

PART 3 - RESPONSIBILITY FOR FUNCTIONS

PART 3.1 - General

1. Responsibility for decision-making

The Council has a duty to maintain an up-to-date record of which part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

This Part of the Constitution sets out who is responsible for the various functions of Selby District Council.

2. Principles in decision-making

All decisions of the Council will be made in accordance with the principles of decision-making as set out in Article 12 of this Constitution.

3. Responsibility for functions

Functions fall into the following categories:

COUNCIL (NON EXECUTIVE) FUNCTIONS

These are functions which, by law, are not the responsibility of the Executive. In some cases, such as adopting the Council's Budget or the Policy Framework, only the full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

"LOCAL CHOICE" FUNCTIONS

There are some functions which the Council may choose to treat as being the responsibility of the Executive (in part or whole) or as being non-executive functions.

EXECUTIVE FUNCTIONS

All other functions are executive functions. Decisions on these functions will be taken by the Executive acting collectively at an Executive Meeting or delegated to an individual Executive Councillor or an officer in accordance with this Constitution or dealt with under joint arrangements.

4. Decision making which is delegated to Officers

Where a function has been delegated to an officer(s) ("delegated decision making"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) or by another officer(s) ("authorised

officers(s)”) in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

5. Joint Arrangements

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body; and
- (d) establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in all or any of the participating authorities’ areas, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

Details of any joint arrangements including any delegations to joint committees are set out in this Part (see para 3.6).

6. Delegation To and From Other Local Authorities

- (a) By virtue of the Local Government Acts 1972 and 2000, the Council may arrange for the discharge of its functions by another local authority unless the function is also a function of the other local authority’s Executive.
- (b) In accordance with the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (c) The decision whether or not to accept or make arrangements for such a delegation of functions from or to another local authority shall be made only by the Council.

7. Contracting Out

The Council may contract out to another person, body, organisation, or to employees of any such person, body, or organisation, functions which may be exercised by an officer and which are subject to an Order made pursuant to powers under Section 70 of the Deregulation and Contracting Out Act 1994 or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, providing there is no delegation of the Council’s discretionary decision-making.

8. Interpretation

In this part of the Constitution:

“the 2000 Act” means the Local Government Act, 2000;

“the 2000 Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

“the 2007 Act” means the Local Government and Public Involvement in Health Act, 2007;

“the 1972 Act” means the Local Government Act 1972.

PART 3.2 Summary Of Responsibilities

COUNCIL (NON EXECUTIVE) FUNCTIONS¹

Function	Decision-Making Body	Membership	Delegations to Officers
Town and Country Planning, Development Control, Land and Highways	Planning Committee	9 councillors	See Officer Delegations (section 3.8)
Licensing, Registration and Appeals (incl the statutory Licensing Committee) ²	Licensing Committee Licensing Sub-Committee	10 councillors 3 councillors	See Officer Delegations (section 3.8)
Standards	Council	All Councillors	See Officer Delegations (Section 3.8) and the Standards Arrangements in Part 5
Health and Safety at Work	Council	All councillors	See Officer Delegations (section 3.8)
Elections and Other Civic Arrangements (including Byelaws and Bills)	Council	All councillors	See Officer Delegations (section 3.8)

¹ Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

² Licensing Act 2003

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Staff & Pensions	Council	All councillors	See Officer Delegations (Section 3.8)
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The decision making bodies set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

Certain Council (non-executive) functions have also been delegated to officers. Details of those delegations can be found in the Tables in Section 3.8 of this Part.

LOCAL CHOICE FUNCTIONS ³

Function	Decision-Making Body	Membership	Delegation of Functions
Appeals against decisions of the Authority	Licensing Sub Committee	3 councillors	
Best value reviews	The Executive	Executive councillors	
Contaminated Land	The Executive	Executive councillors	
Control of Pollution and Air Quality	The Executive	Executive councillors	
Statutory Nuisance	The Executive	Executive councillors	
Enquiries as to interest in land	The Executive	Executive councillors	
Agreements as to Highway Works	The Executive	Executive councillors	
Appointments (and revocations of appointments) to outside bodies	The Executive	Executive councillors	Appointments to bodies exercising the equivalent of executive functions.
	The Council	All councillors	Appointments to bodies exercising the equivalent of non-executive functions.

³ Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Certain local choice functions have also been delegated to officers. Details of those delegations can be found in the Tables in Section 3.9 of this Part.

SHARED FUNCTIONS⁴

Function	Decision-Making Bodies	Extent of Functions
Plans and alterations which together comprise the Development Plan ⁵	The Executive	Formulation and Development
	The Council	Adoption, amendment and modification
Licensing Policy Statement (Gambling) ⁶	The Executive	Formulation and Development
	The Council	Adoption, amendment and modification
Licensing Act ⁷ 2003 Policy (Alcohol)	The Executive	Formulation and Development
	The Council	Adoption, amendment and modification

Certain shared functions have also been delegated to officers. Details of those delegations can be found in the Tables in Section 3.8 of this Part.

