4.0 The powers delegated to officers permit them to **incur expenditure** as set out in the Finance Procedure Rules and to undertake any action that is incidental to the discharge of any function delegated
- 5.0 Where the Officer is aware that an individual matter raises issues of strategic importance or particular political sensitivity then before exercising any delegated power the Officer must consult the relevant Chairman or Portfolio Holder, and where the Chairman of a Committee or the Portfolio Holder indicates in writing before action is carried out that an individual matter should be referred to Full Council, Cabinet (or other relevant and appropriate Committee) for decision, then the power shall not be exercised and the matter shall be referred back to the Full Council, Cabinet or Committee as appropriate.
- 6.0 Where any matter involves considerations within the professional or technical competence of another officer or officers then, unless the person making the decision (acting reasonably) considers the other officer(s) need not be consulted, the Officer taking the decision shall consult with the other officer(s) before authorising action.
- 7.0 An Officer need not exercise his/her delegated power in any particular matter and shall not do so if in his or her opinion the matter involves questions of policy as yet undecided by the Council, Cabinet, or Committee or any substantial change from previous practice.
- 8.0 Any specific delegations in addition to those listed in this Part 3 Section F which are authorised by any decision-making body of the Council (other than short-term temporary delegations lasting less than six months) shall be recorded by the Senior Legal Officer in a central log kept for that purpose. Any sub-delegation made by an officer and lasting more than six months in duration shall be reported by that Officer to the Senior Legal Officer forthwith and the Senior Legal Officer shall record such sub-delegations in the central log
- 9.0 In accordance with Article 14, The Council's Monitoring Officer and the Senior Legal Officer are authorised to amend these delegations and the log of specific delegations as and when necessary in order to update the same in respect of staffing establishment changes (including changes to post titles) and changes to statutory references. Such amendments shall not require further authorisation
- 10.0 The Council's Monitoring Officer and Section 151 Officer are each authorised to delegate their powers during their absence or where s/he has a conflict of interest. Such delegation may be by way of appointing a Deputy Monitoring Officer or Deputy Section 151 Officer.
- 11.0 Where a decision to be made by any Officer under delegated authority meets the definition of an Executive Decision, that Officer shall be obliged to publish the decision. Where that Executive Decision is also a Key Decision, that Officer shall be obliged to comply with all relevant rules in this Constitution relating to Key Decisions (with particular regard to publishing Key Decisions in advance, publishing decision notices and complying with Call-In).

- 12.0 Chief Officers are authorised to perform any function delegated to an Assistant Director or Service Manager (except where a function is delegated to any Officer in his or her role as Monitoring Officer or Section 151 Officer). Where any delegation to an Assistant Director or Service Manager is subject to consultation with the relevant Portfolio Holder then exercise of that delegation by a Chief Officer will also be subject to consultation with the relevant Portfolio Holder.
- 13.0 Assistant Directors are authorised to perform any of the functions delegated to a Director, and Service Managers are authorised to perform any of the functions delegated to an Assistant Director (other than in either case any function of the Monitoring Officer or S151 Officer) provided that the relevant Director or Assistant Director (as the case may be) has not issued instructions to the contrary
- 14.0 Any officer with delegated powers has power to authorise staff within his/her control to carry out powers delegated to him/her, subject to any conditions or provisos which are imposed. For the avoidance of doubt wherever an officer delegates a function under this paragraph, or any other paragraph of this constitution, this power shall include the power to appoint the relevant officer as an "Authorised Officer" or a "Inspector" or such other title as may be required by legislation.
- 15.0 Each Chief Officer shall have the following general powers, and for the avoidance of doubt each officer is hereby appointed as an "Authorised Officer" or an "Inspector" or any other relevant title where legislation requires such appointment in order to undertake the following functions:
- (a) To undertake the **strategic management and control** of the premises and assets for which she/he is responsible. This general power is in addition to any specific powers which may be given to him/her.
 - (b) To **dispose of** vehicles, stores and equipment that have been declared surplus for the best terms obtainable, subject to consultation with the S.151 Officer
 - (c) To be the **Proper Officer** for the purposes of Section 234 of the 1972 Act (as detailed in the list maintained by the Senior Legal Officer), to sign any notice or document which falls to be given, made or issued in the course of the exercise of any power given to him/her by the Council or by these delegations or by other specific instructions) (ie for matters falling within the jurisdiction of the Chief Officer).
 - (d) For Directors, to exercise the powers of the other Directors in their absence and (unless the Chief Executive has given instructions to the contrary) the Chief Executive in his/her absence (other than any function of the Head of the Paid Service).
 - (e) To **appoint a person to act in his or her place** to exercise a specified power (including any power to act as the proper officer in relation to matters falling within the jurisdiction of the Chief Officer) for a relevant function:
 - (i) in his or her absence, or
 - (ii) when he or she is otherwise not available to exercise it at the relevant time, or
 - (iii) in accordance with any general directions given by him or her.
 - (f) To authorise any officer of the Council to **enter on land** for any purpose authorised by statute.

