

ROTHERHAM BOROUGH COUNCIL

RESPONSIBILITY FOR FUNCTIONS

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INTRODUCTION

This part of the Constitution sets out who is responsible for the various functions of the Council.

Functions are categorised as:

1. Local Choice Functions

There are some functions that the authority may treat as the responsibility of the Executive (the Cabinet) (in part or whole) or as Council (non-executive functions, as its discretion. Section 1 details these functions and who is authorised to discharge them.

2. Council (non-executive) Functions

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

3. Executive Functions

All other functions are executive functions. Decisions on these will be taken by the Executive, unless they are dealt with under joint arrangements or delegated to a committee of the Executive, the Health and Wellbeing Board or an officer. Section 3 details how these functions are delegated.

SECTION 2: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions have been specifically identified as being reserved to the Council or delegated to a committee or officers, rather than being executive functions.

Local Choice Functions ¹	Decision Making Body	Delegation of functions to Committees or officers
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	The relevant Strategic Director for the function concerned.
To determine appeals against any decision of the authority	Cabinet generally ² , except in matters referred under the terms of reference of the Licensing Board and its sub-committees and appeals panels for employment matters	Assistant Chief Executive ³
To appoint review boards under the Social Security Act 1998 ⁴	Council	Assistant Director of Legal Services
To make arrangements for appeals against exclusion of pupils from maintained schools	Council	Assistant Chief Executive
To make arrangements for appeals regarding school admissions ⁵	Council	Admitting authorities and Assistant Chief Executive ⁶
To make arrangements for appeals by governing bodies ⁷	Council	Strategic Director of Children and Young People's Services
Any function relating to contaminated land ⁸	Cabinet	Strategic Director of Regeneration and Environment
The control of pollution or the management of air quality ⁹	Cabinet	Strategic Director of Regeneration and Environment

¹ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

² Including appeals in relation to access to information by Members under S100F of the Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and the common law "need to know" rules

³ In relation to arrangements for employee appeals, save those dealt with by the Appeals Panel

⁴ S34(4) Social Security Act 1998

⁵ S94(1), (1A) AND (4) School Standards and Framework Act 1998

⁶ The Assistant Chief Executive will be responsible for clerking functions set out in paragraphs 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.

⁷ S95(2) School Standards and Framework Act 1998

⁸ Part IIA Environmental Protection Act 1990 and subordinate legislation

⁹ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

To serve an abatement notice in respect of a statutory nuisance ¹⁰	Cabinet	Strategic Director of Regeneration and Environment
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹¹	Cabinet	Strategic Director of Regeneration and Environment
To inspect the authority's area to detect any statutory nuisance ¹²	Cabinet	Strategic Director of Regeneration and Environment
To investigate any complaint about the existence of a statutory nuisance ¹³	Cabinet	Strategic Director of Regeneration and Environment
To obtain information about interests in land ¹⁴	Cabinet	Strategic Director of Regeneration and Environment
To obtain particulars of persons interested in land ¹⁵	Cabinet	All Strategic Directors in pursuance of their delegated authority
To make agreements for the execution of highways works ¹⁶	Cabinet	Strategic Director of Regeneration and Environment
To appoint any individual (a) To any office other than an office in which he is employed by the authority and to revoke any such appointment	Council ¹⁷	
To appoint any individual (b) To any body other than – (i) The authority (ii) A joint committee of two or more authorities; (c) To any such committee or sub-committee of such a body And to revoke any such appointment	Cabinet	
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	

¹⁰ S80(I) Environmental Protection Act 1990

¹¹ S8 Noise and Statutory Nuisance Act 1993

¹² S79 Environmental Protection Act 1990

¹³ S79 Environmental Protection Act 1990

¹⁴ S330 Town and Country Planning Act 1990

¹⁵ S16 Local Government (Miscellaneous Provisions) Act 1976

¹⁶ Section 278 Highways Act 1980

¹⁷ Council acts as Appointing Body for the purposes of making appointments to:

- South Yorkshire Mayoral Combined Authority
- South Yorkshire Fire and Rescue Authority
- South Yorkshire Pensions Authority
- South Yorkshire Police and Crime Panel

SECTION 3: FUNCTIONS OF THE COUNCIL (NON-EXECUTIVE FUNCTIONS)