PART 3.3 - Responsibility For Executive Functions

1. The Executive consists of the Leader and between 2 and 9 other Councillors appointed by the Leader, one of whom shall be the Deputy Leader.
2. The Executive exercises the following functions:-
 - a) Providing overall leadership and direction to the Council.
 - b) Discharging all the functions of the Council which are Executive Functions under the law and this constitution
 - c) Formulating, monitoring and reviewing the budget and policy framework, following appropriate consultation, for adoption or approval by the Council.

⁴ Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

⁵ S 38 and s15 Planning and Compulsory Purchase Act 2004

⁶ s349 Gambling Act 2005

⁷ Licensing Act 2003

- d) Leading the search for best value in all that the Council does.
 - e) Ensuring effective performance of the Council in relation to its stated policies and objectives.
 - f) Ensuring that the Council has strategies and plans in place which support the work of the Council, ensure the delivery of its objectives and fulfil its statutory obligations.
 - g) Co-ordinating the policies and activities of the Council.
 - h) Determining all matters to do with the implementation of strategies, plans and policies which are not otherwise delegated to another part of the Council by law or under this Constitution.
 - i) Making appointments to outside bodies which exercise the equivalent of executive functions.
3. The Leader may also delegate functions to officers on a standing or specific basis. The Leader reports annually to Council on the standing delegations to officers.

Role and Composition of the Executive

Members of the Executive

Councillor Mark Crane – Leader of the Council and Lead Executive Member for Place Shaping, Leisure, Strategic Matters, External Relations and Partnerships

Councillor Richard Musgrave – Deputy Leader of the Council and Lead Executive Member for Housing

Councillor Clifford Lunn – Lead Executive Member for Finance and Resources

Councillor David Buckle – Lead Executive Member for Communities and Economic Development

Councillor Tim Grogan – Lead Executive Member for Health and Culture

Executive Portfolios

The Leader

Main Role

To exercise the Executive Leader powers vested in the Leader in accordance with the Local Government Act 2000 as amended by section 62 of the Local Government and Public Involvement in Health Act 2007.

To provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery.

To lead on leisure, the development of external relations and local, regional, national and European policy and strategic partnerships.

Overall responsibility for the promotion, development and delivery of land use and planning activities, as an integral part of making Selby a great place to live in accordance with the Council Plan.

Main Duties and Responsibilities

- i. To Chair the Executive.
- ii. To represent and act as an ambassador for the Authority and to lead in developing strategic partnerships with agencies, citizens and stakeholders in relation to the delivery of strategic objectives in the Council Plan and the provision of services to citizens.
- iii. To have overall responsibility for:
 - (a) Strategic Policy and Budget issues
 - (b) Development, monitoring and implementation of the Policy Framework
 - (c) Communicating the Council's values, vision and objectives to councillors, staff and to citizens, partners and stakeholders
 - (d) The York, North Yorkshire and East Riding and Leeds City Region Local Enterprise Partnerships and the Combined Authority.
- iv. To lead on external communications for the Council.
- v. To lead on major projects.
- vi. To take up corporate membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Authority's own activities.
- vii. To monitor the performance of the Council including the implementation of the Corporate Plan and other major plans by:-
 - (a) Setting strategic performance targets

- (b) Ensuring corporate goals and milestones are met
- (c) Developing new policies and strategies

- viii. To ensure that systems exist to appraise the performance of senior managers.
- ix. To determine the ways in which the Council spends the funds allocated to the Programme for Growth.
- x. Lead political responsibility for corporate support functions such as democratic services, HR, communications and legal services.
- xi. Lead political responsibility for leisure services.
- xii. Representing the Council on regional groups relating to land use planning, such as duty to co-operate groups.
- xiii. To lead on the development, promotion and delivery of policies and strategies in connection with Land Use Planning and Development.

Deputy Leader and Housing Portfolio

Lead political responsibility for public and private sector housing including representation of the Council in North Yorkshire and Leeds City Region housing strategies.

Responsibility for overseeing relationships with outside bodies which do not fall within any other portfolio (such as Internal Drainage Boards).

Main Duties and Responsibilities

- i. To chair Executive Meetings when the Leader is not present.
- ii. To deputise for the Leader at Leeds City region, LEP and Combined Authority meetings as necessary.
- iii. To lead political responsibility for public and private sector housing including representation of the Council in North Yorkshire and Leeds City Region housing strategies.
- iv. To lead on the Housing Delivery Programme Board to give strategic oversight and direction to the implementation of the Council's Housing Delivery Plan.

Finance and Resources Portfolio

Overall Responsibility for co-ordinating and developing the responsibilities and activities of the Council in relation to the effective and efficient use of its resources, monitoring the budget, delivering value for money and the savings plan, debt control, procurement, assets, council tax, revenues and benefits as an integral part of delivering great value in accordance with the Council Plan.

Main Duties and Responsibilities

- i. To lead on the provision of guidance for the capital and revenue budgetary priorities of the Council together with the implementation of strategic budget monitoring policies which will ensure the proper administration of the financial affairs of the Council.
- ii. Lead political responsibility for audit and risk management.
- iii. Lead political responsibility for debt control, procurement, council tax, revenues and benefits, property and asset management.

Communities and Economic Development Portfolio

Overall Responsibility for communities and economic development as an integral part of making Selby a great place to do business and to make a difference, in accordance with the Corporate Plan.