- (g) Subject to the restrictions on incurring expenditure in the Financial Procedure Rules, to authorise **urgent action** (ie actions that are not otherwise delegated) requiring immediate decision on any matters subject to:
- (i) consultation with the appropriate Portfolio Holder or Chairman of the Committee (where practicable);
 - (ii) a subsequent report to Cabinet or to another Committee where the matter is of strategic importance or particular political sensitivity; and
 - (iii) compliance with Standing Orders.
- (h) To serve formal Notices **requiring information** to be given as to interests in land (which shall include the obtaining of information under section 330 of the Town and Country Planning Act 1990, and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as detailed at paragraphs 16 and 17 of Schedule 2 of the 2000 Regulations)
- (i) To make **planning applications** in respect of a relevant function in relation to any of the Council's land.
- (j) To authorise payments of compensation in connection with complaints (including those made to the Local Government Commissioner/Ombudsman) of up to £1000, subject to (i) the agreement of the Monitoring Officer and the appropriate Portfolio Holder or Chairman of Committee and (ii) informing the Performance Monitoring Panel;
- (k) Subject to the above provisions and in particular to paragraph 5, to authorise enforcement action or prosecutions in relation to any legislation within the functional area of the Chief Officer.
- (l) To exercise the following powers in relation to **staffing matters**.

	POWER ALLOCATED	EXERCISABLE BY
Officers		
1.	Operation of the Council's offices and welfare facilities for staff.	Chief Officers.
	Salaries and Wages and General Conditions of Service	NOTE: Sections 2 to 11 are to be exercisable in consultation with the Human Resources Manager (and others where specified).
2.	The implementation of local and national agreements, except discretionary clauses not related to previous decisions taken by Committee.	Chief Executive or, in the absence of the Chief Executive, any Director.
3.	To implement all service reviews approved by the Council, including all subsidiary staffing matters including but not limited to determination of changes to terms and conditions of service and selection of individuals for	Chief Officers

	POWER ALLOCATED	EXERCISABLE BY
	slotting-in, appointment, redeployment or redundancy.	
4.	Interpretation of salary and wage awards to resolve minor anomalies.	Chief Executive or, in the absence of the Chief Executive, any Director.
5.	Power to amend grading or designation of employees, subject to the job evaluation process.	Chief Officers in consultation with the Chief Executive or, in the absence of the Chief Executive, any Director.
6.	Authority to increase the staffing establishment by the addition of a temporary fixed term post or posts, providing that costs are met from within existing Council budgets and subject to regular reporting through quarterly performance reports	Chief Officers in consultation with the S151 Officer.
7.	Authority to authorise progression within the local grades provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers.
8.	Authority to determine starting salaries within local grades.	Chief Officers.
9.	Exercise of discretionary powers in relation to the granting of annual leave and leave for special purposes contained in the conditions of service applicable to the employee.	Chief Officers.
10.	Power to make Acting-up payments to staff fulfilling any duties of a more senior post, provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers, after consultation with the relevant Portfolio Holder.
11.	Power to authorise overtime provided costs are met from existing approved Budgets within the relevant Portfolio.	Chief Officers.
<u>Appointment and Dismissal of Staff</u>		
12.	<p>Except for matters reserved to the Appointments and Disciplinary Committee and the Appointments and Disciplinary Appeals Committee and matters dealt with under Standing Orders relating to Staff:</p> <ul style="list-style-type: none"> • recruitment of staff (whether permanent, temporary or 	The relevant Chief Officer in consultation with the Chief Executive or, in the absence of the Chief Executive, any Director and (in cases of disciplinary action, dismissal and termination of employment) in consultation with the Monitoring Officer and the Section 151 Officer subject to