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

	Function	Legislation
1	The levying or issuing of a precept for a rate and the setting of council tax (unless delegated in accordance with s67 (3) Local Government Finance Act 1992) and limits for borrowing money	Local Government Finance Act 1988. Local Government Finance Act 1992. Section 3 Local Government Act 2003.
2	The decision to introduce or revise a council tax reduction scheme	Section 13A(b) Local Government Finance Act 1992 Section 67(2)(aa) Local Government Finance Act 1992
3	Agreeing council tax discounts and exemptions	Sections 11A and 11B of the Local Government Finance Act 1992
4	The establishment, agreeing and/or amending the terms of reference for and abolition of Committees (other than of the Executive) and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments.	Local Government Act 1972. The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
5	Resolution to operate executive arrangements or to make a change in governance arrangements.	Section 29 of the Local Government Act 2000. Paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007.
6	Authorising applications to the Secretary of State for disposals of council dwelling houses to be included in his disposals programme or for consent to such disposals where consent is required.	Section 135, Leasehold Reform and Urban Development Act 1993. Sections 32 and 43 of the Housing Act 1985.
7	Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

8	Adopting or amending the Members' Allowances Scheme.	Section 18 of the Local Government and Housing Act 1989. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
9	Election the Leader of the Council.	Sections 11 and 44C of the Local Government Act 2000.
10	Adoption of the Members' Code of Conduct.	Section 51 of the Local Government Act 2000. Section 27 Localism Act 2011
11	Approval of the appointment or dismissal of the Chief Executive.	The Local Authorities (Standing Orders) (England) Regulations 2001.
12	Adopting or approving the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
13	Changing the name of the borough	Section 74 of the Local Government Act 1972.
14	Appointment of the Mayor & Deputy Mayor	Schedule 4 to the Local Government Act 1972.
15	Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972
16	The making, altering or revoking of procedural rule except as provided for in the Constitution	Sections 29, 106 and Schedule 12 of the Local Government Act 1972. Sections 8 and 20 Local Government and Housing Act 1989.
17	Adopting and changing the Constitution except in relation to those arrangements which it is the responsibility of the Leader to make.	Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 as amended.
18	Making, amending, revoking, re-enacting or adopting byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
19	Promoting or opposing the making of local legislation or personal Bills.	Section 239 of the Local Government Act 1972.
20	The making of an agreement to establish a joint planning committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a joint committee.	Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
21	Power to resolve not to issue a casino premises licence and duty to publish the 3 year licensing policy.	Sections 166 and 349 of the Gambling Act 2005.
22*	Power to introduce a late night levy	Police Reform and Social Responsibility Act 2012
22	Approving the annual Pay Policy Statement	Section 38 Localism Act 2011
23	Power to make an early morning alcohol restriction order.	Section 172A Licensing Act 2003

24	Any other matter that by law is reserved for Full Council.	
25	Agreeing the discharge of functions (scheme of delegation) within Appendix 9 of the Constitution	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
26	Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council	
27	All local choice functions which the Council decides should be undertaken by itself rather than the Executive	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
28	Appoint the Council's statutory officers (and to provide adequate resources/staffing	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
29	Appoint a Returning Officer (for local government elections) and an Electoral Registration Officer	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
30	To approve a pay policy statement	Sections 38 and 39 Localism Act 2011

SECTION 3A: GENERAL DELEGATIONS TO OFFICERS

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements.
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Strategic Directors, Assistant Chief Executive and Assistant Director of Legal Services are authorised¹:
 - (a) To impose conditions, limitations or restrictions;
 - (b) To determine any terms to which they are subject;
 - (c) To determine whether and how to enforce any failure to comply²;
 - (d) To amend, modify, vary or revoke; and
 - (e) To determine whether a charge should be made or the amount of such a charge
3. The Chief Executive, Strategic Directors, Assistant Chief Executive and Assistant Director of Legal Services are authorised to carry out the following in respect of those functions for which they have delegated authority³:
 - (a) To make payments or provide other benefits in cases of maladministration⁴
 - (b) Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as an employer;
 - (c) To:
 - (i) appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure, subject to the powers delegated to the Staffing Committee and Senior Officer Appointments Panel;

¹ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

² Including

- Any failure to comply with such an approval, consent, licence, permission or registration,
- Any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- Any contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive

³ An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

⁴ Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

- (ii) appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision and corporate approval processes.
 - (iii) To determine issues relating to officers' terms and condition of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.
- (d) The enforcement of byelaws.