Main Duties and Responsibilities

- i. Lead political responsibility for inward investment, economic development and business partnerships such as STEP.
- ii. Lead political responsibility for funding and support of local community and voluntary sector organisations and Community Safety.
- iii. Lead political responsibility for the access to services agenda and embedding customer focus within services.
- iv. Lead political responsibility for Equality and Diversity.

Health and Culture Portfolio

Overall responsibility for culture and health as an integral part of making Selby a great place to live in accordance with the Council Plan.

Main Duties and Responsibilities

- i. To lead on the development promotion and delivery of policies and strategies in connection with culture, tourism and events.
- ii. To promote and develop effective partnership working arrangements with public, private and voluntary stakeholders to promote the District as a centre of cultural development and as an attractive tourist destination.

- iii. Lead political responsibility for the development and delivery of policies and strategies in connection with the provision of effective and efficient environment services. This includes street scene services, waste collection and disposal, parks and other public spaces, enforcement and environmental health.
- iv. Lead political responsibility for health including environmental health and licensing functions.

Individual Executive Councillor Decision Making 2022/23

The Leader has reserved individual decision-making powers to himself in respect of:

- (i) Any executive decisions (including key decisions), in a situation where the matter is so urgent that it does not allow time for a report to Executive.
- (ii) The allocation of funds within the Programme for Growth.

It is not expected that these individual decision-making powers will be exercised on a regular basis, but the reservation of powers will allow the Council to respond quickly to emerging projects and priorities through decision making and by allocating funding. Key decisions will be taken in accordance with the Executive Procedure Rules.

An individual delegation has been given to the Lead Councillor for Finance and Resources to approve virements above the limits delegated to officers in the financial procedure rules up to a maximum of £75 000.

Individual decisions made by the Leader and the Lead Executive Member for Finance and Resources will be recorded and published in line with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

From time-to-time specific delegations may be made to other Lead Executive Members to deal with matters specified at the time.

Current standing executive delegations to officers are set out in Section 3.8 below.

PART 3.4 – Council Functions delegated to Committees

Specific responsibilities for council (non-executive) functions (including local choice functions delegated to non-executive bodies)

3.4.1 PLANNING COMMITTEE

1. To exercise all functions relating to Town and Country Planning and development management as specified in Section A of Schedule 1 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force including enforcement and all powers under planning legislation to obtain information as to interests and particulars of persons interested in land.

PROVIDED THAT

When any planning application is being considered by the Committee, if, before any decision is made in respect of that application, a Committee member proposes that the decision on the application shall be made by the Council, and if, on a vote being taken by the Committee, there is a majority of votes in favour of that proposal, then the conclusion of the Committee on the planning merits of that application shall be treated as a recommendation by the Committee to the Council.

2. To determine all applications for planning permission made by the Council to which Regulation 3 of the Town and Country Planning General Regulations 1992 applies.
3. To determine all matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the extinguishment or diversion of public highways affected by development and the service of purchase notices and notices as to waste land.
4. To lodge objections against applications for heavy goods vehicles operators' licences.
5. To determine all matters relating to high hedges arising under Part 8 of the Anti-Social Behaviour Act 2003.

3.4.2 LICENSING COMMITTEE

1. To exercise all the licensing and enforcement functions of the Council relating to:
 - (a) Taxi, food and miscellaneous licensing, health and safety and certain deposits on the highway as set out in Sections B, C and I(22) of Schedule 1 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force
 - (b) Contaminated land, control of pollution and the management of air quality as set out in Schedule 2 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force
 - (c) Decisions as to the revocation of HMO licences under the Housing Act 2004
 - (d) Smoke free premises under the Health Act 2006.
 - (e) Motor salvage and scrap metal

Including the setting of fees.

2. The licensing and enforcement functions of the Council relating to
 - (a) Licensing functions under the Licensing Act 2003 including applications for and variations to premises licences, club premises certificates and provisional statements where a relevant representation has been made and not withdrawn and imposing appropriate conditions*
 - (b) Licensing functions under the Gambling Act 2005 including the setting of fees*
 - (c) Animal welfare functions under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

*most cases will be determined by the Licensing Sub-Committee but an officer may, in consultation with the Chair of the Committee, refer the determination to the full Licensing Committee where they consider it merits their attention.

3.4.3 LICENSING SUB COMMITTEE⁸

Consisting of all Members of the Licensing Committee. Where a sub-committee is required to deal with any of the matters set out below, a panel of 3 Members are to be selected by the Chair of the Licensing Committee in consultation with the Solicitor to the Council and usually including the Chair or Vice Chair of the Licensing Committee

1. To determine applications for licences, provisional statements and certificates (including Review Applications and Variation Applications) under the Licensing Act 2003 where a relevant representation has been made and not withdrawn including the imposition of appropriate conditions.
2. To decide whether to object when the Council is a consultee to a Licensing Act application and not the Authority determining the application
3. To determine an objection to a temporary event notice.
4. To determine applications for licences, provisional statements, certificates and permits (including Review Application and Variation Applications) under the Gambling Act 2005 where a relevant representation has been made and not withdrawn including the imposition of appropriate conditions.
5. Cancellation of club gaming/club machine permits
6. To decide to give a counter notice to a temporary use notice.

