

PART 5

Responsibility for Functions (Decision Making)

This Part sets out who makes the decisions within the Council

PART 5 – RESPONSIBILITY FOR FUNCTIONS (DECISION-MAKING)

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This part of the Constitution sets out how Members and officers make decisions. It sets out:

- 1 Principles which will govern decision-making, including principles which will govern the delegation of decision-making;
- 2 Those decisions which must, by law, be made by the full council;
- 3 Those decisions which will be made by cabinet collectively, and by individual cabinet members;
- 4 Who will make decisions which may, by law, be made either by full council or by the cabinet These are often described as “local choice” functions;
- 5 Where certain decisions can be made by officers under delegated powers, and how those delegated powers will be exercised and overseen.

Section 1

1 PRINCIPLES FOR DECISION MAKING AND DELEGATION

Decision-making, by Members and officers, must happen within a framework which is compliant with law. As a democratic institution, the Council recognises that it is also obliged to demonstrate consistently to local people that decisions are made in a way that reflects their interests, including the prudent use of public funds.

The Council also has a framework of values and behaviours, which set out how Members and officers should work to ensure that Council business is carried out properly. The principles, and how they are interpreted, closely reflect these values and behaviours.

The Council recognises that setting principles to underpin decision-making arrangements has several benefits:

- 1.1** It aids in the certainty and consistency of decision-making by limiting the risk that irrelevant considerations will be taken into account in the decision-making process;
- 1.2** It provides confidence that decision-making will be legal, procedurally proper, reasonable and proportionate, because the principles provide a framework that assures this;
- 1.3** It ensures that the right people are involved in decision-making, in the right way, at the right time.
- 1.4** The principles underpinning decision-making and delegation are ones that apply to every stage of decision-making and to every person involved in that process. Adherence to these principles is not a “tick-box exercise”. Adherence to the principles has practical, real-world implications.

The following principles will underpin the Council’s approach to decision-making.

- 1.1** Proportionality. Actions must be proportionate to the desired outcomes. A sense of proportionality will be informed by a proper understanding of both need and risk. This connects closely to the Council’s obligation to deliver Best Value.
- 1.2** Reasonableness. Decisions should be reasonable, in the sense that the word is used in administrative law. An “unreasonable” decision is described as one so unreasonable that no reasonable person, acting reasonably, could have taken it. This is a very high bar, but still requires that decision-makers consider the logic, evidence and assumptions underpinning proposed decisions from this perspective.
- 1.3** Due consultation. This includes paying proper regard to the needs of local people, as they express them, as well as taking professional advice from officers.

- 1.4** Respect for equality, diversity and inclusion, and for human rights. As well as being legal requirements, demonstrating a commitment to equality and human rights is about embedding an understanding of their importance throughout the decision-making process;
- 1.5** A presumption in favour of openness. There will always be public policy reasons for not releasing information held by the Council – including reasons of commercial sensitivity. However, local democracy demands the approach that openness will be the default option unless clear, justified and legal reasons to the contrary are asserted;
- 1.6** Clarity of aims and desired outcomes. Decision-making has to reflect a clear sense of what the Council is trying to achieve on behalf of local people. Usually this will derive from the Corporate Plan and similar documents. It will always demonstrate the delivery of outcomes within the context of the Council's obligation to deliver Best Value.

The following principles are additionally relevant to the delegation of decision-making.

Delegation should be exercised:

- 1.1** In a clear, consistent and legal way (including within spending limits);
- 1.2** In a way that conforms with the Council's corporate priorities, and the best interests of residents, and reflects the budget and policy framework set out by Members;
- 1.3** In a way that reflects the need for those to whom decisions are delegated to exercise their discretion within the limits of those delegated powers;
- 1.4** With regard to the presence of conflicts of interest.
- 1.5** These principles should all be seen in the context of the Council's specific and general legal obligations – in particular, the obligation of the Council to deliver a balanced budget and the connected obligation to ensure that decisions and services are delivered in a way that reflects Best Value.

Examples of matters that should normally be referred to Cabinet rather than be taken as a delegated decision are those that fall into one or more of the following categories:

- 1.6** the matter under consideration is a high profile matter;
- 1.7** the decision has a significant budgetary impact;
- 1.8** there is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- 1.9** the function/matter provides important performance management information.

Section 2

2 SECTION 2: KEY ROLES AND RESPONSIBILITIES: LINK TO [ARTICLES](#)

The Council operates the form of governance known as “executive arrangements”. This means that responsibility for the majority of decisions sits with the council’s Cabinet. The Cabinet is a body comprised of Members appointed by the Leader.

A number of different bodies hold decision-making responsibility at the Council. A summary of these responsibilities, and where they sit, are set out in the table below.

This section sets out how Council, Cabinet and other bodies will transact their responsibilities.

Section 3

3 RESPONSIBILITIES OF COUNCIL

3.1 Meetings of Council

- 3.1.1 Ordinary Council meetings (ones which form part of the regular Council and committee calendar)
- 3.1.2 Extraordinary Council meetings (which may be called at short notice for a particular purpose)
- 3.1.3 The Annual General Meeting of Council.
 - (a) Rules for the operation of each of these can be found in the Council Procedure Rules. Special rules also apply to the meeting of Council where the Budget and Policy Framework is agreed.
 - (b) Functions of Council: general
 - (c) Only the Council will exercise the following functions:
- 3.1.4 Electing the Chair and appointing the Deputy Chair;
- 3.1.5 Electing and removing the Leader of the Council;
- 3.1.6 Appointing to such other offices and/or positions as may be required under this Constitution or by law;
- 3.1.7 Agreeing and/or amending the terms of reference for committees, deciding on their composition, allocating the chair and vice-chair for each Council committee (and, where required, their political balance);
- 3.1.8 Agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies is an **executive function** or has been otherwise delegated;
- 3.1.9 Adopting the Constitution and making significant changes to the Constitution, including agreeing and/or amending the Officer Scheme of Delegation with respect to **non-executive functions** except where specifically delegated to the Monitoring Officer;
- 3.1.10 Approving and adopting the Budget and Policy Framework;
- 3.1.11 Approving the Council's Budget and levying Council Tax;

- 3.1.12 Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates within the Treasury Management Strategy Statement;
- 3.1.13 Making or revising a Council Tax Reduction Scheme;
- 3.1.14 Approval of the Community Infrastructure Levy Charging Schedule;
- 3.1.15 Making decisions about any matter in the discharge of an **executive function** where the **Cabinet** is minded to make the decision contrary to the Policy Framework or not wholly in accordance with the Budget (subject to urgency procedures contained in the Budget and Policy Framework Procedure Rules in [Part 9](#)).
- 3.1.16 Considering any matter which has been referred or submitted to it by the Cabinet for information, views or debate (but recognising that an Executive matter remains the sole responsibility of the **Cabinet** and the Council cannot make a decision in relation to it);
- 3.1.17 Determining any matter which is properly referred to it for determination by a committee or sub-committee in relation to **non-executive functions**;
- 3.1.18 Adopting and/or amending a [Members' Allowances Scheme](#) following a report from the Independent Remuneration Panel;
- 3.1.19 Changing the name of the area, and conferring the title of Honorary Alderman or Honorary Freeman;
- 3.1.20 Approving the Annual Pay Policy Statement;
- 3.1.21 Making payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000;
- 3.1.22 Appointing the **Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)** and dismissing the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151 Officer);
- 3.1.23 Appointing the Electoral Registration Officer and Returning Officer;
- 3.1.24 Approving the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of Council functions;
- 3.1.25 Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- 3.1.26 Determining whether functions which are classified as "Local Choice" functions should be reserved to **the Council** or exercised by **Cabinet**;

- 3.1.27 Adopting the Council's Code of Conduct for Members, Code of Conduct for Officers and the Member Officer Protocol;
- 3.1.28 Adopting (or otherwise) Motions submitted in accordance with the Council Procedure Rules except those that relate solely to an **executive function**;
- 3.1.29 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- 3.1.30 Approving **Development Plan Documents** (DPDs) prior to submission to the Secretary of State;
- 3.1.31 Approving any application to the Secretary of State in respect of any Housing Land Transfer pursuant to the Housing Act 1985;
- 3.1.32 Opting into arrangements for an appointing person or appointing an Auditor Panel pursuant to the Local Audit and Accountability Act 2014 to select an external auditor, manage the relationship and provide advice and recommendations to the Audit Committee;
- 3.1.33 Discharging all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 or any Regulations published in relation to that Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy;
- 3.1.34 Discharging all functions which must be reserved to Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
 - (a) approving and revising any Statement of Gambling Policy;
 - (b) resolving not to issue any casino premises licences in the next three years; and
- 3.1.35 All other matters which, by law, are reserved to the Council.

Non-executive functions may still be exercised by the Council even where delegated to a committee, sub-committee, body or officer elsewhere in this Constitution, subject to specific exceptions (for example Licensing Sub-Committee).

3.2 The Budget and Policy Framework

The Council will be responsible for the adoption of the budget and policy framework. The framework provides Cabinet with the finances with which to deliver the policies, plans and strategies on which the Council has agreed.

The Policy Framework comprises those plans or strategies that must be adopted by a meeting of the full Council. Once agreed, the framework sets the parameters within

which an executive decision may be made without either referral back to Council for consent or following urgency procedures.

The process for formulating or preparing, for the adoption or approval of a plan or strategy within the Policy Framework, and the process to be followed where a decision maker is minded to determine a matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the Authority, is set out in the Budget and Policy Framework Procedure Rules at [Part 9](#) of this Constitution.

The Budget Framework is set out in the following:

- 3.2.1 Medium Term Financial Strategy;
- 3.2.2 Treasury Management Framework (including relevant policies and strategies); and
- 3.2.3 Capital and Investment Strategies.

The Budget and Policy Framework will comprise the following elements:

- 3.2.4 The Budget
 - (a) The allocation of financial resources to different services and projects both revenue and the capital programme;
 - (b) Proposed contingency funds;
 - (c) Setting the Council Tax;
 - (d) The Council's borrowing requirement;
 - (e) The Council's capital expenditure;
 - (f) The setting of virement limits.
- 3.2.5 The Policy Framework
 - (a) Those plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) to be approved or adopted by the Council:
 - (i) Annual Library Plan;
 - (ii) Children and Young People's Plan
 - (iii) Crime and Disorder Reduction Strategy;
 - (iv) Development plan documents, including
 - (A) Local Plan;

(B) Core Strategy and Development Plan; and

(C) Minerals and Waste Local Plan

(v) Local Transport Plan;

(vi) Licensing Authority Policy Statement;

(vii) Gambling Authority Policy Statement;

(viii) Youth Justice Plan;

(ix) Pay Policy Statement; and

(x) any plan or strategy for the control of the authority's borrowing, investments or capital expenditure.

There are also other plans or strategies which Council has determined that the decision should be taken by them as to whether that plan or strategy should be adopted or approved (including those subject to a recommendation in Government Guidance that should be adopted by the Council as part of the Policy Framework):

3.2.6 Council Corporate Plan;

3.2.7 Housing Strategy and Investment Plan;

3.2.8 Northumberland Skills Strategy; and

3.2.9 such other plans and strategies to be submitted to full Council by the Executive as Council may from time to time determine.

Section 4

4 RESPONSIBILITIES OF CABINET

All the functions of the Authority are executive functions, exercisable by Cabinet, except for those which are specifically the responsibility of the Council or those “local choice” which the Council has determined it, rather than Cabinet, will carry out.

Cabinet is not a “committee of the council”. It is not required to be politically proportionate. It takes its powers directly from legislation, and as such ordinary Cabinet responsibilities cannot be carried out by Council.

4.1 The Leader

The Leader of the Council has overall responsibility for the executive functions of the Council.

In accordance with [Part 5](#) of the Constitution, to deliver those executive functions, the Leader has:

- 4.1.1 appointed a Cabinet comprising up to nine further elected Members of the Council and has determined which executive functions, if any, shall be reserved to it as being the responsibility of the collective Cabinet meetings;
- 4.1.2 appointed one of those Members as Deputy Leader of the Council to act in the absence of the Leader;
- 4.1.3 allocated a Portfolio of responsibility to each of the Cabinet Members, including a Portfolio of matters to be retained as being responsibility of the Leader, and has determined a Scheme of Delegation to Individual Cabinet Members that sets out the decisions that each Cabinet Member may take;
- 4.1.4 established and appointed to a Cabinet Committee and to a Joint Committee (if any);
- 4.1.5 determined which delegated executive functions shall be the responsibility of an officer of the Council and has determined a Scheme of Delegation to officers that sets out the **Executive Decisions** that an officer may take; e functions, the Leader has:
 - (a) confirmed the responsibility of the Head of Paid Service and chief officers for the general management of the authority and for day to day operations for functions and services of the Council; and
 - (b) determined the process and circumstances in which those decisions must be made.