	POWER ALLOCATED	EXERCISABLE BY
	<p>probationary and in whatever manner)</p> <ul style="list-style-type: none"> • appointment of staff including grading (whether permanent, temporary or probationary and in whatever manner) • disciplinary action, including dismissal, and termination of temporary, permanent or probationary employment for any reason (including but not limited to capability relating to skill, aptitude, ill health or any other physical or mental quality, efficiency of the service, redundancy or retirement) (EXCEPT termination of employment under a settlement agreement, subject to a settlement figure of £30,000 or above which shall be dealt with by full Council) including appeals in relation to any of those actions • grievance including determination of appeal <p>This delegation does not include amending the establishment which function remains with full Council.</p>	<p>compliance with the Council's approved staffing policies UNLESS The Monitoring Officer or the Section 151 Officer considers it inappropriate for the matter to be dealt with under this delegation in which case the matter be delegated to the Chief Executive or, in the absence of the Chief Executive, any Director in consultation with the portfolio holder; OR (in relation to appeals) the matter shall be dealt with by the Appeals Panel.</p>
Travelling and Subsistence Allowances		
13.	Power to authorise the granting of car loans and car allowances, and/or to operate the Council's car schemes.	Chief Officers.
Training		
14.	Power to authorise the attendance of employees on full time courses not exceeding four weeks in duration or on longer courses in accordance with previously approved arrangements.	Chief Officers.
15.	Power to authorise the attendance of employees on courses, in accordance with previously agreed arrangements, and to incur expenditure on training, provided that the costs can be	Chief Officers.

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| Section 83(1)-(4) | (Witness and receipt of declaration of acceptance of office) |
| Section 84 | (Receipt of declaration of resignation) |
| Section 88 | (Convening of meeting of the Council to fill vacancy in the office of Mayor) |
| Section 89 | (1)(b) (Receipt of notice of casual vacancy from two local government electors) |
| Section 100B(2) | (Exclusion from agenda papers made available to public any reports (or parts) likely to be taken in absence of public) |
| Section 100D(1)(a) | (Compilation of a list of background papers to a report) |
| Section 100D(5)(a) | (Identification of background papers on which a report is based) |
| Section 210(6) and (7) | (Charity functions of holders of offices with previous authorities transferred to Proper Officer, if no equivalent officer) |
| Section 229(5) | (Authentication of documents – certification of a photographic copy of a document in the custody of the Council) |
| Section 234 | (Authentication of documents – signing of formal notices, orders or other documents made or issued under any enactment by the Council) |
| Section 238 | (Authentication of documents – signing of certificate on any printed copy of the byelaws authenticating such print as a true and correct copy) |
| Schedule 12 | (Issue and service of summons to meetings of Council and Committees, receipt of formal notification from Councillors of addresses to which such summons be sent) |
| Schedule 14 | (Authentication of documents – certification of copy resolutions) |
- (b) any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October, 1972 to the Clerk of the Council which, by virtue of any provisions of the said Act, is to be construed as a reference to the Proper Officer of the Council.
- (c) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – authentication of documents – certification of copies of resolutions, orders, reports or minutes of the Council or any predecessor authority.
- (d) Section 59 of the Public Health (Control of Diseases) Act 1984 – authentication of documents.
- (e) Section 49 of the Food Safety Act 1990 – authentication of documents.

NOTES:

- some of the above functions are also specifically delegated to other officers in relation to matters falling within their jurisdiction.
 - In accordance with paragraph 16(e) of part F1 above the Chief Executive, as with all other Chief Officers, has the power to appoint a person to act in his or her place to exercise any power to act as the proper officer for relevant functions which comes within the jurisdiction of that person (i) in his or her absence, or (ii) when he or she is otherwise not available to exercise it at the relevant time, or (iii) in accordance with any general directions given by him or her.
- 4.0 To appoint appropriate officer(s) to act as Proper Officers where necessary, for functions which come within the jurisdiction of that officer except that the Chief Executive shall not have authority to appoint him or herself as a Proper Officer.
- 5.0 To exercise all powers in connection with elections except where any other officer is appointed as Returning Officer and/or Electoral Registration Officer.
- 6.0 Power, after consultation with the Leader, to declare an incident to be a major incident under the Peacetime Emergency Plans (or to acknowledge such declaration made nationally or regionally) and thereafter to take any necessary immediate action in respect of the incident including expenditure of money subject to:
- obtaining the agreement of the Leader, or Deputy Leader if the Leader is unable to act for any reason, and
 - complying with Financial Management Standard 1.4 (Emergency Procedures);
 - calling a meeting of Cabinet as quickly as possible where practicable.
- Where the Chief Executive is unable to act for any reason authority be delegated to any individual Director. This delegation applies to executive and non-executive functions. Any executive decision taken under this emergency power must be published and the decision notice must make it clear that the decision is taken under this paragraph as an emergency decision and that call-in does not apply.
- 7.0 To have the power in consultation with the Leader to invest in land (to include any buildings on the land) up to £3 Million and subject always to the Financial Procedure Rules.