⁸ This sub-committee is constituted under the Licensing Act 2003 and political balance is not required.

3.4.4 EMPLOYMENT COMMITTEE

Consisting of the Leader of Council, the Deputy Leader of Council, a non-Executive Councillor from the ruling group appointed by the Leader of Council and the Leader of the opposition group

1. to make recommendations to Council to appoint the Head of Paid Service.
2. to make recommendations to Council as to the dismissal⁹ of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
3. to take disciplinary action short of dismissal against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
4. to suspend, and keep under review the suspension of, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

3.4.5 ADVISORY PANEL ON DISCIPLINARY MATTERS RELATING TO STATUTORY OFFICERS

Consisting of the Independent Person(s) appointed under s28(7) of the Localism Act 2011 to advise the Council on councillor conduct complaints.

1. To advise the Council when making decisions on recommendations from the Employment Committee as to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
2. To advise the Employment Committee when it is considering taking disciplinary action short of dismissal against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

PART 3.5 - Overview and Scrutiny Arrangements

The Policy Review Committee, Scrutiny Committee and Audit and Governance Committees will each perform Overview and Scrutiny roles but only the Policy Review Committee and Scrutiny Committee will undertake the Council's statutory Overview and Scrutiny functions.

3.5.1 Policy Review Committee

1. To contribute to the development of the policies contained in the Budgetary and Policy Framework of the Council.

⁹ Dismissal and action short of dismissal have the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. To consider and undertake policy reviews referred by the Executive.
3. To propose and undertake an annual programme of work of policy reviews or inquiries into existing Council policy.
4. To consider and comment upon the implications on Selby District of the policies of partner organisations and other agencies delivering public services in the District.
5. To consider proposed new Council policy documents as well as scrutinising existing policies.

3.5.2 Scrutiny Committee

1. To scrutinise the performance of the Council and that of its partner organisations and other agencies delivering services within the Selby District.
2. To exercise the Council's statutory obligations and powers in relation to Overview and Scrutiny.
3. Exercise the right of call-in of decisions and recommendations made but not yet implemented.
4. To issue reports and make recommendations, where appropriate, and in relation to any matters listed above, for consideration by the Council, Executive or the relevant committee of the Council

3.5.3 Audit and Governance Committee

1. To monitor and report on the effectiveness of the Council's Constitution.
2. To receive reports from the Monitoring Officer on the effectiveness of the Standards Arrangements adopted by the Council.
3. To scrutinise and approve the Council's Annual Governance Statement, statement of accounts, income and expenditure and balance sheet or records of receipts and payments (as the case may be).
4. To be satisfied that the Council's assurance statements, including the Annual Governance Statement, have been properly developed and considered by councillors.
5. To scrutinise and monitor the control systems, procedures and risk management systems operating at the Council.

6. To receive, but not direct, internal audit service strategy and plan and monitor performance.
7. To receive the annual report of the internal audit service
8. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
9. To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
10. To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
11. To consider the reports of external audit and inspection agencies relating to the actions of the Council.
12. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
13. To review the financial statements, external auditor's opinion and reports to councillors, and monitor management action in response to issues raised by external audit.
14. To issue reports and make recommendations, where appropriate, and in relation to any matters listed above, for consideration by the Council, Executive or the relevant committee of the Council.
15. To monitor the Council's use of the Regulation of Investigatory Powers Act (RIPA) 2000 for the use and authorisation of surveillance.

3.5.4 Policy Review Committee Chair's Role Profile

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Policy Review both inside and outside of the Council, liaising effectively within the Council and externally with the Council's partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Policy Review contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that contributes to the development of new Council policy and reviews the effectiveness of existing Council policy
- Maintain an overview of Policy Review in order to ensure the effective progress of all work, and learn from best practice elsewhere

- Represent Policy Review in Council meetings and relevant board and panel meetings, and be accountable for the actions of Policy Review
- Evaluate the impact and added value of Policy Review activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in Policy Review matters
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the work of Policy Review
- Demonstrate an objective and evidence-based approach to Policy Review

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Policy Review Committee and manage the progress of business at meetings, ensuring that meeting objectives are met and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution.

3.5.5 Scrutiny Committee Chair's Role Profile

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Scrutiny both inside and outside of the Council, liaising effectively within the Council and externally with the Council's partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Scrutiny contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that includes pre-decision scrutiny, performance monitoring and investigative Scrutiny on issues of benefit to the local community
- Maintain an overview of Scrutiny in order to ensure the effective progress of all work, and learn from best practice elsewhere
- Represent Scrutiny in Council meetings and relevant board and panel meetings, and be accountable for the actions of Scrutiny
- Evaluate the impact and added value of Scrutiny activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in Scrutiny matters
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the

work of Scrutiny

- Demonstrate an objective and evidence-based approach to Scrutiny.

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Scrutiny Committee and manage the progress of business at meetings, ensuring that meeting objectives are met, and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution
- Be responsible for the constitutional arrangements relating to the waiving of call in where decisions are “urgent” and / or not on the forward plan.