This Leader will be invited before each Annual Meeting of the Council to consider at that stage whether they wish to make any amendments to arrangements for the exercise of executive functions by Cabinet Members, committees of the Cabinet, an officer or under joint arrangements. Any such arrangements will be reported to Council for information.

The Leader may also make amendments during the course of the Council year which may not take effect until reported to the Monitoring Officer. Any such shall also be reported to Council for information.

4.2 Cabinet's responsibilities

Cabinet has a particular responsibility for:

- 4.2.1 Providing strategic leadership and direction for the Council;
- 4.2.2 Determine policies and objectives for services delivered by the Council;
- 4.2.3 Making decisions on any matter not reserved to Full Council, or regulatory or quasi-judicial functions by law carried out by another body, provided that the matter is not one which the Cabinet is by law precluded from dealing with. This will include;
 - (a) Submitting to Council recommendations on the Council's governance, in consultation with the Audit Committee;
 - (b) Reporting to Council on matters relating to ss 85 and 86 of the Local Government Act 1972 (failure to attend meetings and vacation of office), in consultation with the Standards Committee;
 - (c) Advising the Council on all matters relating to Standing Orders, and Finance and Contracts' Code of Practice, in consultation with the Audit Committee;
 - (d) Making appointments to outside bodies, where those powers are not reserved to Council or another committee;
 - (e) Exercising powers relating to emergencies and civil contingencies;
 - (f) Preparing, monitoring and reviewing following consultation with Members and the public, recommending the adoption or modification of the Framework to Council;
 - (g) Make agreements with other local authorities for placing staff at the disposal of those other local authorities.
 - (h) Any other "local choice" function that the Council has determined shall be carried out by Cabinet. The functions that

the Council has determined, as a matter of local choice, shall be carried out by Cabinet are set out in [Part 5, section 5](#).

4.2.4 In respect of the Policy Framework:

- (a) Keeping the policies and objectives of the Council, which form part of the Budget and Policy Framework, under review;
- (b) Developing new policy proposals in relation to the Council's responsibilities and functions, taking into account where applicable the views of the Overview and Scrutiny Committee, and the advice of the Chief Executive and other chief officers;

4.2.5 In respect of the Council's financial arrangements:

- (a) Considering and recommending to the Council the amount of Council Tax to be levied and level of rents to be charged, and to set the Council Tax base;
- (b) Recommending a capital programme to the Council, and keeping the delivery of that programme under review;
- (c) Considering and deciding on any request for a supplementary estimate from any Chief Officer, and on the advice of the Chief Finance Officer specifying how such requests, once approved, should be funded;
- (d) Having regard, in carrying out the above roles, of the roles of the Audit Committee and Overview and Scrutiny Committee;

4.2.6 Considering any review or alteration of Parliamentary or local government boundaries within the District, including the renaming of areas and the number of Members, with any final expression of views or decision on such matters being reserved to Council.

4.3 How Cabinet will deliver its responsibilities

- 4.3.1 ensure the effective and efficient discharge of the functions delegated to them;
- 4.3.2 ensure that any Council services within their remit are appropriate for and responsive to the needs and views of the public, and are delivered effectively and efficiently;
- 4.3.3 ensure that good external relationships and effective local liaison are promoted in relation to Council services within their remit;
- 4.3.4 monitor the functions of the Council within their remit and have regard to the service and financial performance of such functions, and any associated risks. This will be done in consultation with the Overview and Scrutiny Committee and the Audit Committee;

- 4.3.5 determine the Council's views on matters specific to their areas of responsibility and related external matters;
- 4.3.6 ensuring the effective and efficient management of any services and resources within their remit and, where appropriate, the effective and efficient discharge of the responsibilities of any subordinate bodies or person.

4.4 How executive decisions are made

Decisions which are the responsibility of Cabinet are known as “executive decisions”.

These can be made in one of four ways:

- 4.4.1 By Cabinet together. Decisions are placed on the agenda of a formal Cabinet meeting, for those decisions to be discussed and agreed.
- 4.4.2 By a committee of Cabinet, under certain circumstances.
- 4.4.3 By individual Members of Cabinet. The law provides that certain Cabinet functions can be delegated to individual Cabinet Members, to exercise within their portfolio.
- 4.4.4 By certain senior officers. An officer can make certain executive decisions under powers given in the scheme of officer delegation. Depending on the issue, these decisions need to be consulted upon with the relevant Cabinet Member before being made.

There is a subset of executive decisions, termed “key decisions”, which are particularly important and which, by law, have to be made a certain way.

A **Key Decision** differs from other kinds of decisions because, where a decision maker intends to make a key decision, they must first publish a document containing publicity requirements about the decision and (subject to certain exception and urgency provisions) they cannot make the decision until at least 28 clear days the document, known as the ‘Forward Plan’, has been made available for inspection by the public. Further information on this can be found in the Access to Information Rules of Procedure at [Part 9](#) of the Council's Constitution.

A decision requiring publication (executive or non-executive) is:

- (a) A decision that directly relates to the development of the Budget and Policy Framework, comprising:
 - (b) decisions to approve a draft document or proposal and to commence formal consultation on that document or proposal;
- or

- (c) decisions to recommend to Council the adoption of the Budget or a policy within the Policy Framework following consideration of the outcome of the formal consultation;
- (d) any decision taken by the Cabinet, a committee of Cabinet or by the Leader or another individual Cabinet Member;
- (e) decisions taken by an officer in specific consultation with the Cabinet, a Cabinet Committee or an individual Cabinet Member; and
- (f) a decision taken by an officer that would otherwise be taken by the Cabinet, a Cabinet Committee or an individual Cabinet Member but has been made under delegated powers from one of those decision-making bodies:
- (g) under a specific express authorisation; or
- (h) under a general authorisation to officers to take such decisions and the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) incur expenditure or make savings which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of more than £100,000 (subject to the paragraph below)

Many administrative and operational decisions to be taken by officers relate to their general management role in conducting the Council's business and how they deal with their day to day work. This may amount to sums greater than that referred to above, particularly in relation to decisions taken on expenditure on individual children's or adult social care packages.

These decisions are not to be regarded as executive decisions and, as such, they will not need to be recorded and published in the way described here.

All Key Decisions and those non-key decisions to be taken by Cabinet, a Cabinet Committee or an individual Cabinet Member are subject to the Council's call-in process of the Council's Constitution.

There are certain decisions, which are exercised in relation to what are usually called "local choice" functions, which can be taken either by Council or by Cabinet. The Constitution has to specify which body will carry out these functions, and full detail is provided in [Part 5 section 5](#).

4.5 Responsibilities of committees of Cabinet

The Leader or the Cabinet may delegate any of its functions to a committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. If the

Committee is to have decision-making powers then the Committee may only include Cabinet Members.

The Leader or the Cabinet may also establish advisory committees, the membership of which need not be limited to Cabinet Members. The Leader or the Cabinet may change them, abolish them, or create further ones, at its own discretion.

On being established, committees of Cabinet come into existence immediately (ie, they do not require ratification or any other confirmation by another body, such as Council). Decision-making committees will continue in operation until expressly abolished by the Leader or Cabinet. Advisory committees will continue in operation only until the first meeting of the Cabinet in the next civic year following their establishment when they must be expressly renewed or they cease to exist.

All functions that have been delegated to a committee established by the Leader or the Cabinet can still be taken by the Cabinet as the parent body (where the Cabinet has delegated that function), or by whichever person or body would otherwise hold authority to make that decision. However, those by whom power is delegated and to whom power is delegated will have regard to the operation of those delegations to reduce the risk of duplication.

The establishment, abolition or cessation of committees and the amendment of their terms of reference will be reported to Council in due course for noting in the Council's Constitution.

Where executive decisions are delegated to a Committee of the Cabinet the Procedures relating to Cabinet meetings and consideration of business apply also to Cabinet Committee meetings, subject to any Member of the Cabinet being read as any Member of the Committee.

Where the Leader has established and appointed to a Committee of Cabinet, the composition and terms of reference of which will be set out at and appended to this Scheme.

Responsibilities of individual Cabinet Members

The following are the general responsibilities which apply to all Cabinet Members.

There are occasions when matters affect more than one portfolio of responsibility. On such occasions, the Cabinet Member with the primary responsibility shall take the lead, but in consultation with all Cabinet Members with an interest.

Each Cabinet Member is the spokesperson or "**Portfolio Holder**" for the policy area or 'portfolio' they are responsible for. They also:

- 4.5.1 lead on developing Council policy and make recommendations to the Cabinet;

- 4.5.2 provide guidance to the Cabinet on delivering services within their portfolio area;
- 4.5.3 give guidance to the Cabinet on budget priorities;
- 4.5.4 monitor performance and make sure policy is delivered;
- 4.5.5 lead on improving Council services;
- 4.5.6 ensure that activities meet the Council's overall vision, core values and guiding principles;
- 4.5.7 represent the Council at a national and local level;
- 4.5.8 contribute to debate and decision-making;
- 4.5.9 work with all Members and officers to make sure that the overview and scrutiny process works correctly including appearing before relevant Overview and Scrutiny meetings and responding to Overview and Scrutiny Committee reports; and
- 4.5.10 ensure appropriate consultation and liaison with partners and the community on matters within the scope of their portfolio.

4.6 Scope of delegation for individual Cabinet Member decision-making

- 4.7** The Leader of the Council has allocated a Portfolio of responsibility to each Cabinet Member, which is set out at [Cabinet-Portfolios-Summary.pdf \(northumberland.gov.uk\)](https://www.northumberland.gov.uk/Cabinet-Portfolios-Summary.pdf)

The Leader or an individual Cabinet Member may take executive decisions within the scope of their portfolio subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.

A Cabinet Member may then take a decision only:

- 4.7.1 where the Leader or Cabinet Member consider the matter is urgent, in that it is the opinion of the Leader or Cabinet Member that it would not serve the best interests of the Council or the public or a section of the public within the Council's area if the item of business were to wait until it could be considered at a meeting of the Cabinet or Cabinet Committee;
- 4.7.2 where it is considered on the basis of a written report prepared in accordance with paragraphs 3.6 above;
- 4.7.3 at a time and place that will be agreed with the relevant Director (or nominee) and the relevant Director (or nominee) is in attendance when the decision is taken; and
- 4.7.4 the decision is reported to the next meeting of Cabinet.

The Cabinet Member shall ensure that a 'Cabinet Member Decision Notice' is prepared as a written record of their decision and that it contains:

- (a) a record of the names and titles of the decision taker and, where appropriate, the officer(s) in attendance;
- (b) a record of the decision;
- (c) the date the decision was taken;
- (d) a statement of the reasons for the decision;
- (e) details of any alternative options considered and rejected by the Cabinet Member when making the decision;
- (f) a record of any declaration of interest and, in respect of decision making by elected Members, a note of any dispensation granted;
- (g) where appropriate, a statement of urgency and that the decision is exempted from call-in and is counter-signed by the relevant Director (or nominee).

The Cabinet Member Decision Notice shall be delivered it to the Monitoring Officer who shall publish the Decision Notice and accompanying report in accordance with the Constitution.

The decisions taken by a Cabinet Member are subject to the Council's procedures for delayed implementation and call- in set out at [Part 9, section 5](#).

Cabinet Member decisions will be reported to the next meeting of the Cabinet.

Section 5

5 LOCAL CHOICE FUNCTIONS

The law says that there are certain decisions that can be made by either Council or Cabinet, and that Councils have to specify which of the two bodies will make these decisions. The table below reflects the position that the Council has adopted on these “local choice” functions.

Information on “further delegation” is provided for information. A full list of delegations to and from Council committees, Cabinet and senior officers is provided in the schemes of officer and Member delegation.