SECTION 3B: CHIEF EXECUTIVE

1. The Chief Executive is the Head of Paid Service for the Council.
2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.
3. The Chief Executive¹ is authorised to discharge the following Council (non-executive functions):

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituencies into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k) Functions relating to community governance ²		
	i) Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

¹ The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and the Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

² Functions relating to making of recommendations under sections 87-92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to Council.

	ii) Functions relating to community governance petitions	Section 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
	iii) Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
	iv) Power to undertake a community governance review	Section 82 of the Local Government and Public Involvement in Health Act 2007
	v) Duties when undertaking review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
	vi) Duty to publicise outcome of review	Section 96 of the Local Government and Public Involvement in Health Act 2007
	vii) Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area ³	S59 of the Local Government and Public Involvement in 2007
(m)	To dissolve, subject to Council approval, small parish councils	Section 10 of the Local Government Act 1972
(n)	To make orders, subject to Council approval, for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC of the Local Government Act 2000
(b)	To take any step, subject to timely consultation with the relevant committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related to regulations	Section 9N of the Local Government Act 2000

³ The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to Council.

SECTION 3B: ASSISTANT CHIEF EXECUTIVE

1. Subject to the exception listed below, the Assistant Chief Executive¹ is authorised to discharge the following Council (non-executive functions):

Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ²	Section 112 of the Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 of the Local Government Act 1972

¹ The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority, however the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

² Except in relation to those which are to be determined by the Appeals Panel

SECTION 3C: STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT

Subject to the exceptions listed below, the Strategic Director of Regeneration and Environment is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
(b)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c. 49).
(c)	Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(d)	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(e)	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(f)	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(g)	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(h)	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963
(i)	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968
(j)	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976
(k)	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976
(l)	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985
(m)	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968

(n)	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
(o)	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
(p)	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46)
(q)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (SI1995/510)
(r)	To licence premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(s)	To licence premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(t)	To licence pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(u)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(v)	To licence zoos	Section 1 of the Zoo Licensing Act 1981
(w)	To licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(x)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(y)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(z)	To licence the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(aa)	To licence collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(bb)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(cc)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(dd)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(ee)	Power to authorise officers to undertake enforcement in respect of smoking cessation and smoke free premises, vehicles etc.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(ff)	Functions related to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(gg)	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(hh)	To licence pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907

(ii)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(jj)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(kk)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(ll)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(mm)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(nn)	To determine applications for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980
(oo)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(pp)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(qq)	To make a public path diversion order	Section 119ZA and 119C(4) of the Highways Act 1980
(rr)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(ss)	To make a special diversion order	Section 119B of the Highways Act 1980
(tt)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(uu)	To make an Sites of Special Scientific Interest diversion order	Section 12B of the Highways Act 1980
(vv)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(ww)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(xx)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(yy)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(zz)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 of the Highways Act 1980
(aaa)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(bbb)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(ccc)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981

(ddd)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(eee)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(fff)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhh)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(iii)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(jjj)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(kkk)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(lll)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
(mmm)	To licence market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(nnn)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(ooo)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(ppp)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(qqq)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Section 115E, 115F and 115K of the Highways Act 1980
(rrr)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(sss)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(ttt)	To licence planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(uuu)	To licence works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980

(vvv)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(www)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(xxx)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(yyy)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(zzzz)	To consent to the making of openings into consent etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(aaaa)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(bbbb)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(cccc)	To serve notice of proposed action in relation to obstruction	Section 130A of Highways Act 1980
(dddd)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(eeee)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ffff)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(gggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhhh)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act

2. Functions of the Licensing Authority delegated by Council

Subject to the exception set out below, the Strategic Director of Regeneration and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ¹	Licensing Act 2003 and any regulations or orders made under that Act ²
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- Any function of the Licensing Authority reserved to Council³

¹ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority

² Including functions which, by virtue of the Gambling Act 2005 are delegated to the Licensing Committee

³ Section 3 of Appendix 9 of the Constitution sets out licensing functions reserved to Council, as licensing authority under the 2011 Act

3. Town and Country Planning and Development

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10, 12, 15 to 18, 20 to 24, 25 to 30 and 32 to 35, 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ⁴ 1995 (SI 1995/419) and directions made thereunder.
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development Order 2015 (SI 2015/596) ⁵
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191 and 192 of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25), and paragraph 6(5) of Schedule 14 to the Act