3. Holding the Executive to account

- Consider Executive reports the Chairman deems appropriate prior to an Executive meeting
- Evaluate Executive decisions and where appropriate challenge decisions through call-in.

3.5.6 Audit and Governance Committee Chair’s Role Profile

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Audit and Governance within the Council and externally with partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Audit and Governance contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that includes scrutinizing and monitoring the Council’s control systems, procedures and risk management systems
- Maintain an overview of Audit and Governance in order to ensure the effective progress of all work, and learn from best practice elsewhere
- Maintain a clear focus on the role of the committee and lead it in line with good governance principles
- Represent Audit and Governance in Council meetings and relevant board and panel meetings, and be accountable for the actions of Audit and Governance
- Evaluate the impact and added value of Audit activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in

Audit and Governance matters

- Liaise and maintain a positive working relationship with both the Council's Internal and External Auditors
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the work of Audit and Governance
- Demonstrate an objective, apolitical and evidence-based approach to Audit and Governance.

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Audit and Governance Committee and manage the progress of business at meetings, ensuring that meeting objectives are met and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution
- Ensure that meetings have a focus on improvement and securing agreement on actions.

3.5.7 Standards Sub-Committee

To include two Parish Council representatives as co-opted members

1. Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011.

PART 3.6 - JOINT COMMITTEES

3.6.1 BUILDING CONTROL PARTNERSHIP

Purpose

To work in partnership with the other member Councils for the delivery of a Building Control Service in accordance with the terms of the Partnership Agreement.

Membership

2 Selby District councillors and 2 councillors each from the other member Councils.

3.6.2 NORTH YORKSHIRE POLICE AND CRIME PANEL

Purpose

The North Yorkshire Police, Fire and Crime Panel is a joint committee established and maintained in accordance with the Police Reform and Social Responsibility Act 2011 and the Police and Crime Act 2017.

The Police and Crime Panel discharges statutory functions set out in the 2011 and 2017 Acts.

Membership

Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council will each appoint one councillor as a member of the panel; and City of York Council will appoint two councillors.

PART 3.7 - CONSULTATIVE COMMITTEES

3.7.1 LEEDS CITY REGION PARTNERSHIP COMMITTEE

Purpose

To act as a consultative forum for matters referred to it by the West Yorkshire Combined Authority (WYCA) and advise the WYCA in relation to:

- i. its accountable body functions
- ii. duty to cooperate matters
- iii. appointments to the Leeds City Region LEP

Membership

The Leaders of each of the member Councils.

The Leader of Selby District Council has appointed the Deputy Leader as his named substitute.

Full membership details, Terms of Reference, functions and rules governing the conduct and proceedings of meetings can be obtained via the WYCA.

PART 3.8 - OFFICER DELEGATION SCHEME

3.8.1 General

- (a) Councillors set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. The Chief Executive, Directors, the Solicitor to the Council, the Chief Finance Officer and Heads of Service and their staff implement these strategies and policies. It is officers therefore, who have responsibility for managing the Council's day-to-day operations, within a policy and budgetary framework laid down by Councillors.

- (b) Under the executive arrangements adopted by the Council, both full Council and the Executive have specific functions and many of these can be delegated to committees or officers. Where Council or the Executive have established a committee to discharge their respective functions then subject to any limitations imposed by the Council/Executive respectively, that committee can also delegate its functions to an officer.
- (c) The functions delegated to officers by the Executive and Council are set out in the delegations below

3.8.2 General conditions applying to all delegated powers:

- (a) Functions must be discharged by officers in the manner set out below and at all times in accordance with:
 - (i) the Constitution of the Council;
 - (ii) any relevant policies, directions, rules of procedure and codes of practice of the Council;
 - (iii) approved budgets; and
 - (iv) decisions of the Executive and Council and their committees.
- (b) The Council can, without prejudice to any action already taken, amend or revoke this scheme of delegation at any time (in accordance with the arrangements for amending this Constitution as set out in Article 14);
- (c) Named officers may arrange for functions to be discharged by others but will remain accountable for those functions. Where such further delegation takes place, the relevant authorisation shall be set out in writing.
- (d) An officer shall not incur, nor commit the Council to, any expenditure for which there is no budget provision, or for which specific approval is required and has not been received, except in an emergency. In such circumstances, the agreement of the Leader of the Council and the Chief Finance Officer S151) will first be obtained, and the circumstances subsequently reported to the Executive.
- (e) Any matter which, in the judgement of the officer exercising powers under this Scheme, is likely to give rise to unusual difficulty, or the circumstances of which are likely to give rise to controversy or other extraordinary consideration, shall be dealt with only after consultation with the Leader of the Council, appropriate Executive Councillor or Committee Chair.
- (f) Notwithstanding the provisions of this Scheme, the officer may bring before the Executive or appropriate committee for determination any

matter which, having regard to his or her knowledge and understanding of the circumstances, should more appropriately be decided by the Executive or decision-making body or which involves questions of policy not yet determined by the Council.