Functions	Decision Maker	Further Delegation
1. Any function under a Local Act not specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations or other licensing, consent, permission or registration function (including development control functions)	<i>Cabinet</i>	Relevant Executive Director
2. Any function under a Local Act in respect of a licensing, consent, permission or registration function including development control functions	<i>Regulatory Committee or (in respect of any development control functions) Planning Committee</i>	Relevant Executive Director
3. The determination of any appeal against any decision made by or on behalf of the Council	<i>Council</i>	<i>Employment (Appeals) Committee</i>
4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	<i>Cabinet</i>	Relevant Executive Director

Functions	Decision Maker	Further Delegation
<p>5. The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals).</p>	<p><i>Cabinet</i></p>	<p>Relevant Executive Director</p>
<p>6. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).</p>	<p><i>Cabinet</i></p>	<p>Relevant Executive Director</p>
<p>7. The making of appointments of Members under the Police Reform and Social Responsibility Act 2011.</p>	<p><i>Council</i></p>	
<p>8. Any function relating to contaminated land</p> <p>Except where this is a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of a person or the enforcement of any of the above, in which case:</p>	<p><i>Cabinet And Regulatory Committee – depending on function</i></p>	<p>Relevant Executive Director</p>
<p>9. The discharge of any function relating to the control of pollution or the management of air quality</p> <p>Except where this is a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above, in which case:</p>	<p><i>Cabinet And Regulatory Committee – depending on function</i></p>	<p>Relevant Executive Director</p>

Functions	Decision Maker	Further Delegation
10. The service of an abatement notice in respect of a statutory nuisance.	<i>Regulatory Committee</i>	Relevant Executive Director
11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	<i>Cabinet</i>	
12. The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance 13. Except where this involves the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above, in which case	<i>Cabinet And Regulatory Committee depending on function</i>	Relevant Executive Director
14. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	<i>Planning Committee</i> and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) <i>Executive</i>	Relevant Executive Director
15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		Relevant Executive Director

Functions	Decision Maker	Further Delegation
<p>16.The making of agreements for the execution of highways works.</p>	<p><i>Cabinet</i></p>	
<p>17.The appointment of any individual—</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than—</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment</p>	<p><i>Council</i></p> <p>except where the function to which the appointment relates is an executive function in which case <i>Cabinet</i></p>	
<p>18.The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p><i>Staffing Committee</i></p> <p>Except where the arrangement relates to the discharge of an executive function in which case <i>Executive</i></p>	<p><i>Head of Paid Service</i></p>
<p>19.Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within row 1 of this table.</p>	<p><i>Executive Cabinet</i></p>	<p>Relevant Executive Director</p>
<p>20.Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements.</p>		

Section 6

6 SCHEME OF OFFICER DELEGATION

This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have power to make.

It is separated into four parts:

Part	Title
Part 1	<u>Introduction</u>
Part 2	<u>General Delegations (executive and non-executive)</u>
Part 3	<u>Delegations to Chief Executive and Chief Officers</u>
Part 4	<u>Statutory Officer and Proper Officer Appointments</u>

Part 1

6.1 Introduction to Delegation

- 6.1.1 “[Officers](#)” is the term used to refer to the people employed, retained or appointed by the Council to advise and support Members and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants and agency staff.
- 6.1.2 The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 6.1.3 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Council and the Cabinet have delegated to officers all of the powers that they need to perform their roles.
- 6.1.4 Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles.
- 6.1.5 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by a number of Chief Officers.
- 6.1.6 See the current organisational structure of the Council, showing more detail about the roles and responsibilities of the Chief Officers and the officers supporting them to deliver all the Council's services.

General Principles Relating to Officer Delegation

For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “Chief Officer” is as defined by Part 1, section 43(2) of the Localism Act 2011 and includes the following officers:

The Chief Executive (Head of Paid Service)

The Executive Director of Transformation and Resources (Chief Finance/ s.151 Officer)

The Director of Law and Governance (Monitoring Officer)

The Executive Director of Public Health, Stronger Communities and Inequalities (Director of Public Health)

The Executive Director of Children, Young People and Education (DCS)

The Executive Director of Adults, Ageing and Wellbeing (DASS)

The Executive Director of Place and Regeneration

The Chief Fire Officer

A Deputy Chief Officer may act where delegated to do so by their Chief Officer

- (a) This scheme gives the power for the Chief Officers to take decisions in relation to all the functions in their areas of responsibility except where:
- (b) a matter is prohibited by law from being delegated to an officer, or
- (c) a matter has been specifically excluded from delegation by this scheme, by a decision of the Council, a Committee or Sub-Committee.
- (d) Chief Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by Council, Cabinet, a Committee or Sub-Committee.
- (e) The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). A full list of the Local Schemes of Delegation is available on the Council's website and you can look at any of the schemes in detail.
- (f) All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Chief Officer and the [Monitoring Officer](#).
- (g) Where a function has been delegated to an officer (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- (h) In some circumstances the [officer](#) to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.
- (i) Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions delegated exclusively to the Council's Director of Transformation and Resources ([Chief Finance](#) / [section 151 Officer](#)) or the [Monitoring Officer](#).
- (j) powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the

functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.

- (k) Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
- (l) Any delegation must be exercised:
 - (i) In compliance with the [Budget and Policy Framework](#), all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - (ii) In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - (iii) Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - (iv) Within the approved [Budget and Policy Framework](#) by the Council (or separate approval must be sought)
 - (v) Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- (m) Officer decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer exercising the delegated authority.
- (n) An [officer](#), in exercising delegated powers may consult the relevant Committee Chair or Cabinet Member if they considers it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- (o) Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, the executive, a Committee or the [Chief Executive](#) decides to whom to allocate responsibility for the new legislation.
- (p) Chief Officers may appoint another officer as their deputy and such deputy shall have all the powers of the Chief Officer as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Officer under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time

limitation. The appointment of a deputy shall not prevent the exercise by the Chief Officer of any delegation set out in this Constitution.

- (q) If there is any dispute or lack of clarity as to which Chief Officer has power to make decisions on specific areas of service, the [Chief Executive](#) shall have power to determine where the delegation should be exercised.

Part 2

6.2 General Delegations

The following delegations shall apply to all Chief Officers (and to any appointed deputies).

6.2.1 Urgent action

To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council, the executive, or a specific Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the members of the Public of the Council's area. This delegation is subject to the conditions that any urgent action:

- (a) shall be reported to the appropriate Committee
- (b) shall take account of advice of the [Monitoring Officer](#) and the Director of Transformation and Resources ([Chief Finance Officer](#) / [s151 Officer](#))
- (c) shall be exercised in consultation with the Leader (in relation to executive functions), the Chair (in relation to Council functions), or the Chair of the appropriate Committee.

6.2.2 Implementation of decisions

To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council, the Cabinet, a Committee or Sub-Committee, or an Officer.

6.2.3 General operational

- (a) To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

- (b) Any Chief Officer may be appointed by the Chief Executive to deputise in their absence and when so appointed is authorised to exercise all the powers of the Chief Executive (including those of the Head of Paid Service).

6.2.4 **Consultation**

To undertake and consider the outcome of statutory and non-statutory consultations on service provision.

- (a) To respond to Government Consultations and consultations from other bodies, in consultation with the Leader or the relevant Committee Chair.
- (b) To undertake all steps required to complete Government Statistical Returns.

6.2.5 **Finance**

To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.

- (a) To enter into contracts and incur expenditure in relation to their functional area and in accordance with the approved budget, with the exception (unless otherwise provided in this Scheme of Delegation) of certificates under the Local Government Contracts Act 1997, the Council's Accounts and Contracts and Deeds where specific provisions are made in the Council's Contracts Procedure Rules at [Part 10](#).
- (b) To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- (c) To submit applications for grant funding that align with the Council [Budget and Policy Framework](#), in accordance with the approvals required under the Financial Procedure Rules.

6.2.6 **Staffing**

- (a) To deal with the full range of employment and staff management issues, below Chief Officer level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the [Employment Procedure Rules](#).

- (b) To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other public sector organisation.

6.2.7 **Land and assets**

To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.

- (a) To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- (b) To make application for planning permission and any other necessary applications for other consents required for the development of land.

6.2.8 **Legal authorisation and enforcement**

To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):

- (a) Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property

issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information
- (b) Only with the approval of the [Monitoring Officer](#), to authorise the institution, defence, settlement of or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council. Only the Monitoring Officer, however, may seek, instruct or authorise the obtaining of any legal advice or representation by external solicitors, counsel or other legal bodies.
- (c) Where authorised in the Constitution or applicable policy, to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The

[Monitoring Officer](#) is excluded from this provision as they have the formal 'reviewer' role.)

6.2.9 Safeguarding children and vulnerable adults

- (a) To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Part 3

6.3 Delegations to Chief Executive and Chief Officers

6.3.1 The Chief Executive/Head of Paid Service

- (a) The Chief Executive is the most senior officer in the Council. It is their role to support the Members and to provide leadership for the Council.
- (b) The [Chief Executive](#) is empowered to operate all the services of the Council and, except where powers, duties and functions are reserved, to exercise all powers, duties and functions of the Council, including those delegated to other officers with the exception of those statutory functions delegated exclusively to the Council's Director of Transformation and Resources ([Chief Finance](#) / [s151 Officer](#)) or the Monitoring Officer.
- (c) Every Council must, by law, appoint one of its officers as the [Head of Paid Service](#). The Chief Executive is also the Council's Head of Paid Service. Their responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council's functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff. The Chief Executive has power to exercise any function of the Head of Paid Service contained in any legislation and in any other Part of this Constitution.
- (d) The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
 - (i) To be the Council's principal officer representative and to promote its good image and reputation
 - (ii) To lead and direct the strategic management of the Council
 - (iii) To appoint other officers as [Proper Officers](#) for the purposes of any specific Council service area or function and to maintain an up to date record showing who is

appointed to act as the Proper Officer for all Council service areas and functions

- (iv) Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
- (v) To discharge emergency planning and civil protection functions;
- (vi) To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
- (vii) To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction.
- (viii) To exercise any function of the Council which is not specified in the Constitution or in law as a function that must be exercised by Members, except the statutory functions of the Monitoring Officer.
- (ix) To take any decision where any delay incurred in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. This may include waiving the Council's Contracts Procedure Rules to the extent that this complies with domestic laws. In exercising this power, the Chief Executive must consult with the [Leader](#) of the Council, the [Monitoring Officer](#) and the Director of Transformation and Resources ([Chief Finance Officer / s151 Officer](#)) or in their absence, their nominated deputies, unless the delay caused by doing so would itself be likely to result in danger to life or property. The Chief Executive will report any such decision to the next meeting of Council;
- (x) To allocate or re-allocate responsibility for functions in the Scheme of Delegation to Officers provided that any changes applicable for a period of more than six months must be reported to Council as a change to the Scheme of Delegation.

6.3.2 Delegations to the Monitoring Officer

- (a) The [Monitoring Officer](#) is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and has all the powers and duties of the Monitoring Officer and is responsible for supporting and advising the Council in relation to:

- (i) the lawfulness and fairness of the decision making of the Council;
 - (ii) the Council's compliance with its legal responsibilities and requirements, and
 - (iii) matters relating to the conduct of Members (including town and parish councillors).
- (b) The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the Budget and Policy Framework.
- (c) The Monitoring Officer shall, where necessary, and in consultation with the [Head of Paid Service](#) and the Director of Transformation and Resources ([Chief Finance](#) / [s151 Officer](#)) report any proposal, decision or omission considered to be unlawful or that amounts to maladministration to the Council as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989.
- (d) The Monitoring Officer may appoint one or more deputy Monitoring Officers, each of whom has power to exercise all the powers and duties of the Monitoring Officer during their absence, incapacity or conflict from acting or during vacancy of the role.
- (e) The Monitoring Officer has power to exercise any function of the Monitoring Officer contained in any other Part of this Constitution.
- (f) The Monitoring Officer shall have the following delegated powers and responsibilities:
 - (i) To authorise the settlement of actual or potential claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council.
 - (ii) To prosecute, defend, settle, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
 - (iii) To institute legal proceedings for any offences within the Council's area.
 - (iv) To lodge objections to any proposal affecting the Council's interests.
 - (v) To determine applications for the display of the crest or logo of the Council.

- (vi) To approve the Council's response to any investigation carried out by the Local Government Ombudsman.
- (vii) To approve the Council's response to any request for information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2003.
- (viii) To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
- (ix) To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.