⁴ This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

⁵ This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	Duties relating to applications for listed building consent	Section 13(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas Regulations 1990 and Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ⁶
(w)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(x)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(y)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

4. Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) An exchange of lands affected by section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) An order section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registrations (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c 26)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) of the Commons Act 2006
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) of the Commons Act 2006

5. Hedgerows and Trees

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
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⁶ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 ⁷
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6. High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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Exceptions:

The Strategic Director of Regeneration and Environment is not authorised to discharge the following town and country planning, development control and commons registration functions:

(a)	The determination of applications following a written request ⁸ to the Strategic Director of Regeneration and Environment by a Ward Member concerning an application within the Ward he/she represents that the application be referred to the Planning Board
(b)	The determination of application for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force
(c)	The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council
(d)	The determination of applications for major development ⁹ which the Chair of Planning Board, in conjunction with the Strategic Director of Regeneration and Environment, considers are sensitive, controversial or would have significant impacts on local communities
(e)	The approval of applications, where approval would reverse a previous decision taken by the Planning Board
(f)	The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee
(g)	Where the Chair of Planning Board, in conjunction with the Strategic Director of Regeneration and Environment, considers that the application should be referred to the Planning Board for determination because of the significance, impact or sensitivity of the proposal
(h)	The determination of applications submitted in a personal capacity by or on behalf of Members, Strategic Directors or any other officer who carries out development management functions.
(i)	Where objections have been received to Commons Registrations

⁷ These regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

⁸ This request must be made to the Strategic Director of Regeneration and Environment (or officer(s) authorised by him or her to receive such requests) and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 days statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning considerations and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

⁹ "Major development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings is not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more
- Minerals and waste development where an Environmental Statement is required.

SECTION 3D: STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES

1. The Strategic Director of Children and Young People's Services¹ is authorised to discharge the following Local Choice Functions which have been assigned to Council

(a)	To make arrangements for appeals by governing bodies
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2. The Strategic Director of Children and Young People's Services² is authorised to discharge the following Council (non-executive functions):

(a)	To licence the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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¹ Appointed as Director of Children's Services under Section 18 of the Children Act 2004

² The fact that a function has been delegated to the Strategic Director does not require the Strategic Director to give the matter his/her personal attention and the Strategic Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Strategic Director remains responsible for any decision taken pursuant to such arrangements.

SECTION 4A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 Executive functions include those local choice functions identified in Section 2 as the responsibility of the Executive (Cabinet), and all other functions of the Authority not specified in Section 3.
- 3.2 All executive functions will be discharged by the Executive as a whole, save to the extent that such functions are delegated to joint committees or officers.
- 3.3 The names of the Leader of the Council and Members of the Authority appointed by the Leader to the Executive are as follows:-

Leader of the Council	Councillor Chris Read
Deputy Leader of the Council	Councillor Gordon Watson
Cabinet Member	Councillor Saghir Alam
Cabinet Member	Councillor Sarah Allen
Cabinet Member	Councillor Dominic Beck
Cabinet Member	Councillor Emma Hoddinott
Cabinet Member	Councillor Denise Lelliott
Cabinet Member	Councillor David Roche

SECTION 4B: EXECUTIVE PORTFOLIOS

The Leader (Cllr Read)

The Leader has responsibility for overall leadership of the Council and representing the borough at a national, regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall responsibility for ensuring the Council sets and delivers a balanced budget
- Oversight of the Council's response to Child Sexual Exploitation
- Setting Corporate Policy including the Council Plan
- Reputation Management and corporate communication
- Corporate Improvement, Innovation and Organisational change
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of Sheffield City Region Mayoral Combined Authority
- Customer Services
- Community Cohesion
- Promoting Social Value and Community Wealth Building

Deputy Leader and Cabinet Member for Neighbourhood Working (Cllr Allen)

The Deputy Leader will support the Leader in day to day activity and holds specific responsibility for:

- Member Neighbourhood Working and the Thriving Neighbourhoods Strategy
- To lead on engagement / consultation relating to Town and Villages Fund (in consultation with the Cabinet Member for Jobs and the Local Economy)
- Parish Council Liaison
- Member Development
- Democratic Services
- Community Cohesion (supporting the Leader)

Children and Young People (Cllr Cusworth)

The portfolio holder will have specific responsibilities around child safeguarding, child protection and incorporates education and the early help strategy.