F3 DELEGATIONS TO DIRECTORS

- 1.0 **General**
- 1.1 Power to take day-to-day operational and managerial decisions within the functional areas of the Portfolio(s) for which the Director is responsible, subject to the restrictions contained in the General Clauses (Part F1) or mentioned below.
- 2.0 **Functional Areas**
- 2.1 The functional areas for each Directorate may be amended from time to time by the Leader (for Executive Functions) or a Committee or Council (for Non Executive Functions). A list of current functions can be obtained from the Senior Legal Officer or from the Council's Website.
- 3.0 **Specific Delegations**
- 3.1 Power for the Assistant Director in charge of Planning & Development Control:

Planning Applications

To determine all Planning Applications (as defined below) (except Significant Applications as defined below) where the officer considers that, on balance, and after taking into account all material considerations including Human Rights Act issues, the decision would be in general conformity overall with national planning policies and guidance, and the policies contained in the Local Plan and any Neighbourhood Plans.

- a) The above power is subject to a weekly list being sent to all Members containing details of Planning Applications received.
- b) "Planning Applications" for the purposes of these delegations include applications, notifications or consultations in connection with the following:
 - (i) Applications for full or outline planning permissions including (but not limited to) associated applications for reserved matter approval, condition compliance applications, variation/removal of conditions (s.73/s73A applications),
 - (ii) Applications to modify or vary planning obligations,
 - (iii) Advertisements consents
 - (iv) Listed buildings
 - (v) Prior approval notifications
 - (vi) Demolitions (including buildings in a conservation area)
 - (vii) Overhead power lines
 - (viii) Telecommunications
 - (ix) Applications or notifications from public authorities
 - (x) Agricultural notifications,
 - (xi) Minor amendments (including non-material amendments)
 - (xii) Applications for Certificates of Lawfulness of existing or proposed use of development,
 - (xiii) Applications for permission in principle and associated technical details consent (Town and Country Planning (Permission in Principle) Order 2017),
 - (xiv) Any other application under current or future legislation.
- c) "Significant Applications" will include those where:
 - (i) the ward member or parish council has requested the application be determined by the Planning Committee or referred to Chairman's Panel and that request clearly relates to material planning considerations; or
 - (ii) the application is submitted by the Council's Building Consultancy Services; or
 - (iii) Officers believe that the application warrants the consideration of Chairman's Panel

in which case the Chairman's Panel will be consulted before the officer decides whether to determine the application under delegated powers or refer the matter to the Planning Committee for determination (this Panel is not a decision-making body). The Panel may meet in any way that it considers appropriate and any member of the Panel may be substituted by any other member of the Planning Committee at any time (see Part 3 Section D paragraph 1.6). For each application referred to Chairman's Panel, the officer concerned shall prepare an officer report and shall send that report at least three days in advance to each member of the Panel and any other Member who may attend the Panel meeting in their capacity as Ward Member;

- (iv) Officers intend to approve an application contrary to the development plan
- (v) The application is submitted by the Council or relates to land in which the Council has an interest

- (vi) The application is submitted by a Member or Senior Officer (at the level of Service Manager or above) of the Council or involves a Member or Senior Officer interest
- (vii) The application has been referred to Planning Committee following consultation with the Chairman's Panel
- (viii) The officer believes that the application warrants the consideration of the Planning Committee due to a particular sensitivity or significant impact locally or which raise novel or contentious planning issues

in which case the matter must be referred to the Planning Committee for determination.

d) "Significant Applications" will not include:

- (i) Prior approval notifications
- (ii) Agricultural notifications
- (iii) Certificates of Lawfulness
- (iv) Permissions in principle
- (v) Condition compliance
- (vi) Minor amendments (including non-material amendments).

4.0 **Data Protection**

4.1 The **Senior Legal Officer** is the Data Protection Officer

5.0 **Regulation of Investigatory Powers**

5.1 Chief Officers are appointed as Authorising Officers for the purpose of authorising directed surveillance or the use of Covert Human Intelligence Sources for the purposes of the Regulation of Investigatory Powers Act 2000.

6.0 **Information**

6.1 The **Senior Legal Officer** is authorised to make all determinations on exemptions and fees under the Freedom of Information Act 2000.