In accordance with the Council's approved policy, to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 by:

- (a) Ensuring compliance with all relevant legislation and with the Codes of Practice.
- (b) Engagement with the Inspectors from the Investigatory Powers Commissioner's Office when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.
- (c) Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.
- (d) To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
- (e) To attest the affixing of the Council's seal to all documents approved for sealing.
- (f) To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
- (g) To determine whether a particular claim for payment under the [Members' Allowances Scheme](#) is appropriate.
- (h) To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.

- (i) To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
- (j) To deal with the initial stages of the disciplinary procedure for the statutory officers (Chief Executive and Chief Finance Officer), in conjunction with the appointed Chair of the Staffing and Appointments Committee;
- (k) To deal with the initial stages of allegations under the grievance procedure against the Chief Executive or Chief Finance Officer;
- (l) To deal with the initial stages of allegations under the Bullying and Harassment Procedure against the Chief Executive or Chief Finance Officer.
- (m) To make such changes to the Council's Constitution as they deem to be necessary and which are in the Council's interests and which do not materially change any principles previously approved by the Council including, but not limited to, changes:
 - (i) amounting to routine revisions
 - (ii) to provide appropriate clarity
 - (iii) to correct typographical and other drafting errors
 - (iv) to reflect new legislation
 - (v) to correct inconsistencies in drafting
 - (vi) to reflect new officer structures and job titles, properly approved through Council processes.
 - (vii) To grant dispensations to Members or Co-opted Members under Section 33 of the Localism Act 2011, to allow them, where they have a disclosable pecuniary interest in a matter to be considered at a meeting of the Council, or any of its committees or sub-committees, or the Cabinet or any committee or sub-committee of the Cabinet to participate in any discussion of the matter in which they have the disclosable pecuniary interest at the meeting or to participate in any vote, or further vote, taken on the matter at the meeting; in any of the following circumstances:
 - (viii) if it is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

- (ix) if it is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (x) if it is considered that granting the dispensation is in the interests of persons living in the authority's area; or
- (xi) if it is considered that it is otherwise appropriate to grant a dispensation.

The Monitoring Officer has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which they are responsible in the following functional areas:

- (a) Legal and Democratic Services including Member Development
- (b) Election Services;
- (c) Information Governance and Records Management
- (d) Any other services allocated or re-allocated to the Monitoring Officer by the Chief Executive

6.3.3 **The Director of Transformation and Resources ([Chief Finance Officer](#) / [s.151 Officer](#))**

- (a) The Director of Transformation and Resources is appointed in accordance with section 151 of the Local Government Act 1972 as:
 - (i) The financial adviser to the Council, Committees and Officers
 - (ii) The Authority's 'responsible financial officer', and
 - (iii) Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
 - (iv) "Proper Administration" is not defined but shall also include responsibilities for compliance with the statutory requirements for accounting and internal audit.

- (b) The Director of Transformation and Resources/Section 151 officer shall have the following delegated powers and responsibilities:
- (i) To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules.
 - (ii) To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.
 - (iii) To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to post-pone legal charges.
 - (iv) To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council.
 - (v) To take all necessary action in respect of the Council's role in relation to the administration and operation of the Tyne and Wear Pension Fund unless specified in the Constitution or in law as having to be taken by elected Members or another officer.
 - (vi) To act as the Council's shareholder representative in respect of the Council's holding of interests in a company or group of companies.
 - (vii) To make recommendations to the Council on Council Tax requirements, to determine the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations.
 - (viii) To have the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional and operational areas:

6.3.4 The Executive Director of Public Health, Inequalities and Stronger Communities

The Executive Director of Public Health, Inequalities and Stronger Communities holds the statutory role for the council as the person appointed as the Director of Public Health (required by section 73A of the National Health Service Act 2006).

The Director of Public Health has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected Members and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional and operational areas:

- (a) Public health intelligence
- (b) Health improvement
- (c) Public health protection and the Wider Determinants of Health
- (d) Communities and Public Health commissioning, contract management and quality assurance
- (e) The statutory functions of the Director of Public Health;
- (f) Any other services allocated or reallocated to the Executive Director of Public Health, Inequalities and Stronger Communities by the Chief Executive

6.3.5 Executive Director of Children, Young People and Learning

The Director of Children, Young People and Education holds the statutory role for the Council of the Director of Children's Services (required by Section 18 of the Children Act 2004) and is the designated person for the purposes of Section 22 of the Children Act 1989.

The Director of Children's Services has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Members, implementing decisions, and undertaking efficient management of the services, contracts and staff for which they are responsible in the following functional and operational areas:

- a) Children's Social Care,
- b) Education and Skills,
- c) Adoption,

- d) Corporate Parenting,
- e) Any other services allocated or reallocated to the Executive Director of Children, Young People and Learning by the Chief Executive

6.3.6 Executive Director of Adults, Ageing and Wellbeing

The Director holds the statutory role for the Council of the Director of Adult Social Services (required by Section 6 of the Local Authority Social Services Act 1970).

The Executive Director of Adults, Ageing and Wellbeing has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional and operational areas:

- a) Safeguarding Adults,
- b) Adult Social Care,
- c) Strategic Commissioning
- d) Any other services allocated or reallocated to the Executive Director of Adults, Ageing and Wellbeing by the Chief Executive

6.3.7 Executive Director of Place and Regeneration

The Executive Director of Place and Regeneration has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional and operational areas:

- a) Economy and Regeneration,
- b) Borderlands Programme Management,
- c) Planning,

- d) Housing,
- e) Strategic Housing,
- f) Neighbourhood Services,
- g) Strategic Transport,
- h) Local Services,
- i) Countryside,
- j) Highways,
- k) Technical Services,
- l) Fleet
- m) Any other services allocated or reallocated to the Executive Director of Place and Regeneration by the Chief Executive

6.3.8 Chief Fire Officer

The Chief Fire Officer has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional and operational areas:

- a) Fire and Rescue Services,
- b) Business Resilience and Emergency Planning,
- c) Public Protection

Part 4

6.4 Statutory Officer and Proper Officer Appointments

This section sets out those Officers who have been designated by the authority to discharge specified statutory functions

Legislation	Function	Proper Officer
Section 4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Director of Law and Governance
Section 151 LGA 1972	Chief Finance Officer	Executive Director of Transformation and Resources
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director of Adults, Ageing and Wellbeing
Section 18 Children Act 2004	Director of Children's Services	Executive Director of Children, Young People and Education
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Business Compliance and Public Safety Manager
Sch 1 - Civil Contingencies Act 2004	Category 1 Responder	Civil Contingencies Manager
S 21 Fire and Rescue Act 2004 and Fire and Rescue National Framework	Chief Fire Officer	Chief Fire Officer
s73A NHS Act 2006 and s30 Health and Social Care Act 2012	Director of Public Health	Director of Public Health, Inequalities and Stronger Communities
Data Protection Legislation	Senior Information Risk Officer (SIRO)	Director of Law and Governance

Legislation	Function	Proper Officer
S 69 Data Protection Act 2018 and Article 37 General Data Protection Regulations 2018 (GDPR)	Data Protection Officer (DPO)	Information Governance Manager
Local Authority Circular LAC 2002/2	Caldicott Guardian	Director of Public Health, Inequalities and Stronger Communities
Regulation of Investigatory Powers Act 2000	Senior Responsible Officer	Head of Public Protection

The Council employs the following Proper or appropriate Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Head of Paid Service
Section 84(1)	Receipt of notice of resignation of elected Member	Head of Paid Service
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Head of Paid Service
Section 89(1)	Notice of casual vacancy	Chief Executive
Section 100A – 100H (except 100(D))	Admission of public (including press) to meetings	Head of Paid Service
Section 100(D)	Compile list of background papers for reports and make copies available for public inspection	Head of Paid Service
Section 115(2)	Receipt of money due from officers	Head of Paid Service
Section 146(1)(a)and(b)	Declarations and certificates with regard to transfer of securities	Section 151 Officer

Legislation	Function	Proper Officer
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Paid Service
Section 225	Deposit of documents	Head of Paid Service
Section 228(3)	Accounts for inspection by any Member of the Council	Section 151 Officer
Section 229(5)	Certification of photographic copies of documents	Director of Law and Governance
Section 234	Authentication of documents	Director of Law and Governance
Section 238	Certification of byelaws	Director of Law and Governance
Section 248	Officer who will keep the Roll of Freemen	Head of Paid Service
Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Head of Paid Service
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Head of Paid Service
Schedule 14		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Officer nominated under Section 73B National Health Service Act
Local Government Act 1974		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Head of Paid Service
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Head of Paid Service

Legislation	Function	Proper Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Executive Director of Place and Regeneration
Representation of the People Act 1983		
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Local Elections (Principal Areas) (England) Rules 2006		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Law and Governance
Local Government (Committees and Political Groups) Regulations 1990		
Regulation 8	For the purposes of the composition of committees and nominations to political Groups	Director of Law and Governance
Local Authorities (Members Interests) Regulations 1992		
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members interests	Director of Law and Governance
Local Authorities (Standing Orders)(England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Head of Paid Service
<i>The Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012</i>		
Regulations 7, 10, 12-16	Arrangements for Cabinet Meetings including attendance, recording decisions and inspection of documents	Head of Paid Service

Legislation	Function	Proper Officer
Building Act 1984		
Section 93	Authentication of documents	Head of Public Protection
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Head of Public Protection
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Head of Public Protection
Public Health Act 1961		
Section 37	Control of any verminous article	Head of Public Protection
Local Government Act 2000		
Section 21ZA	Scrutiny Officer	Executive Director of Place and Regeneration
Registration Service Act 1953		
Section 6	Superintendent Registrar and Registrar of Births and Deaths	Service Manager – Registrars, Coroners and Archives
Traffic Management Act 2004		
Section 17(2)	Role of Traffic Manager	Executive Director of Place and Regeneration
Fostering and Adoption Regulations	Proper Officer	Executive Director of Children, Young People and Education
Section 73B National Health Service Act 2006	Exercise of public health functions of local authorities	Director of Public Health

Section 7

7 ARRANGEMENTS FOR POLICY DEVELOPMENT

Practical arrangements for policy development, and the role of the overview and scrutiny function in policy development. This will form a component of Part 6 of the constitution, and of an Executive-Scrutiny Protocol, which it is proposed are developed over the course of the early summer of 2023

Section 8

8 MAKING AND KEEPING RECORDS OF DECISIONS

8.1 Records of decisions: general

A decision to be taken by the Council, a Committee or the Cabinet or to be taken as a Key Decision by an officer will normally only be made on consideration of a full report by the relevant officer(s), published as may be required by the Council's [Access to Information Procedure Rules](#) set out at [Part 9](#) of this Constitution, and which shall contain as a minimum:

- 8.1.1 a recommended decision; explanation of the reasons for the recommendation being put forward; details of any alternative options, if any, considered and rejected for recommendation;
- 8.1.2 details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
- 8.1.3 a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, Chief Finance Officer or Monitoring Officer) may require, which may include risk, staffing, equalities, crime and disorder and climate change implications; plus
- 8.1.4 a list compiled of any Background Papers to the report, which are those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report and:
 - (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) were relied on to a material extent in preparing the report.
- 8.1.5 When decisions are taken, the decision record and/or minutes must be produced which will include the following information:
 - (a) who took the decision (the person or body);
 - (b) the details of the decision including the date it was made;
 - (c) the reasons for the decision;
 - (d) a summary of any alternative options considered and rejected by the officer, Member or decision-making body when the decision was made;

- (e) details of any conflict of interest relating to the matter declared by any Member of the decision-making body or by a Member who is consulted by the officer or Member who made the decision; and
- (f) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer or Standards Committee.

8.2 Records relating to executive decisions

An executive decision shall be taken by Cabinet only on consideration of a full report by the relevant officer(s), published in accordance with the Council's Access to Information Procedure Rules, which shall contain as a minimum:

- 8.2.1 a recommended decision;
- 8.2.2 a presentation of reasons for the recommendation being put forward
- 8.2.3 details of any other options considered and why those options were rejected;
- 8.2.4 details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
- 8.2.5 a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, s.151 officer or Monitoring Officer) may require, including risk, staffing or equalities implications; plus
- 8.2.6 a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
 - (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) were relied on to a material extent in preparing the report; together with any additional comments the Cabinet Member with portfolio wished to add to the report.