- Statutory position as lead member for Children ▪ Chair of the Children and Young People's Partnership
- Children's Safeguarding (including neglect, abuse, CSE and CCE) and prevention and early intervention strategies
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead
- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units.
- Family Steering Group; School Admissions and Appeals
- Early Help services including the Troubled Families agenda and youth provision
- Children and Adolescent Mental Health Services (CAMHS)
- To Lead on the Domestic Abuse Strategy

Adult Social Care and Health (Cllr Roche)

This portfolio retains the oversight and all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust is to provide services in a personalised manner around the citizen, including the "My Front Door" programme, and to lead on the integration of local health and adult social care services. The portfolio has responsibility for the delivery of modern Adult Social Care services, as well as Public Health functions.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Chair of the Health and Wellbeing Board
- Public Health, including overseeing the Health Protection Plan, health inequalities, prevention and improvement
- Health Watch Liaison

Jobs and the Local Economy (Cllr Lelliott)

This portfolio has overall responsibility for securing jobs and investment in economic recovery as well as strategic responsibility for planning.

- All matters relating to Planning (including the Local Plan) and Building Regulations
- Responsibility for Licensing Policy
- Economic Development and Regeneration Strategy and Services
- Business centres
- The development and co-ordination of partnership strategies for Lifelong Learning, Skills and Employment
- Member of the Rotherham Together Partnership Economic Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Membership of relevant Sheffield City Region Mayoral Combined Authority Boards with regards to Business Growth and Skills.
- Climate Change Emergency Action Plan
- To lead on the delivery of the Towns and Villages Fund
- Major town centre projects and development (including Town Centre Events) ▪ Asset Management
- Advising on the Council's bidding prospectus relating to economic and business growth schemes into City Region and national funding opportunities
- External Affairs relating to business growth and inward investment
- All matters relating to car parking (including enforcement, parking appeals, parking permits and Blue Badge Scheme
- Untaxed and Abandoned vehicle removal

Transport and Environment (Cllr Beck)

This portfolio is the political lead for many of the universal services used by residents, including household waste and street cleaning, most enforcement activity, and transport including highways maintenance and the "£24m for '24" roads investment programme.

- All matters relating to Waste Management, collection and recycling, including engagement with the BDR Waste Partnership
- Household Waste Recycling Centres
- Overall responsibility for Enforcement policy and performance (including Environmental Health, food hygiene and the joint agreement with Doncaster MBC)
- Highways schemes, repairs and maintenance including all highway inspection, design, network management, enforcement, winter maintenance, highways adoptions, highway licenses, public rights of way, street lighting (including design and build), winter maintenance, and road safety including educational initiatives, road safety strategy (including safety audits), Safety Camera Partnership, Pedestrian Crossing assessments
- To lead on all aspects of Active Travel, the Cycling Strategy, and issues relating to public transport

- Member of the Safer Roads Partnership
- Neighbourhood Road safety schemes (including vehicle activated signs and 20mph zones) and school safety schemes
- Highways Asset Management Policy and Strategy, highway claims, highway, utility company works, road works licensing (including scaffolding, skips, events and planning) and vehicle access crossing applications
- Maintenance of signs, bollards, benches, cenotaphs, street name plates, road markings, highway fencing and barriers
- Lead on Local Flood Authority duties, including town centre and other flood prevention investments
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)
- All matters relating to Traffic Control Strategies (including Traffic Regulation Orders in relation to the issues within this portfolio), Intelligent Traffic Management (automated signs) and Signing Strategy

Social Inclusion (Cllr Dave Shepherd)

This portfolio oversees all aspects of services and programmes which support social inclusion and inclusive communities (including cultural services, parks, green spaces, culture and leisure services), helping to ensure that the Council meets its vision statement commitment that “no one is left behind”.