6.2 The **Senior Legal Officer** is the Senior Reporting Officer (SRO) for the purposes of managing information risks generally and for monitoring authorisations granted under the Regulation of Investigatory Powers Act 2000.

6.3 The Assistant Director for Finance is the Senior Information Risk Officer (SIRO) for the purposes of taking overall ownership of the Council's information management framework, including its information risk policy.

7.0 **Delegations to the Section 151 Officer**

7.1 To be the responsible officer for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972.

7.2 To be the Proper Officer of the Council in relation to certain financial matters as detailed in the list of Proper Officers maintained by the Senior Legal Officer.

- 7.3 To operate the Council's bank account including:
 - (a) the arranging of overdraft facilities as and when necessary and within such limit as may be approved by the Cabinet from time to time;
 - (b) arrangements for the opening, operation and closure of subsidiary bank accounts deemed necessary for the control of and accounting of Council monies;
 - (c) the management of day to day resources of the Council and the arrangements of such borrowing and investment of surplus monies deemed necessary.
- 7.4 Subject to the scheme of Treasury Management approved by the Council:
 - (a) to undertake the negotiation and receipt of or repayment of loans in accordance with such policy as may be laid down from time to time by the Cabinet and subject to the receipt of the necessary Government sanctions and consents;
 - (b) to make suitable arrangements for the investment and realisation of monies surplus to the Council's requirements;
 - (c) the execution and administration of Treasury Management decisions of Council or Audit Committee.
- 7.5 To pay all sums due to creditors.
- 7.6 deal, within the general policy laid down, with the Council's insurances.
- 7.7 Power to write off debts or authorise disposal of obsolete stores or equipment subject to the Council's approval to reporting procedures.
- 7.8 To be responsible for the system of Internal Audit in compliance with the Accounts and Audit Regulations.
- 7.9 To take or to authorise any action necessary to recover monies owed to the Council.
- 7.10 To exercise all functions relating to the billing, collection and recovery of Council Tax, National Non-Domestic Rates including taking or authorising any action necessary to recover any such monies owed to the Council and the operation of Council Tax Benefit.
- 7.11 To operate housing benefits in accordance with regulations and the policies of the Council, to take appropriate steps to recover overpayments and prosecute claimants for fraud in appropriate circumstances and to exercise local authority discretion in appropriate cases

F4 – Delegations to Senior Legal Officer, Solicitor to the Council and the Service Manager responsible for Legal Services
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- 1.1. To make Orders for the stopping up, diversion or creation of public rights of way arising from proposals for development or change of use. (Development Control)
- 1.2. To grant applications for the premature discharge of mortgage where an estate is to be settled or when satisfied that hardship would be caused.
- 1.3. To deal with the sale of repossessed property.
- 1.4. To deal with any applications for the sub-letting of property in mortgage to the Council, in accordance with established policy.
- 1.5. To approve applications for permission to sell land forming part of properties in mortgage to the Council where he/she is satisfied that adequate security will remain.

- 1.6. Power to institute or defend any civil or criminal proceedings in accordance with Article 13 paragraph 3.0.
- 1.7. Power to vary or discharge a covenant or term affecting land previously sold or leased by the Council where there is little or no value to the Council subject to consultation with the ward representative and Portfolio Holder.
- 1.8. Power to complete all necessary paperwork for release of such terms and covenants, or to discharge any charges (registered land, unregistered land and local land charges) that are no longer effective or in force
- 1.9 Authentication of documents for legal proceedings.

F5 Delegations to the Assistant Director responsible for Strategic Growth

- 1.0 Authority to vary or discharge a covenant or term affecting land previously sold or leased by the Council where there is a value to the Council, subject to consultation with the ward representative and Portfolio Holder.

Note: In addition to the delegations set out in this part of the Constitution please also refer to (i) the log of Specific Delegations maintained by the Senior Legal Officer; (ii) Contract Standing Orders; and (iii) Financial Procedure Rules.

F6 Delegations to the Monitoring Officer

- 1.1 The Monitoring Officer and/or the Deputy Monitoring Officer are authorised to delegate any other local authority final determination of complaints made under the Council's Standards Arrangements subject to consultation with the Chairman of the Council's Standards Panel and subject to the officer being satisfied that this is in the interests of fairness.
- 1.2 The Monitoring Officer and/or the Deputy Monitoring Officer is also authorised to accept similar delegations to South Holland District Council from other local authorities subject to consultation with the Chairman of the Standards Panel.