The minutes of the meeting must, as a minimum, contain:

- 8.2.7 a record of the decision;
- 8.2.8 the date the decision was taken;
- 8.2.9 a record of the reasons for the decision;

- 8.2.10 details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
- 8.2.11 a record of any declaration of interest and, in respect of decision making by elected Members, a note of any dispensation granted; and
- 8.2.12 a record of any conflict of interest relating to the matter decided which is declared by any Member of the Cabinet which made the decision and where applicable, a note of dispensation granted by the Standards Committee; and
- 8.2.13 where appropriate, a statement of urgency and that the decision is exempted from call-in.

The decisions taken by Cabinet are subject to the Council's procedures for delayed implementation and call- in.

Section 9

9 APPENDIX A

Cabinet Member	Portfolio
Leader of the Council	<ul style="list-style-type: none"><li data-bbox="619 495 1086 533">(a) Corporate Strategy and Policy<li data-bbox="619 566 1390 640">(b) Liaison and partnership development with external bodies, including town and parish councils<li data-bbox="619 674 895 712">(c) Climate change<li data-bbox="619 745 884 784">(d) Rural Proofing<li data-bbox="619 817 1187 855">(e) Commercial and Consultancy services<li data-bbox="619 889 975 927">(f) Project Management<li data-bbox="619 960 906 999">(g) Service Reviews

Cabinet Member	Portfolio
Deputy Leader/Corporate Services	<ul style="list-style-type: none"> (a) Budget Strategy and Medium Term Financial Plan (b) Corporate Financial Strategy and Policy (c) Treasury Management (d) Customer Services Strategy (e) Capital Programme (f) Asset Management Strategy (g) Revenues and Benefits (h) Estates and Assets (i) Legal Services (j) Corporate Governance (k) Democratic Services and Elections (l) Performance Management (m) ICT Connectivity (n) Audit (o) Risk Strategy (p) Procurement Strategy (q) Shared and Traded Services (r) Financial Services (s) Internal and External Communications (t) Human Resources and Organisational Development

Cabinet Member	Portfolio
Adults' Wellbeing	<ul style="list-style-type: none"> (a) Adult Services, Social Care and Welfare (b) Voluntary Sector and VCS (c) Safeguarding and Strategic Commissioning including shared and traded services (d) Ageing Well (e) Mental Health and Emotional Well-being (f) Adult Learning Disability Services (g) Domestic abuse (h) Extra Care and supported housing (i) Carers' Wellbeing (j) Northumberland Communities Together (k) Fuel Poverty (l) Equality and Diversity (to link in with the Equality and Diversity Champion on social inclusion and EandD) (m) Public Health (n) Northumberland Communities Together
Community Services	<ul style="list-style-type: none"> (a) Fire and Rescue (b) Emergency Planning and Resilience (c) Public Protection and Community Safety (d) Environmental Health (e) Environmental Enforcement (f) Trading Standards (g) Planning, Licensing and Building Control (h) Housing (i) Registrars, Registration and Coroners

Cabinet Member	Portfolio
Business	<ul style="list-style-type: none"> (a) Delivery Assurance of Advance Northumberland (b) Economic Development and Business Growth (c) Regeneration (d) Strategic Transport and Infrastructure (e) Public Transport (Strategy and Delivery) and Connectivity
Children and Young People	<ul style="list-style-type: none"> (a) Schools and Children's Services (b) Early Years (c) Early Help and Family Services (d) Children's Health and Mental Well- being (e) SEND (f) Safeguarding and LAC (g) Youth Services (h) Youth Offending (i) Training Skills and Enterprise (j) Employability and Access to Work (k) Teenage Sexual Health (l) Post 16 and adult education (m) Inclusion and school admissions (n) Virtual school

Cabinet Member	Portfolio
Local Services	<ul style="list-style-type: none"> (a) Road Strategy and Highway Maintenance (b) Local Transport Plan (c) Street Lighting (d) Waste Management and Recycling (e) Street cleansing (f) Public conveniences (g) Car Parks and parking enforcement (h) Home-School Travel (i) Coast and Flood Protection and shoreline management (j) Flood response (k) Countryside/AONB/RoW (l) Parks (m) Fleet management (n) Cemeteries and crematoria (o) Town Markets (p) Winter severe weather response (q) Cycling and walking

9.1 Equality and Diversity Champion

To link in with Cabinet Member for Adults' Wellbeing on social inclusion and EandD

9.2 Introduction

The functions of local authorities are exercised by Council, the Cabinet and those delegated to officers. Full Council may in turn appoint committees to exercise its functions.

This part of the Constitution sets out the matters reserved to elected Members through Council, its committees, and the Cabinet. It has to be read in conjunction with the officer delegation scheme at [Part 5, section 6](#).

The law allows some functions to be treated by the Council as either the responsibility of the Cabinet or carried out by the Council or one of its committees (local choice functions)

There are some functions which, under the law, cannot be the responsibility of the Cabinet. In some cases, such as adopting the Council's budget or the Policy Framework, only full Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

All other functions are executive functions. Decisions on these will be taken by the Cabinet unless they are dealt with under joint arrangements or delegated to a committee of the Cabinet or an officer.

9.3 Appointments Committee (School Governors and Academies)

9.3.1 Terms of Reference and Powers

To recommend individuals for Local Authority representative appointments to maintained Schools and Academies;

- (a) To appoint additional Governors as appropriate to schools requiring intervention;
- (b) To remove Local Authority Governors from maintained Schools and Academies;
- (c) To delegate decisions in relation to the above to officers as the Committee feels appropriate

9.4 Audit Committee

The Audit Committee will have the following roles and functions:

9.4.1 Governance, risk and control

- (a) Review the Council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- (b) Monitor the effective development and operation of risk management in the Council.
- (c) Monitor progress in addressing risk-related issues reported to the committee.
- (d) Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (e) Consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.

- (f) Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (g) Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (h) Monitor the counter fraud strategy, actions and resources.
- (i) Review the governance and assurance arrangements for significant partnerships or collaborations.
- (j) To approve the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures, monitor the Council's use of RIPA powers and to undertake the annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) ensuring compliance with the Code of Practice.

9.4.2 **Financial and Governance Reporting**

- (a) Governance reporting:
 - (i) Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
 - (ii) Consider whether the annual evaluation for the Annual Governance Statement fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- (b) Financial reporting:
 - (i) Monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
 - (ii) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
 - (iii) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

9.4.3 External Audit

- (a) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- (b) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (c) To consider specific reports as agreed with the external auditor.
- (d) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (e) To consider additional commissions of work from external audit.
- (f) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- (g) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee

9.4.4 Internal Audit

- (a) To approve the internal audit charter.
- (b) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (c) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (d) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- (e) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (f) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.

- (g) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - (i) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
 - (ii) regular reports on the results of the QAIP
 - (iii) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- (h) To consider the head of internal audit's annual report, including:
 - (i) the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
 - (ii) the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- (i) To consider summaries of specific internal audit reports as requested.
- (j) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (k) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- (l) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations
- (m) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

9.4.5 **Accountability arrangements**

- (a) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- (b) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- (c) To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

It is expected that the Executive Director of Transformation and Resources (S151 Officer), the Head of Internal Audit and Risk Management and the appointed external auditor will attend all meetings of the Audit Committee.

In line with good practice, it is expected that the Chief Executive and the Monitoring Officer will regularly attend meetings of the Audit Committee and that the Committee may from time to time require the attendance of other Members of the Executive Team and other senior staff as appropriate.

The Committee should have a clear policy on those matters to be considered in private and those to be considered in public. The External Auditor and the Head of Internal Audit must be able to meet privately and separately with the Committee.

9.5 Attendance at Group Audit Committee

It is expected that the Executive Director of Transformation and Resources (S151 Officer) and Head of Internal Audit and Risk Management will attend all meetings of the Group Audit Committee and the Committee may from time to time require the attendance of other Members of the Executive Team and other senior staff as appropriate.

In line with good practice the Chief Executive and Leader of the County Council may attend meetings of the Committee to discuss matters relating to group entities, if appropriate, by invitation from the Chair of the Audit Committee.

Internal and external auditors for all entities within the group are required to attend committee meetings at the Committee's request, when matters relating to Group governance are being considered.

The Chair of the Audit Committee may require any person in attendance at a meeting to leave the meeting if necessary in relation to one or more agenda items when discharging the functions of Group Audit Committee.

9.6 Audit Committee Terms of Reference and Powers

9.6.1 Statement of Purpose

The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective. The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

9.6.2 Governance, risk and control

- (a) To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- (b) To monitor the effective development and operation of risk management in the Council.
- (c) To monitor progress in addressing risk-related issues reported to the committee.
- (d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- (f) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (g) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (h) To approve the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures, monitor the Council's use of RIPA powers and to undertake the annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) ensuring compliance with the Code of Practice.
- (i) To monitor the counter fraud strategy, actions and resources.
- (j) To review the governance and assurance arrangements for significant partnerships or collaborations.

9.6.3 **Financial and governance reporting**

- (a) Governance reporting
 - (i) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
 - (ii) To consider whether the annual evaluation for the Annual Governance Statement fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- (b) Financial reporting:
 - (i) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
 - (ii) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
 - (iii) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

9.6.4 **Arrangements for audit and assurance**

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

9.6.5 **External audit**

- (a) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- (b) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (c) To consider specific reports as agreed with the external auditor.
- (d) To comment on the scope and depth of external audit work and to ensure it gives value for money.

- (e) To consider additional commissions of work from external audit.
- (f) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- (g) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

9.6.6 Internal audit

- (a) To approve the internal audit charter.
- (b) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (c) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (d) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- (e) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (f) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- (g) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - (i) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
 - (ii) regular reports on the results of the Quality Assurance and Improvement Programme
 - (iii) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering

whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

- (h) To consider the head of internal audit's annual report, including:
 - (i) the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that support the statement (these will indicate the reliability of the conclusions of internal audit)
 - (ii) the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the Annual Governance Statement).
- (i) To consider summaries of specific internal audit reports as requested.
- (j) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (k) To contribute to the Quality Assurance and Improvement Programme and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- (l) To consider a report on the effectiveness of internal audit to support the Annual Governance Statement where required to do so by the accounts and audit regulations
- (m) To provide free and unfettered access to the Audit Committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

9.6.7 **Accountability arrangements**

- (a) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

- (b) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- (c) To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.
- (d) Designation of the County Council's Audit Committee as Group Audit Committee for all entities within Northumberland County Council's Accounting Group Boundary
- (e) The following Terms of Reference have been adopted by Northumberland County Council's Audit Committee, to discharge the duties of group (parent) audit committee for all entities within the County Council's accounting group boundary:

9.7 Group Audit Committee

9.7.1 Purpose and Role

- (a) Northumberland County Council's Audit Committee, as designated Group Audit Committee for all entities within the County Council's accounting group boundary, is charged with ensuring that Northumberland County Council can gain the assurance it needs on governance, risk management, the control environment, the integrity of the financial statements and financial viability across all entities within the group. The role of the Group Audit Committee is to maintain governance oversight in respect of all group entities. This includes the monitoring of regulatory changes and recommendations for improvement in relation to:
 - (i) financial reporting;
 - (ii) external audit;
 - (iii) internal control, including health and safety compliance;
 - (iv) internal audit;
 - (v) high level risk and control framework, including assets and liabilities framework;
 - (vi) fraud awareness, including probity policies;
 - (vii) treasury policy and management, including loan covenant compliance.

- (b) This role of the Group Audit Committee will be disclosed as part of the publication of the annual financial statements for all entities within the Group.

9.8 Membership and Constitution

- 9.8.1 Northumberland County Council's Audit Committee is a committee of full Council. The terms of reference and responsibilities for Northumberland County Council's Audit Committee agreed by full Council and codified in the Constitution extend to all subsidiaries in the County Council's group.
- 9.8.2 (b) The Audit Committee comprises eight elected members, an independent co-opted Chair, and two further independent co-opted members. Independent co-opted members are appointed from the local community following a competitive recruitment process.
- 9.8.3 It is expected that the Executive Director of Transformation and Resources (S151 Officer) and Head of Internal Audit and Risk Management will attend all meetings of Northumberland County Council's Audit Committee when that Committee is discharging the functions of the Group Audit Committee. The Committee may require the attendance of other Members of the Executive Team and other senior staff from time to time, when discharging its role as Group Audit Committee.
- 9.8.4 In line with good practice the Chief Executive and Leader of the County Council may attend meetings of the Committee to discuss matters relating to group entities if appropriate, by invitation from the Chair of the Audit Committee.
- 9.8.5 Internal and external auditors for all entities within the group are required to attend committee meetings at the Committee's request, when matters relating to Group governance are being considered.
- 9.8.6 The Chair of the Audit Committee may require any person in attendance at a meeting to leave the meeting if necessary in relation to one or more agenda items when discharging the functions of Group Audit Committee.