- Social Inclusion Cultural Services, including libraries, neighbourhood hubs, heritage, theatre and arts
- All matters relating to Leisure Services (including recreation, sport and the Leisure PFI)
- Voluntary and Community Sector liaison
- Rotherham Community Energy Scheme and tackling fuel poverty
- Development of an events programme in parks
- Green spaces and recreational facilities
- All matters relating to Allotments (including liaison with the Rotherham Allotments Alliance)
- The Food for People in Crisis Partnership, crisis loans schemes and development of the social supermarket
- Advocacy and Appeals (and the Single Advice Model)
- Supporting the Cabinet member for Housing around the ambition to end rough sleeping

Housing (Cllr Brookes)

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Jobs and the Local Economy)
- Selective Licensing and regulation of private landlords

Corporate Services, Community Safety and Finance (Cllr Alam)

This portfolio is concerned with ensuring that residents and employees are treated fairly and with dignity. As such it has an overview the proper and efficient working of the council and its processes, and with key elements of the Community Safety agenda. The postholder is expected to lead on the ambition to secure "Excellent" accreditation under the Equality Framework for Local Government. Specific responsibilities are:

- To lead on Emergency Planning issues
- To lead on day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on the Corporate Performance Management arrangements
- To lead on ICT, particularly on new ways of working
- To lead on Internal Audit and Risk Management
- To be responsible for corporate Commissioning and Procurement strategies and implementation (including Social Value)
- To lead on Health, Safety and Equalities at Work
- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- All matters relating to the Channel Duty
- All matters relating to the Counter Terrorism and Security Act 2015 (including "Protect" and "Prepare")
- All matters relating to the deployment of portable CCTV
- To lead on all matters relating to Legal and Registrar services
- Cemeteries, crematorium and mortuary services, including the Dignity contract

SECTION 4C: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

INTRODUCTION

1. This officer delegation scheme sets out the executive functions delegated to officers by the Leader under his/her Executive Arrangements¹.
2. The fact that a function stands delegated to an officer under these arrangements shall not preclude the Cabinet, from exercising the function directly.
3. An officer may consider that a delegated authority should not be exercised and that it should be referred to the Cabinet for determination.
4. An appropriate Cabinet Member may require that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Cabinet, for a decision.
5. The Cabinet may determine to reserve decisions about particular matters to itself.
6. In addition to the delegations set out in this scheme, the Cabinet can arrange for further delegations on specific matters.
7. Unless expressly indicated, the fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.
8. Delegations set out in this scheme will be read in conjunction with all provisions of the Council's Constitution, and decisions taken by officers in accordance with this scheme will be taken in accordance with all relevant rules and protocols.
9. In taking decisions in relation to executive functions, officers will ensure that they:
 - (a) take appropriate advice in relation to legal and financial considerations;
 - (b) make appropriate arrangements for assessing the impact of the decision in relation to equalities; and
 - (c) undertake appropriate consultation, including Cabinet Members and Ward Members (where appropriate).
10. Strategic Directors will be required to maintain a sub-scheme of delegation for their directorate and publish such sub-schemes following the Annual Meeting of the Council

¹ Council functions are delegated by Full Council and are set out in the Officer Delegation Scheme (Council (non-executive) Functions). The executive functions delegated by the Leader should be construed in a broad and inclusive fashion to include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions. They should not however be understood to include any Council function.

SECTION 4C1: CHIEF EXECUTIVE – DELEGATED EXECUTIVE FUNCTIONS

The Chief Executive is authorised¹ to discharge any function of the Executive not otherwise delegated to a Strategic Director including the following functions in relation to²

1. Functions in relation to elections including:-
 - (a) The registration of electors;
 - (b) Elections and referenda in relation to local matters, including reviews of polling districts, places and stations;
 - (c) Assisting with and responding to consultation in relation to boundary reviews of all types, including:-
 - (i) parliamentary constituency reviews;
 - (ii) electoral reviews;
 - (iii) principal area boundary reviews;
 - (iv) structural reviews; and
 - (d) Community governance reviews.
2. Civic and ceremonial functions of the Council including provision of support to the Mayor, ceremonial occasions; and authorisation of use of Council's Crest.
3. Devolution and local freedoms including delivery of devolved powers and freedoms and liaison with:-
 - (a) South Yorkshire Combined Authority and Sheffield City Region bodies; and
 - (b) Central government departments.