- (g) An Executive Councillor may request that an officer refrains from exercising a delegated executive authority in respect of a particular matter and refer it instead to the Executive, for a decision. The Officer shall have regard to this request before deciding how to proceed.
- (h) Any reference within this Scheme to 'Chair' shall be taken to apply to the Vice-Chair where contact with the Chair cannot be made.
- (i) Delegated powers shall include the carrying out of all duties and powers covered by the function including administrative and procedural acts, the exercising of discretion and the making of determinations.

3.8.3 Specific Functions delegated to the Chief Executive

- (a) To act as Head of Paid Service for the Council and in particular:
 - (i) to have authority over all other officers (except the Monitoring Officer and the Section 151 Officer when either act in that capacity) and to be able to approve sub delegation of any of their functions in their absence;
 - (ii) to formulate employment practices and procedures; and
 - (iii) to deal with routine matters of day-to-day administration, management and control of matters which are necessary for the proper performance of the Chief Executive's terms of appointment.
- (b) To exercise all the functions of the Proper Officer of the Council under all legislation in relation to both executive and non-executive functions except where that legislation or this Scheme delegates such functions to another named officer.
- (c) To formulate and co-ordinate professional advice to all parties in the decision-making process and, in particular, to advise on strategic and corporate policy and to ensure that appropriate arrangements are in place to give effect to the strategies, plans and policies of the Council.
- (d) To sign on behalf of the Council any document necessary to give effect to any decision of the Council in relation to both executive and non-executive functions.
- (e) To act as the authorised representative of the Council in respect of (1) its membership of any limited company to give effect to any decision

of the Council in relation to executive functions or (2) any partnership or (3) any external bodies which are required by statute or the Council.

- (f) To act as the Returning Officer and undertake all functions relating to elections and electoral registration.
- (g) Under the Data Protection Act 2018 and Freedom of Information Act 2000, and guided by the Access to Information Procedure Rules, to decide appeals as to whether applications by councillors for access to material should be refused.
- (h) To amend the approved establishment and staffing structure provided any changes are consistent with the budget and policy framework.
- (i) To approve (in consultation with the Leader) any matter, including funding agreements, necessary to give effect to any resolution of the West Yorkshire Combined Authority in respect of recommendations of the Leeds City Region LEP affecting the Selby District.¹⁰
- (j) To discharge any function of the Council not otherwise delegated to Chief Officers, or other named officers.
- (k) Limits, controls and conditions
 - (i) After consultation with the Leader of the Council:
 - to exercise all the Council's functions in emergency or urgency situations which, in the Chief Executive's opinion, seriously affect the functions of the Council and/or the well-being of the Council's area; and
 - to receive and consider proposals for the Executive's Forward Plan and annual work programmes of committees and make recommendations on those work programmes to the Council.
 - (ii) After consultation with the relevant Group Leader to authorise any amendments or changes to the appointment of councillors and substitute councillors to committees or outside bodies.
 - (iii) After consultation with the Chief Finance Officer (s151) to approve supplementary estimates up to and including £10,000 (up to an overall limit of £50,000 in any one year) and to report details of all such approvals to the Executive on a quarterly basis.

3.8.4 Specific Functions delegated to the Directors

¹⁰ This function has also been delegated concurrently by the Leader to the Director of Regeneration and Place.

- (a) To deputise for the Chief Executive when the Chief Executive is absent or unable to act in that capacity:

3.8.5 Specific Functions delegated to the Solicitor to the Council

- (a) To assist the Chief Executive in relation to **Returning Officer** functions
- (b) To act as the **Monitoring Officer**:
- (i) To be the proper officer to receive complaints of failure to comply with the local Councillor Code of Conduct;
 - (ii) To take all of the actions necessary to implement and operate the arrangements adopted from time to time by the Council for dealing with complaints of failure to comply with the local Councillor Code of Conduct;
 - (iii) To prepare and maintain a register of councillors' interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct, and ensure that it is available for inspection as required by the Act;
 - (iv) To prepare and maintain registers of councillors' interests for each Town and Parish Council to comply with the Act and any Code of Conduct adopted by each Town or Parish Council and ensure that it is available for inspection as required by the Act;
 - (v) To grant dispensations from the rules concerning councillor interests;
 - (vi) To determine requests for councillors' interests to be considered and dealt with as sensitive interests;
 - (vii) To make administrative changes to the Constitution or changes to names, titles or designations and changes consequential to legislative changes, where the Council does not have a discretion on how the changes should be implemented or which do not alter the purpose or intent of this Constitution;
 - (viii) To deal with complaints (including complaints relating to maladministration) and to authorise without prejudice payments or other benefits up to a value of £1,000.
- (c) To undertake all of the Council's functions in connection with:
- Local Authority Legal Services
 - Local Land Charges and Searches/Enquiries

- National Assistance Act 1948 and subsequent legislation
- (d) To deal with routine matters of day-to-day administration, management and control within the remit of the Solicitor to the Council or matters which are necessary for the proper performance of the Solicitor to the Council's terms of appointment.
- (e) To institute, defend, participate in or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, ensure the implementation of Council policy or to protect the Council's interests, including issuing instructions to Counsel.
- (f) To authenticate any documents necessary for the exercise of any function of the Council.
- (g) To sign Statements of Truth in civil proceedings as required by the Civil Procedure Rules 1998
- (h) To be responsible for the provision of legal advice to the 151 Officer relating to information governance