9.9 Objectives

The responsibilities of the Group Audit Committee in relation to each aspect of its role are defined below. It is expected that except for dormant entities within the Group (as reported and recorded formally at Companies House) the Group Audit Committee will undertake the following duties in respect of all group entities:

9.9.1 Financial reporting

- (a) To review and, if appropriate, approve the Group Accounts, focusing particularly on:

- (i) any changes in accounting policies and practice;
 - (ii) significant financial reporting judgements;
 - (iii) material adjustments resulting from the External Audit;
 - (iv) the going concern assumption;
 - (v) compliance with accounting standards and best practice;
 - (vi) compliance with any regulatory or legal requirements;
 - (vii) monitoring the integrity of all formal announcements relating to financial performance as appropriate, reviewing significant financial reporting judgements contained in them;
 - (viii) ensuring that all financial reports to external parties are balanced and fair, and conform with accounting and other regulatory requirements and standards;
 - (ix) confirming the outcome of the external audit and its contribution to the integrity of the financial reporting, including that there are no outstanding areas of disagreement between management and the external auditors; and
 - (x) learning from the external auditor of any principal matters of concern.
- (b) To monitor the financial reporting process and submit recommendations or proposals to ensure its integrity.

9.9.2 **External Audit**

- (a) to monitor and review the independence, objectivity and effectiveness of the external auditors appointed to group entities, their performance and the standard of their work, taking into consideration relevant UK professional and regulatory requirements; to monitor the statutory audit of the annual and consolidated accounts;
- (b) to consider whether the Group is obtaining value for money from its external auditors;
- (c) to oversee the reappointment or otherwise of the external auditors, highlighting any comments or concerns to the Chief Executive as required;
- (d) to approve the remuneration and terms of engagement of the external auditors;

- (e) to approve, monitor and review policy on the engagement of the external auditors to supply additional non-audit services, taking into account relevant ethical and professional guidance;
- (f) to maintain oversight over the scope of work via the annual engagement letter;
- (g) to maintain oversight of the external audit management letter or any other reports issued to group entities by their external auditor;
- (h) to monitor the progress of the implementation of agreed recommendations by group entities.

9.9.3 Internal Control

- (a) to maintain oversight on whether there is confidence that there is a sufficient and systematic review of the internal control arrangements within the Group, including whether assurances in this regard are made to an appropriate committee or officer of the County Council;
- (b) to maintain oversight on whether any significant weaknesses identified are dealt with and reported to an appropriate committee or officer of the County Council;
- (c) to review and approve, on a biennial basis, the Group Audit Policy;
- (d) to monitor any instances of fraud within group entities
- (e) to commission special investigations into matters of particular concern relating to internal control within group entities;
- (f) to learn from the internal and external auditors of any major audit findings within group entities, and to advise thereon;
- (g) to receive an annual report on compliance with all Health and Safety requirements from each entity within the Group; and
- (h) report any recommendations relating to Group activities to the County Council's Chief Executive and / or to Cabinet as appropriate.

9.9.4 Internal Audit

- (a) to ensure that each entity within the Group has appropriate internal audit arrangements;

- (b) to approve the nature and scope of such arrangements for each entity, as documented in the Group Audit Policy, and to monitor and review the effectiveness of these arrangements;
- (c) to review the planned programme of work of the internal auditors for each entity within the group;
- (d) to consider a summary of the issues and management responses presented within internal audit reports and monitor progress made by group entities against actions, to ensure that management reacts appropriately to implement any recommendations arising from the reports.

9.9.5 High Level Risk and Control Framework

- (a) to maintain oversight of the risk management arrangements in place within each group entity, and whether assurance sources indicate that an effective internal controls framework is embedded as part of the culture of each group organisation;
- (b) to seek assurance that there is a rigorous process for the identification, classification and management of risks by each group entity;
- (c) to report to the County Council's Chief Executive or Cabinet any risks that Audit Committee consider are of major concern;
- (d) to seek assurance that each group entity has a Business Continuity Plan which is regularly tested;
- (e) to seek assurance that each entity within the Group is maintaining an Assets and Liabilities Register;
- (f) to seek assurance that an assurance mapping mechanism for linking assurances from various sources to the risk that threaten the achievement of an organisation's outcomes and objectives is in place.

9.9.6 Fraud Awareness

The County Council's Audit Committee when acting as Group Audit Committee will review the effectiveness of fraud awareness issues throughout the Group by:

seeking assurance that each group entity has appropriate probity policies and procedures, including on anti-fraud, anti-bribery and anti-corruption awareness, and anti-money laundering, and that these policies have been formally adopted and regularly reviewed according to the decision making procedures in place within each group entity.

- (a) seeking assurance that these policies have been distributed and training around the above fraud related policies and

procedures provided to officers, directors and co-opted individuals associated with each entity within the group;

- (b) receiving, periodically, reports on fraud issues as they have affected the Group;
- (c) seeking assurance that each group entity has prepared a fraud response plan.

9.9.7 Treasury Management

The County Council's Audit Committee when discharging the role of Group Audit Committee will seek assurance that all group entities have developed a Treasury Management Policy Statement which has been agreed by the Executive Director (Resources) of the County Council.

9.10 Group Audit Policy

It is expected that where this complies with relevant applicable laws, entities within the Group will appoint the same External Audit and Internal Audit service provider as that appointed to Northumberland County Council.

9.11 Accountability

9.11.1 The County Council's Audit Committee, to discharge its responsibilities as Group Audit Committee, will at least once a year request from the Executive Director (Finance) an updated list of all entities which are within Northumberland County Council's accounting group boundary.

9.11.2 The County Council's Audit Committee, to discharge its responsibilities as Group Audit Committee, will write at the commencement of each municipal year to all entities within the Group and seek written assurance from each entity on all relevant matters within these Terms of Reference. The responses received from each entity will be reported to and considered by Committee.

9.11.3 This will be supplemented by Audit Committee then seeking further assurance from Internal Audit, External Audit or management within each Group entity on the responses provided by each entity as appropriate, again in line with these Terms of Reference.

9.11.4 Acting as Group Audit Committee, the County Council's Audit Committee may then request additional assurance work from Internal Audit or External Audit in relation to group activities covered by these Terms of Reference as appropriate.

9.12 Authority

9.12.1 Northumberland County Council's Audit Committee, when discharging these Terms of Reference as Group Audit Committee has the authority to:

- (a) require any information to be provided to it by any part of the Group which is reasonably necessary for the discharge of its responsibilities; and
- (b) instruct Internal Audit in consultation with the Chief Executive, Executive Director (Finance) or Service Director (Governance), as appropriate, to take forward any tasks or actions prescribed by the Committee towards the fulfilment of the Committee's Terms of Reference.

9.13 Scrutiny Committees

Please see link for [Part 6](#)

Committee	Remit of the committee
1. Communities and Place Overview and Scrutiny Committee	Matters relating to housing, climate change, highways and neighbourhood, fire and rescue and community safety, including CONTEST, Prevent and Channel, culture, arts, leisure, and tourism, and to the provision of Council services to communities in the built and natural environment of Northumberland
2. Corporate Services and Economic Growth Overview and Scrutiny Committee	Matters relating to economic development and the Council's corporate services, strategic transport, and budgetary and performance management.
3. Family and Children's Services Overview and Scrutiny Committee	Matters relating to the provision of education, lifelong learning, and safeguarding children
4. Health and Well Being Overview and Scrutiny Committee	Matters relating to the provision of health services in Northumberland and the general well-being of its residents, and to hold to account the Health and Wellbeing Board

9.14 Communities and Place Overview and Scrutiny Committee

9.14.1 Terms of Reference

- (a) To maintain an overview of the Management Agreements in place between the County Council and Active Northumberland, Woodhorn Museum Charitable Trust and Northumberland Tourism.
- (b) To monitor, review and make recommendations about:
 - (i) Development planning
 - (ii) Neighbourhood Planning
 - (iii) Conservation
 - (iv) Housing
 - (v) Climate Change
 - (vi) Countryside, Biodiversity and landscape quality
 - (vii) Waste Management and Energy Use
 - (viii) Public and community transport network and travel to school
 - (ix) Highway maintenance, Streetscape, and the local environment
 - (x) Local and Neighbourhood services
 - (xi) Crime, Community Safety, and fear of crime, including CONTEST, Prevent and Channel (**NB** see note below)
 - (xii) Antisocial behaviour and domestic violence
 - (xiii) Fire and rescue
 - (xiv) Emergency services and Emergency planning
 - (xv) Customer Services
 - (xvi) Provision of cultural and leisure facilities
 - (xvii) Improving quality of life through access to culture and leisure
 - (xviii) Supporting economic growth in the arts, culture, and leisure sectors

NB CONTEST refers to the National Counter Terrorism Strategy which is split into four workstreams known as the 4Ps. This includes "Prevent" which is intended to stop individuals being drawn into, or supporting, terrorism and includes countering terrorist ideology and challenging those who promote it. A key element is "Channel" which is intended to protect the vulnerable being drawn into terrorism. The Council has the statutory responsibility to

lead the Channel Panel, a multi-agency approach to protecting the vulnerable, by identifying those at risk, assessing the nature and extent of the risk and developing support plans for individuals. The Committee will also be responsible for scrutinising any similar policy initiatives.

9.15 Corporate Services and Economic Growth Overview and Scrutiny Committee

9.15.1 Terms of Reference

- (a) To maintain an overview of the Council's Annual Budget and Budgetary Management via the Medium Term Financial Plan
- (b) To review the state of Northumberland and the County Council's activity in delivering its Corporate Plan
- (c) To maintain an overview of the Council's performance management arrangements, highlighting areas of poor performance and monitoring recovery delivery plans
- (d) To maintain an overview of the Management Agreements in place between the Council and Advance Northumberland.
- (e) To monitor, review and make recommendations about:
 - (i) Corporate Services: Organisational Development, Health and Safety, ICT Strategy, Corporate Governance, Financial Services, Procurement Strategy, Risk Strategy, Shared and Traded Services
 - (ii) Partnership development co-ordination with local organisations
 - (iii) Relationships with external bodies
 - (iv) Regeneration and Economic Development
 - (v) Strategic Transport Network and Infrastructure
 - (vi) Employability, Skills, and removing barriers to work
 - (vii) Capital Programme and Asset Management
 - (viii) Support to VCS organisations and the Council's relationship with town and parish councils

9.16 Family and Children's Services Overview and Scrutiny Committee

9.16.1 Terms of Reference

- (a) To monitor, review and make recommendations about:
 - (i) Early Years

- (ii) Education and Schools
 - (iii) Special education needs and disability
 - (iv) Adult and Community Education
 - (v) Training and Vocational Education
 - (vi) Lifelong Learning
 - (vii) Youth Offending
 - (viii) Social Services for Children and Young People
 - (ix) Children's Health
 - (x) Teenage Sexual Health
 - (xi) Looked After Children
 - (xii) Safeguarding - Children
 - (xiii) Youth Services
 - (xiv) Family Services
 - (xv) Children's Centres
- (b) To oversee and monitor school improvement, as follows:
- (i) To receive feedback on the Ofsted inspection of schools.
 - (ii) To support the work of the County Council and the progress of schools on the School Intervention and Support Programme in specified categories.
 - (iii) To receive an annual report about the number of schools that have been on the School Intervention and Support Programme, the reason(s) for their inclusion, the support given by the Council and the success of this support.
 - (iv) To receive an annual report on the performance of schools.

9.17 Health and Wellbeing Board

9.17.1 Terms of Reference

- (a) To transform the way health and social care services are commissioned and provided to promote integration, improve the health and wellbeing of the population of Northumberland and reduce health inequalities.

- (b) To set out the strategic vision for health and wellbeing for Northumberland to provide a shared sense of direction for constituent organisations of the board.
- (c) To promote a shared transformational culture and set of key principles, across constituent organisations of the board, to drive positive change.
- (d) To hold the system to account to prioritise early intervention and primary intervention.
- (e) To improve democratic accountability for health and wellbeing decision making.
- (f) To provide a focus for Health and Wellbeing Board partners and total public sector commitment to improving population wellbeing and health outcomes.
- (g) To ensure the engagement of the public in determining needs and service commissioning.
- (h) To undertake regular reviews of the Board's activity to ensure that it is achieving what it is setting out to do.