SECTION 4C2: ASSISTANT CHIEF EXECUTIVE – DELEGATED EXECUTIVE FUNCTIONS

The Assistant Chief Executive is authorised³ to discharge executive functions in relation to:-⁴

1. Change and Innovation
2. Communications and Marketing
3. Democratic Services, including Scrutiny and Management Support
4. Human Resources
5. Neighbourhood Working and Thriving Communities
6. Performance, Intelligence and Improvement, including Policy and Partnerships

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Chief Executive considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

³ Save where the Leader or the relevant Portfolio Holder has directed or the Assistant Chief Executive considers that the matter should be referred to Cabinet for consideration

⁴ Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 4C3: STRATEGIC DIRECTOR OF ADULT CARE, HOUSING AND PUBLIC HEALTH – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Adult Care, Housing and Public Health is authorised¹ to discharge executive functions² through the commissioning and provision of social services for adults and public health services for the whole population and delivery of housing for the Borough, including:-

1. Adult Social Care

- (a) Care Services
- (b) Independence and Support Planning
- (c) Provider Services
- (d) Safeguarding and Professional Practice

2. Housing

- (a) Business and Commercial Development
- (b) Contract and Service Development
- (c) Housing and Estates
- (d) Housing Options
- (e) Housing Strategy and Investment

3. Public Health

- (a) Commissioning and Quality
- (b) Health Improvement
- (c) Health Intelligence
- (d) Health Protection

4. Strategic Commissioning

- (a) Commissioning
- (b) Quality and Performance

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 4C4: STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Children and Young People's Services is authorised³ to discharge executive functions for:-⁴

- 1. Commissioning, Performance and Quality**
 - (a) Commissioning and Partnerships
 - (b) Performance and Planning
 - (c) Programme Management

- 2. Early Help and Family Engagement**
 - (a) Locality working
 - (b) Projects and Transformation
 - (c) Troubled Families
 - (d) Youth Offending and Prevention

- 3. Education**
 - (a) Early Years, Childcare and Community Learning
 - (b) Education Place Planning
 - (c) Inclusion
 - (d) Performance, Quality and Outcomes
 - (e) Virtual School

- 4. Social Care**
 - (a) First Response
 - (b) Locality Social Work
 - (c) Looked After Children and Children in Care
 - (d) Safeguarding and Quality Assurance

³ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

⁴ Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 4C5: STRATEGIC DIRECTOR OF FINANCE AND CUSTOMER SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Finance and Customer Services is authorised¹ to discharge executive functions for:-²

- 1. Setting, support and monitoring the Council's financial strategy and ensuring effective financial management and controls³, including:-**
 - (a) Reporting on the robustness of the Council's financial plans;
 - (b) Managing the Council's borrowing and investment requirements;
 - (c) Managing and monitoring the Council's revenue budget and capital programme;
 - (d) Preparation and closure of the Council's financial accounts;
 - (e) Managing the Council's tax affairs
 - (f) Internal audit; and
 - (g) Determining requests for early release and flexible retirement, in consultation with the relevant Cabinet Member.

- 2. Implementing effective financial management and controls, including:-**
 - (a) Collecting council tax and business rates, and collecting other money that is owed to the Council;
 - (b) Administration of pensions; and
 - (c) Insurance for the Council.

- 3. Setting, supporting and monitoring the Council's policies and procedures for managing:-**
 - (a) Budgets
 - (b) Information and communications technology and digital services
 - (c) Information governance
 - (d) Procurement and purchasing
 - (e) Legal Services

- 4. Supporting the corporate governance of the Council, particularly in respect of (delegated to the Assistant Director of Legal Services as Monitoring Officer, where appropriate):-**
 - (a) The requirements of the Members' Code of Conduct
 - (b) Upkeep of the Constitution; and
 - (c) Preparation of the Annual Governance Statement

- 5. The council's corporate customer services functions including:-**
 - (a) The telephone contact centre
 - (b) Digital access, including the Council's website

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

³ The Strategic Director of Finance and Customer Services has responsibility for these arrangements as Section 151 Officer

SECTION 4C6: STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT – DELEGATED EXECUTIVE FUNCTIONS

The Strategic Director of Regeneration and Environment is authorised¹ to discharge executive functions for:-²

1. Community Safety and Street Scene

- (a) Community Safety, Resilience and Emergency Planning
- (b) Highways and Network Management
- (c) Regulation and Enforcement
- (d) Waste and Street Scene

2. Culture, Sport and Tourism

- (a) Culture, Heritage and Sports
- (b) Libraries and Neighbourhood Hubs
- (c) Museums

3. Planning, Regeneration and Transport

- (a) Asset Management
- (b) Business, Retail and Investment
- (c) Economic Development
- (d) Facilities Services
- (e) Planning and Building Control
- (f) Transport Strategy

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Strategic Director considers that the matter should be referred to Cabinet for consideration

² Together with similar and ancillary functions which have not been delegated to another Strategic Director