3.8.6 Specific Functions delegated to the Chief Finance Officer (s151)

- (a) To have responsibility for the Council's financial affairs in accordance with s151 of the Local Government Act 1972 and to act as financial adviser to the Council, Executive and committees.
- (b) To have overall responsibility for the Council's finance functions, systems and controls either directly (where services are under the management of the s151 Officer) or indirectly (where the services are managed elsewhere within or external to the Council), including:
 - (i) Accountancy (including banking)
 - (ii) Investments, borrowing and financing
 - (iii) Insurances
 - (iv) Housing and Council Tax Benefits
 - (v) Council Tax, NNDR and other Revenues
 - (vi) Internal Audit (including matters arising from the Internal Audit Company)
 - (vii) Debtors and Creditors
 - (viii) The Collection Fund
 - (ix) Investigation of fraud and financial impropriety
 - (x) The control of funds and reserves
 - (xi) Risk Management
 - (xii) Financial governance
 - (xiii) Information governance including Freedom of Information and Data Protection

- (c) To deal with routine matters of day-to-day administration, management and control within the remit of the Chief Finance Officer (s151) or matters which are necessary for the proper performance of the Chief Finance Officer (s151) terms of appointment.
- (d) Limits, controls and conditions
 - (i) Where satisfied that recovery is not economically possible, to write off as irrecoverable, any debt, charge, penalty or arrears owing to the Council up to an amount of £50,000 in each case and to write off amounts over £50,000 only after consultation with the Leader of the Council (or the Lead Member for Finance in the Leader's absence).
 - (ii) To authorise expenditure arising in the case of emergencies/ disasters of up to £20,000 under Section 38 of the Local Government Act 1972, subject to a report back to the Executive.
 - (iii) To grant ex gratia payments of up to £300 in appropriate circumstances to staff suffering loss in the course of their duties that is not covered by insurance.
 - (iv) After consultation with the Chief Executive, to administer the operation of the Car Loan Scheme, in accordance with Council Policy for all officers within the Scheme (except in the case of a car loan for the Chief Executive when there shall be prior consultation with the Leader of the Council).

3.8.7 General (executive and non-executive) Functions delegated to Directors

- (a) To deal with routine matters of day-to-day administration, management and control or matters which are necessary for the proper performance of their terms of appointment.
- (b) To undertake the day-to-day management of the services and functions for which they are responsible, including the deployment of personnel, premises, vehicles, plant, equipment and other resources under their control.
- (c) Within the budget and policy framework to recruit, manage and, where necessary, dismiss staff under their control and in particular:
 - (i) to authorise pay and conditions (including honoraria);
 - (ii) to undertake disciplinary proceedings;
 - (iii) to defend and, if necessary (and subject to the approval of the Executive Director with s.151 responsibilities if it involves claiming on the Council's insurance), settle any claims made

- against the Council following consultation with the Solicitor to the Council;
- (iv) to be responsible for the health and safety at work of staff;
 - (v) to implement all employment policies, practices and procedures;
 - (vi) to operate the Council's Grievance, Disciplinary and Competency Procedures;
 - (vii) to authorise appropriate changes to post titles; and
 - (viii) to issue and revise statutory authorities to officers.
- (d) To acquire, dispose of, grant and obtain rights in land, premises, vehicles and other equipment and property for the purposes of delivering the Council's functions on such terms and conditions as are considered appropriate.
- (e) To provide, procure, and commission goods and services and to undertake, procure and commission works.
- (f) After consultation with the Head of Service Contracts, Commissioning and Procurement, to accept a tender where delay could prevent a contractor commencing in accordance with the date of site possession.
- (g) To provide grants and other financial assistance.
- (h) After consultation with the Chief Executive, to authorise the issuing of an essential variation order which would increase the contract sum where delay would substantially increase the cost.

3.8.8 General (executive and non-executive) Functions delegated to Heads of Service

- (a) To deal with routine matters of day-to-day administration, management and control within the remit of the Head of Service or matters which are necessary for the proper performance of their terms of appointment.
- (b) To undertake the day-to-day management of the services and functions for which they are responsible, including the deployment of personnel, premises, vehicles, plant, equipment and other resources under their control.
- (c) Within the budget and policy framework to recruit, manage and, where necessary, dismiss staff under their control and in particular:
- (i) to authorise pay and conditions (including honoraria);
 - (ii) to undertake disciplinary proceedings;
 - (iii) to defend and, if necessary (and subject to the approval of the Chief Finance Officer (S151) if it involves claiming on the Council's insurance), settle any claims made against the Council following consultation with the Solicitor to the Council;
 - (iv) to be responsible for the health and safety at work of staff;

- (v) to implement all employment policies, practices and procedures;
- (vi) to operate the Council's Grievance, Disciplinary and Competency Procedures;
- (d) To provide, procure, and commission goods and services and to undertake, procure and commission works.
- (e) After consultation with the Head of Service Contracts, Commissioning and Procurement, to accept a tender where delay could prevent a contractor commencing in accordance with the date of site possession.