9.17.2 **Statutory functions**

- (a) To encourage all health and social care organisations which operate within Northumberland to work together in an integrated manner.
- (b) To provide all appropriate advice, assistance and support to encourage the development of formal partnership arrangements between social care and health services, making use of the powers provided by Section 75 of the NHS Act 2006.
- (c) To oversee the production of the Joint Strategic Needs Assessment (JSNA) for Northumberland, covering all needs which either fall within the responsibilities of health commissioners, but could alternatively be met or significantly affected by local authority functions or vice versa.
- (d) To produce a joint health and wellbeing strategy (JHWS) for Northumberland, on behalf of the Council and Northumberland Clinical Commissioning Group.
- (e) To ensure that Healthwatch Northumberland and the people who live and work in Northumberland are involved in the production of the JSNA and the JHWS.
- (f) To maintain and update Northumberland's Pharmaceutical Needs Assessment.

- (g) To respond to any pharmacy contract consolidation request submitted to NHS England within the statutory timeframe.

9.17.3 **Additional functions delegated by Council**

- (a) To monitor performance against designated health and wellbeing outcomes as detailed in the Health and Well Being Strategy and to hold partners to account.
- (b) To advise all partners and stakeholders on steps that they could take to reduce health inequalities within Northumberland and between Northumberland and England as a whole
- (c) To promote broader integration and partnership working between the NHS, social care, public health and other local services
- (d) Any other functions that may be delegated by the Council under section 196 (2) of the Health and Social Care Act 2012.

9.18 **Health and Wellbeing Overview and Scrutiny Committee**

9.18.1 **Terms of Reference**

- (a) To promote well-being and reduce health inequality, particularly in supporting those people who feel more vulnerable or are at risk.
- (b) To discharge the functions conferred by the Local Government Act 2000 of reviewing and scrutinising matters relating to the planning, provision and operation of health services in Northumberland.
- (c) To take a holistic view of health in promoting the social, environmental and economic well-being of local people.
- (d) To act as a consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee.
- (e) To monitor, review and make recommendations about:
 - (i) Adult Care and Social Services
 - (ii) Adults Safeguarding
 - (iii) Welfare of Vulnerable People
 - (iv) Independent Living and Supported Housing
 - (v) Carers Well Being

- (vi) Mental Health and Emotional Well Being
- (vii) Financial inclusion and fuel poverty
- (viii) Adult Health Services
- (ix) Healthy Eating and Physical Activity
- (x) Smoking Cessation
- (xi) Alcohol and drugs misuse
- (xii) Community Engagement and Empowerment
- (xiii) Social Inclusion
- (xiv) Equalities, diversity and community cohesion

9.19 County Emergency Committee (non-executive functions to be revised)

9.19.1 Terms of Reference and Powers

- (a) To function under emergency legislation and to deal with such matters concerning the Council's civil contingencies functions as may be referred to them by the Council
- (b) To reconvene when called upon either before, during or after a significant incident or emergency whereby the County Council may be required to respond beyond its normal day to day capabilities

9.20 Dismissal Advisory Committee

9.20.1 Terms of Reference and Powers

To provide independent advice to full Council on matters relating to a proposal to dismiss the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer on the grounds of conduct, capability or other substantial reason

Composition: To be appointed as and when required and to comprise the Council's Independent Person and such other Independent Person as may be appointed by the Council for such purpose

9.21 Disputes Panel (Fire and Rescue Service)

9.21.1 Terms of Reference and Powers

To hear disputes, as required, in accordance with the provisions in the Scheme of Conditions of Service of Local Authorities Fire Brigades

9.22 Fostering Panel (Advisory Panel to be revised)

9.22.1 **Terms of Reference and Powers**

The functions of the Fostering Panel are specified in [Part 5](#) Regulation 25 of the Fostering Service (England) Regulations:

- (a) To consider each application for approval and to recommend whether or not a person is suitable to be a foster parent
- (b) Where it recommends approval of an application, to recommend any terms on which the approval is to be given
- (c) To recommend whether or not a person remains suitable to be a foster parent, and whether or not the terms of their approval (if any) remain appropriate:
- (d) on the first Review carried out in accordance with Regulation 28(2)
- (e) on the occasion of any other Review, if requested to do so by the Fostering Service provider in accordance with Regulation 28(5), and
- (f) To consider any case referred to it under Regulation 27(9) or 28(10).

9.22.2 The Fostering Panel must also:

- (a) advise, where appropriate, on the procedures under which Reviews in accordance with Regulation 28 are carried out by the Fostering Service provider, and periodically monitor their effectiveness
- (b) oversee the conduct of assessment carried out by the Fostering Service provider, and
- (c) give advice and make recommendations on such other matters or cases as the Fostering Service provider may refer to it.

9.23 Governing Body of Netherton Park (Advisory)

9.23.1 **Terms of Reference and Powers**

To exercise the functions of the Responsible Body of the Home.

9.24 Health and Wellbeing Board (separate rules for appointment)

9.24.1 **Terms of Reference**

- (a) To transform the way health and social care services are commissioned and provided to promote integration, improve

the health and wellbeing of the population of Northumberland and reduce health inequalities.

- (b) To set out the strategic vision for health and wellbeing for Northumberland to provide a shared sense of direction for constituent organisations of the board.
- (c) To promote a shared transformational culture and set of key principles, across constituent organisations of the board, to drive positive change.
- (d) To hold the system to account to prioritise early intervention and primary intervention.
- (e) To improve democratic accountability for health and wellbeing decision making.
- (f) To provide a focus for Health and Wellbeing Board partners and total public sector commitment to improving population wellbeing and health outcomes.
- (g) To ensure the engagement of the public in determining needs and service commissioning.
- (h) To undertake regular reviews of the Board's activity to ensure that it is achieving what it is setting out to do.

9.24.2 **Statutory functions**

- (a) To encourage all health and social care organisations which operate within Northumberland to work together in an integrated manner.
- (b) To provide all appropriate advice, assistance and support to encourage the development of formal partnership arrangements between social care and health services, making use of the powers provided by Section 75 of the NHS Act 2006.
- (c) To oversee the production of the Joint Strategic Needs Assessment (JSNA) for Northumberland, covering all needs which either fall within the responsibilities of health commissioners, but could alternatively be met or significantly affected by local authority functions or vice versa.
- (d) To produce a joint health and wellbeing strategy (JHWS) for Northumberland, on behalf of the Council and Northumberland Clinical Commissioning Group.
- (e) To ensure that Healthwatch Northumberland and the people who live and work in Northumberland are involved in the production of the JSNA and the JHWS.

- (f) To maintain and update Northumberland's Pharmaceutical Needs Assessment.
- (g) To respond to any pharmacy contract consolidation request submitted to NHS England within the statutory timeframe.

9.24.3 Additional functions delegated by Council

- (a) To monitor performance against designated health and wellbeing outcomes as detailed in the Health and Well Being Strategy and to hold partners to account.
- (b) To advise all partners and stakeholders on steps that they could take to reduce health inequalities within Northumberland and between Northumberland and England as a whole
- (c) To promote broader integration and partnership working between the NHS, social care, public health and other local services
- (d) Any other functions that may be delegated by the Council under section 196 (2) of the Health and Social Care Act 2012.

9.25 JCC (working Group)

9.25.1 Terms of Reference

To bring together Members and employees of the Council and their representatives in consultation on strategic and policy matters in order to further the aims and improve the efficiency of the County Council's services.

9.26 Licensing Committee (Not subject to Proportionate Political Rules)

9.26.1 Terms of Reference and Powers

- (a) The Licensing Committee will exercise all the powers and duties of the Council under the Licensing Act 2003 and the Gambling Act 2005, except for those functions that are reserved to the Council.
- (b) The Licensing Committee may arrange for any functions which it exercises to be discharged by:
 - (i) a Sub-Committee established by it, or
 - (ii) an officer of the Council as Licensing Authority.
 - (iii) The Committee will report to the Council on any such arrangements it may make.

- (c) Where the Licensing Committee exercises the function of determining any application or similar matter, it will do so through a Sub Committee.

9.27 Licensing and Regulatory Committee

9.27.1 Terms of Reference and Powers

Except where the matter is delegated either expressly to the Head of Housing and Public Protection or alternatively to officers in accordance with the Public Protection internal scheme of management, the Licensing and Regulatory Committee has the following delegated powers:-

- (a) to be responsible for licensing matters relating to the following areas, including suspension and revocation of licences and applications where there has been a refusal to grant, renew or vary a licence, or where there are relevant objections to grant, vary or renew:-
 - (i) animal boarding establishments
 - (ii) betting tracks
 - (iii) dangerous wild animals
 - (iv) dog breeding establishments
 - (v) game dealers
 - (vi) hackney carriage drivers and proprietors
 - (vii) hypnotism
 - (viii) lotteries
 - (ix) motor salvage operators
 - (x) pet shops
 - (xi) pleasure boats and navigators
 - (xii) private hire vehicle drivers, proprietors and operators
 - (xiii) sex establishments
 - (xiv) street collections
 - (xv) street trading – prohibited areas
 - (xvi) theatres and cinemas
 - (xvii) film classification

- (xviii) use of land as a caravan site
- (xix) use of moveable dwellings and camping sites
- (xx) premises for acupuncture, tattooing, ear piercing and electrolysis
- (xxi) safety certificates for sports grounds
- (xxii) zoos
- (xxiii) knackers yards
- (b) to be responsible for any other licensing matters, including applications for licenses or registrations which are not delegated to any other body;
- (c) to make recommendations on licensing policy;
- (d) to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
- (e) to make recommendations to full Council in respect of bye-laws, including making new, or amending or revoking existing bye-laws;
- (f) to consider and respond on behalf of the Council to consultation exercises where it is appropriate to do so following agreement with the Chair of the Committee.

Where the Licensing and Regulatory Committee exercises the function of determining any application or similar matter, it may do so through a Sub-Committee.

9.28 Local Area Committee's

9.28.1 Terms of Reference

- (a) To enhance good governance in the area and ensure that the Council's policies take account of the needs and aspirations of local communities and do not discriminate unfairly between the different Areas
- (b) To advise the Cabinet on budget priorities and expenditure within the Area
- (c) To consider, develop and influence policy and strategy development of the Council, its arms-length organisations, and other relevant bodies, to ensure that they meet local

requirements and facilitate efficient and transparent decision making

- (d) To receive information, consider and comment on matters associated with service delivery, including those undertaken in partnership agencies, affecting the local area to ensure that they meet local requirements, including matters relating to community safety, anti-social behaviour and environmental crime
- (e) To consider and refer to Cabinet any issues from a local community perspective with emerging Neighbourhood Plans within their area, and consider local planning applications as per the planning delegation scheme
- (f) To consider and recommend adjustments to budget priorities in relation to Local Transport Plan issues within their area, and to make decisions in relation to devolved capital highway maintenance allocations
- (g) To engage, through the appropriate networks, with all key stakeholders from the public, private, voluntary and community sectors to facilitate the delivery of area priorities. This will include undertaking regular liaison with parish and town councils
- (h) To inform, consult and engage local communities in accordance with Council policy and guidance, through the appropriate networks
- (i) To, as appropriate, respond or refer with recommendations to local petitions and Members calls for action
- (j) To make certain appointments to outside bodies as agreed by Council
- (k) To determine applications for grant aid from the Community Chest, either through Panels for individual Local Area Committee's, or through the Panel of Local Area Committee Chairs for countywide applications
- (l) To refer and receive appropriate issues for consideration to or from other Council Committees, and as appropriate invite Portfolio Holders to attend a meeting if an item in their area of responsibility is to be discussed.
- (m) To exercise the following functions within their area:-
 - (i) the Council's functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way.

- (ii) the Council's functions as the Commons Registration Authority for common land and town/village greens in Northumberland.
- (iii) the Council's functions in relation to the preparation and maintenance of the Rights of Way Improvement Plan.
- (iv) the Council's functions in relation to the Northumberland National Park and County Joint Local Access Forum (Local Access Forums (England) Regulations 2007.
- (v) the Council's role in encouraging wider access for all to the County's network of public rights of way and other recreational routes.

9.29 Petitions Committee

9.29.1 Terms of Reference

- (a) To consider those petitions of a corporate or county wide nature which do not fall within the remit of the Local Area Committee's, planning and other regulatory committees (petitions about planning or licensing applications may not be considered), and to make appropriate recommendations to full Council, the Cabinet or other committees, or on matters delegated to officers, depending upon the subject matter.
- (b) To consider petitions about local issues in exceptional circumstances, when agreed by the Chair.

9.30 Schools Forum (Advisory not subject to Proportionate Political Rules)

9.30.1 Terms of Reference

The operation and conduct of the Schools Forum shall be in accordance with the Schools Forums (England) Regulations 2012. The Forum will have advisory and decision making powers as specified in those Regulations in relation to the School Budget, which includes not only budget shares, but also all monies directly related to the education of pupils whether in school or otherwise, arrangements for early years provision, insurance, free school meals and administrative arrangements for the allocation of central government grants paid to schools via the authority. In addition, the Forum will have a significantly extended role, and will be the main consultative interface between the County Council and the school community, and could be involved in discussion on a wide range of issues outside the scope of the legislation.

9.31 Employment (Appeals) Committee Terms of Reference and Powers

9.31.1 To discharge the Council's disciplinary functions as an employer, in relation to the Head of Paid Service and Chief and Deputy Chief Officers.

NB: It should be noted that the arrangements at paragraphs 9.31.2 to 9.31.5 below apply to disciplinary action in relation to a Statutory Officer (defined as the Head of Paid Service, Monitoring Officer and Chief Finance Officer).

9.31.2 To consider and determine whether a Statutory Officer (defined as the Head of Paid Services, Monitoring Officer and Chief Finance Officer) should be suspended (or continue to be suspended) either immediately, or following a preliminary investigation into their conduct, and to formally review any suspension after it has been in place for two months in consultation with the Independent Investigator and after taking into account any representations by the Officer. Suspension will not be appropriate in every case as this will depend on the nature of the allegations or seriousness of the issue and before suspending a Statutory Officer careful consideration should be given to whether it is necessary or if there are any suitable alternative ways of managing the situation.

9.31.3 The Monitoring Officer or, in the case of a conflict of interests, a Deputy Monitoring Officer in consultation with the Director of Human Resources and the Chair of the Committee may determine that a decision on the suspension of a Statutory Officer is required at very short notice and before the Committee can meet, if his or her continued presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council. Any decision to suspend must be reviewed by the Committee as soon as it is practicable to do so.

9.31.4 To consider and determine disciplinary action short of dismissal in relation to a Statutory Officer in accordance with the Local Authorities (Standing Orders) Regulations 2001 (as amended) and JNC Model Disciplinary Procedure.

9.31.5 To make recommendations to Council regarding the dismissal of a Statutory Officer for capability, conduct or for some other substantial reason

9.31.6 To determine grievance appeals relating to the Chief Executive and Chief Officers (as defined in the terms of reference for the Grievance Committee).

9.31.7 To hear and determine disciplinary action in relation to other Chief and Deputy Chief officers (defined in S.2 (1) (b) (c) and (d) of the Local Government and Housing Act 1989). NB Composition: Members will be drawn from a panel of 20 Members (to include 4 Cabinet Members) announced as such a panel at the commencement of the municipal year. No dismissal of a chief or deputy chief officer shall be taken until the officer appointment procedure rules have been complied with

9.32 Grievance Committee

9.32.1 Terms of Reference

To discharge the employer's functions to hear and determine any grievance brought by or against the Chief Executive and Chief Officers of the Council. For the purpose of these Terms of Reference 'Chief Officer' defined as the Monitoring Officer and any officer defined in S.2 (1) (b) of the Local Government and Housing Act 1989.

The Committee will consist of 5 Members in accordance with political proportionality on the Council. Membership shall not overlap with those appointed to the Employment (Appeals) Committee.

9.32.2 Grievances raised by the Chief Executive or Chief Officer

If the Chief Executive or Chief Officer believes that they have a grievance regarding their employment it should be raised initially with the Monitoring Officer and Director of HR. They will establish whether the matter can be resolved informally. This might be through internally facilitated discussions or by external mediation.

If the grievance cannot be resolved informally to the satisfaction of the officer, the Monitoring Officer shall oversee a 2 stage process:

- (a) Stage 1: the grievance will be referred to the Grievance Committee. In most cases it will be appropriate for the committee to commission an independent investigator to carry out an investigation. The Grievance Committee should invite the officer to meet in person and hear the officer's grievance and subsequently hear the independent investigator's report before making a decision.
- (b) Stage 2: Should the officer wish to appeal against the decision of the Grievance Committee, an appeal will lie to a sub-committee of the Employment (Appeals) Committee consisting of 5 Members appointed for that purpose.

9.32.3 Grievances raised about a Chief Officer

Grievances raised against a Chief Officer should be raised, in the first instance, to the officer's line manager. The line manager should explore whether the matter can be resolved informally.

Where informal attempts at resolutions have not succeeded or have proved unsuccessful, the manager, in consultation with HR, will manage the stage one procedure.

9.32.4 Formal Stage One

- (a) In most cases it will be appropriate for an independent investigator to be appointed to carry out the investigation.

- (b) A grievance meeting will take place where the officer can discuss their grievance
- (c) The officer has the right to be accompanied by a Trade Union representative or work colleague to any meetings relating to their grievance.
- (d) The line manager will hear the case and, taking into account the investigation report, reach their conclusion which will be communicated to the officer without delay.

9.32.5 **Formal Stage Two**

- (a) If the manager does not uphold the grievance, then the officer has a right of appeal to the Employment (Appeals) Committee. The Employment (Appeals) Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Monitoring Officer.
- (b) If the Employment (Appeals) Committee dismisses the appeal, then the matter would be regarded as having been concluded.

9.32.6 **Grievances raised about the Chief Executive**

Grievances raised against the Chief Executive, should be made to the Director of HR and referred to the Monitoring Officer.

The Monitoring Officer should establish whether there is a substantive complaint which, if proved would fall within the Grievance Policy, rather than a complaint about services or policy decisions for which the Chief Executive is not responsible, or a matter that should be dealt with under the disciplinary or other policy of the council. The Monitoring Officer will consult with the Director of HR and the Chair of the Grievance committee in reaching that decision.

If the matter does fall within the Grievance Policy, the Monitoring Officer and Director of HR will explore whether the matter may be resolved informally. This might be through internally facilitated discussions or by external mediation.

If the matter remains unresolved, the Monitoring Officer will refer the matter for determination by the Grievance Committee.

9.32.7 **Formal Stage One**

- (a) Where informal attempts at resolutions have not succeeded or have proved unsuccessful, the Monitoring Officer and Director of HR will manage the stage one procedure. In most cases it will be appropriate for an independent investigator to be appointed to carry out the investigation.

- (b) A hearing will take place of the Grievance Committee at which the Chief Executive has the right to make representations.
- (c) The officer has the right to be accompanied by a Trade Union representative or work colleague to any meetings relating to their grievance.
- (d) The Grievance Committee will hear the case and reach its conclusion which may include one of the following:
- (e) Uphold the grievance. This may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the complainant.
- (f) Uphold the grievance and, if the matter is of a serious nature, then it may decide to refer the matter to the Employment Appeals Committee.
- (g) Dismiss the grievance. If dissatisfied with the outcome, the aggrieved employee then has a right of appeal.

9.32.8 Formal Stage Two

If the Grievance Committee finds against the complainant, then that person has a right of appeal to the Employment (Appeals) Committee. The Employment (Appeals) Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Monitoring Officer. o If the Employment (Appeals) Committee dismisses the appeal, then the matter would be regarded as having been concluded.

9.33 Staff and Appointments Committee

9.33.1 Terms of Reference and Powers

To discharge the Council's functions of the employer in relation to the Chief and Deputy Chief Officers. Chief Officer is defined as the Head of Paid Service, the Monitoring Officer and any officer as defined in S.2 (1) (b) (c) and (d) of the Local Government and Housing Act 1989.

- (a) To consider, approve, or make recommendations to the County Council, in relation to any changes to the overall structure of the Council's workforce and the number and designation of Chief Officer and Deputy Chief Officer posts.
- (b) To determine the terms and conditions relating to employees of the County Council to include the remuneration and terms and conditions of employment for the Head of Pain Service and Chief and Deputy Chief Officers
- (c) To exercise the discretions available to the employer under the Local Government Pension Scheme and relation

legislation in relation to the Head of Pain Service and to Chief and Deputy Chief Officers

- (d) To approve any voluntary severance, settlement or ex-gratia payments to be made to the Head of Paid Service or to Chief or Deputy Chief Officers.
- (e) to approve staff policies

NB: No offer of appointment may be made to a Chief or Deputy Chief Officer until the Officer Employment Procedure Rules have been complied with.

The Head of Pain Service may approve acting up arrangements in the case of the temporary absence of a Chief or Deputy Chief Officer but may not appoint any interim arrangement without the approval of the committee and compliance with the Officer Appointment Procedure Rules set out in the Constitution.

9.34 Standards Committee

9.34.1 Terms of Reference and Powers

- (a) promoting and maintaining high standards of conduct by Members, town and parish councillors, co-opted Members and church and parent governor representatives
- (b) assisting the Members, town and parish councillors, co-opted Members and church and parent governor representatives to observe the Members Code of Conduct
- (c) advising the Council on the adoption or revision of the Members Code of Conduct
- (d) (monitoring the operation of the Members Code of Conduct
- (e) advising, training, or arranging to train Members, town and parish councillors, co-opted Members and church and parent governor representatives on matters relating to the Members Code of Conduct
- (f) granting dispensations to Members, town and parish councillors, co-opted Members church and parent governor representatives from requirements relating to Disclosable Pecuniary Interests set out in the Members Code of Conduct
- (g) assessing and reviewing complaints about Members and conducting determinations' hearings
- (h) granting exemptions for politically restricted posts
- (i) such other roles as may be given by the Council

9.35 Standing Advisory Council on Religious Education

9.35.1 Terms of reference

To advise the Authority upon such matters connected with religious worship in County schools and the religious education to be given in accordance with an agreed syllabus as the Authority may refer to the Council, or as the Council may see fit.

9.36 Strategic Planning Committee

9.36.1 Terms of Reference and Powers

- (a) To exercise the powers and duties of the Council as Planning Authority in relation to development management under the Town and Country Planning Acts and other associated/related legislation and in particular, but not limited to, those functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, including the following matters which specifically require a decision by the Strategic Planning Committee:
 - (i) minerals and waste planning
 - (ii) development concerning major energy and physical infrastructure proposals such as wind farms
 - (iii) planning applications involving more than 100 houses and/or more than 1,000 sq metres of commercial floorspace
 - (iv) planning applications involving less than 100 houses and/or less than 1,000 sq metres of commercial floorspace which raise significant strategic planning policy issues, and
 - (v) any other planning applications which represent a significant departure from the Development Plan
 - (vi) Decisions involving formal enforcement action, when requiring Committee approval, will fall to be determined by Local Area Committee's.
 - (vii) All applications are to be determined by the Chief Planning Officer in accordance with the powers set out in the internal scheme of delegation except for the following which fall to the Committee to determine:
 - (viii) Applications submitted by or on behalf of elected Members of the Council or by their spouses/partners

- (ix) Applications involving land and/or premises in the ownership or under the control of elected Members of the Council or their spouses/partners
 - (x) Applications in which any senior officer* of the Council has a personal and prejudicial interest
 - (xi) Determination of applications submitted by or on behalf of the Council (or by or on behalf of companies controlled by the Council); or of applications relating to land in which the Council (or company) has a significant interest (NB council to refuse such applications is delegated)
 - (xii) Approval of applications where, in the opinion of the Relevant Officer, such an approval would constitute a departure from the approved Development Plan and would require a reference to the Secretary of State
 - (xiii) Any application which an elected Member of the Council requests should be considered by the Committee, provided the request is in writing, is received within 21 days of the application appearing on the weekly list, and is supported by bona fide planning reasons (which will be reported to the Committee together with the Members name)
 - (xiv) Any application which the Relevant Officer considers should be determined by the Committee because of special planning issues or considerations it raises including significant local interest, and
 - (xv) Determination of applications where there are contrary comments received within the consultation period given raising bona fide planning issues from statutory consultees as defined in National Planning Practice Guidance.
 - (xvi) *For the purposes of the Scheme of Delegation, Senior Officer is defined as Director or Head of Service (or equivalent title)
- (b) Those functions prescribed by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as not being executive functions and not elsewhere allocated by this Constitution