3.8.9 Specific Officer Delegations for Non-Executive (council) functions

Planning and Development Management

The Director of Economic Regeneration & Place and Head of Planning, are authorised to carry out the following functions:

- (a) All functions relating to Town and Country Planning and development management as specified in Section A of Schedule 1 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force including enforcement and all powers under planning legislation to obtain information as to interests and particulars of persons interested in land.

- (b) Limits, controls and conditions

This delegation is limited and shall not apply to:

- (i) Any application which is accompanied by an Environmental Impact Statement.
- (ii) Any application which is defined as a significant departure from the adopted development plan for which the Secretary of State must be consulted as identified in the Town and Country Planning (Consultation) (England) Direction 2009 or in any successor document and where officers wish to approve the development.
- (iii) Any major or minor applications which are recommended to be approved contrary to the requirements of the Development Plan with the exception of minor applications for residential development which are in accordance with the NPPF and the Written Ministerial Statement.
- (iii) Any application made by or on behalf of a District Councillor or his/her partner.

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- (iv) Any application made by any employee within the planning service or any employee of the Council of Principal Officer grade or above (or the partner of any such employee).
- (v) Any major or minor application where 3 or more consultees object to a planning application and where officers would otherwise determine the application contrary to the specific representations raised by those consultees.
- (vi) Any major or minor application where 10 or more letters of representation are received which in the view of a Director raise material planning considerations and where officers would otherwise determine the application contrary to these representations.
- (vii) Any application which the ward councillor for the area where the proposal lies requests to be heard by the committee in writing within 21 days of the publication of the application in the weekly list and where the request gives valid material planning reasons for doing so. For the avoidance of doubt, matters such as the loss of a view, loss in value of a property or comments such as 'to allow this matter to be heard in the public arena' are not valid material planning considerations.
- (viii) Any proposed tree preservation order which is the subject of a valid objection.
- (ix) Any applications submitted for determination by or on behalf of the authority for its own developments or on its owned land are presented to Planning Committee unless they are 'minor applications' and no objections have been received.

(c) Definitions

Significant departures are those applications listed in the Town and Country Planning (Consultation) (England) Direction 2009 where the Local Planning Authority wishes to approve the proposal in terms of the following:

- (i) Inappropriate development on land allocated as Greenbelt in an adopted plan or development plan document which consists of:
 - (a) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more:

OR

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- (b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Greenbelt.
- (ii) Development outside town centres which includes or consists of retail, leisure or office use and which:
- (a) Is to be carried out on land which is edge of centre, out of centre or out of town; **AND**
 - (b) Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; **AND**
 - (c) Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - 5,000 square metres or more; **OR**
 - Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace, would exceed 5,000 square metres.
- (iii) Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their setting, including any buffer zone or its equivalent, and being development to which English Heritage has objected to and that objection not having been withdrawn.
- (iv) Playing field development where the land subject of the application:
- (a) Is land of a local authority; **OR**
 - (b) Is currently used by an educational institution as a playing field; **OR**
 - (c) Has at any time in the 5 years before the application is received been used by an education institution as a playing field; **AND**
 - (d) Sport England has been consulted and has objected on one or more of the following grounds:
 - That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;

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- That the proposed development would result in such a deficiency; OR
 - That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.
- (v) Major development in a flood risk area to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.
- (d) Major applications are defined as follows:
- ten (10) or more units of residential accommodation or site area exceeding 0.5 hectares where it is not known how many dwellings are to be created
 -
 - new non-residential development over 1,000 square metres or where the site area is 1 hectare or more
 - change of use over 1,000 square metres
 - amendment or removal of a condition relating to a major development
 - development site area is one (1) hectare or more
- (e) Minor applications are defined as follows:
- Residential - 1-9 units (including change of use) or less than 0.5 hectare site area
 - Non-residential - 50-1,000 square metres floorspace or less than one (1) hectare site area
- (f) Other applications are defined as follows:
- Changes of use
 - Householder Development
 - Advertisements
 - Listed building consents (to demolish and alter/extend)
 - Conservation Area Consents
 - Certificate of Lawful Development

Licensing Functions

The Director of Economic Regeneration & Place and Head of Planning, are authorised to carry out the following functions

- (a) To carry out the **licensing functions** of the Council relating to:

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- (i) Taxi, food and miscellaneous licensing, health and safety and certain deposits on the highway as set out in Sections B, C and I(22) of Schedule 1 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force
- (ii) Contaminated land, control of pollution and the management of air quality as set out in Schedule 2 of the Local Authorities (Responsibilities for Functions) (England) Regulations 2000 as from time to time in force
- (iii) Decisions as to the revocation of HMO licences under the Housing Act 2004
- (iv) Smoke free premises under the Health Act 2006.
- (v) Motor salvage and scrap metal
- (vi) Functions under the Licensing Act 2003 including applications for and variations to premises licences, club premises certificates and provisional statements where a relevant representation has been made and not withdrawn and imposing appropriate conditions*
- (vii) Licensing functions under the Gambling Act 2005
- (viii) The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018

Limits and Controls

Licences and registrations may be issued under the delegated authority but not refused.

Animal Activities Licences granted at (viii) above may be suspended under the delegated authority.