SECTION 5: TERMS OF REFERENCE FOR COMMITTEES, BOARDS AND PANELS

Name of Committee	Committee Size	Terms of Reference
Cabinet	Up to 10 Members (Quorum – 4)	<p>The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council.</p> <ol style="list-style-type: none"> 1. Providing a focus for community leadership in the borough. 2. The development of plans and strategies for approval by the full Council and the determination and approval of plans and strategies which do not require the approval of the full Council. 3. The preparation and submission of budget proposals for approval by the full Council. 4. The determination of the council tax base and recommendations to full Council as to the level of council tax. 5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council. 6. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards and Ethics Committee or Audit Committee. 7. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution. 8. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations. 9. The taking of all key decisions. 10. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans. 11. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council. 12. The monitoring of the Council's performance including performance of the Council's land and property. 13. The determination of the future use of the Council's land and property.

		<ol style="list-style-type: none"> 14. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget. 15. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration. 16. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors. 17. The formation and monitoring of partnerships with other agencies. 18. Responding to reports or recommendations received from overview and scrutiny committees within two months of receipt. 19. Consideration of any recommendations from the Council's Standards and Ethics Committee or Audit Committee. 20. Consideration of any motions or petitions referred from the full Council. 21. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council. 22. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the borough. 23. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by local education authorities in schools causing concern) or any amendment or re-enactment thereof. 24. To determine major changes to the method of delivery of council services (covering both in house or externally delivered services) 25. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet member.
Health and Wellbeing Board	The board will be chaired by the Council's Cabinet Member for Adult Social Care and Health, with the vice-chair from a non-council health partner (e.g. Rotherham Clinical Commissioning Group). Members of the board should be of sufficient seniority to be able to make significant commitments on	<p>The Health and Wellbeing Board brings together local leaders and decision-makers, to work to improve the health and wellbeing of Rotherham people, reduce health inequalities and promote the integration of services. The Health and Wellbeing Board is a statutory subcommittee of the Council, but will operate as a multi-agency board of equal partners.</p> <p>The board is responsible for overseeing delivery of the joint Health and Wellbeing Strategy, 2018-2025 and also sets the strategic direction for the Integrated Care Partnership Place Board.</p>

	<p>behalf of their relevant organisations. All members of the board will have equal voting status. The board is committed to having a broad membership, engaging as many partners as possible. In order to ensure that this continues to be the case, membership will be reviewed on a regular basis. The membership of the board is as follows:</p> <ul style="list-style-type: none"> • Cabinet Member for Adult Social Care and Health (Chair) • Chair of NHS Rotherham Clinical Commissioning Group (Vice Chair) • Cabinet Member with responsibility for Children's Services • Deputy Leader, RMBC • Director of Public Health • Chief Executive, RMBC • Strategic Director of Adult Care, Housing and Public Health • Strategic Director of Children and Young People's Services • Chief Officer, NHS Rotherham Clinical Commissioning Group (CCG) • GP Executive Member of NHS Rotherham CCG • Senior representative, NHS England South Yorkshire and Bassetlaw 	<p>Rotherham's Health and Wellbeing Board is committed to delivering the four aims outlined within the strategy, which are:</p> <ul style="list-style-type: none"> • All children get the best start in life and go on to achieve their potential • All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life • All Rotherham people live well for longer • All Rotherham people live in safe and resilient communities. <p>The Health and Wellbeing Board has a number of responsibilities. This includes:</p> <ul style="list-style-type: none"> • Assessing the needs of the population and producing the local joint strategic needs assessment (JSNA) • Using the data and knowledge in the JSNA to publish a local health and wellbeing strategy, setting priorities for joint action • Using the strategy and its priorities to influence and inform commissioning decisions for the health and wellbeing of Rotherham people • Enabling, advising and supporting organisations that arrange for the provision of health or social care services to work in an integrated way • Holding relevant partners to account for the quality and effectiveness of their commissioning plans • Ensuring that public health functions are discharged in a way that helps partner agencies fully contribute to reducing health inequalities.
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	<ul style="list-style-type: none"> • Chief Executive Officer, Healthwatch Rotherham • Rotherham District Commander, South Yorkshire Police • Chief Executive, Voluntary Action Rotherham • Chief Executive, Rotherham NHS Foundation Trust • Chief Executive, Rotherham Doncaster and South Humber NHS Foundation Trust <p>Standing invites will also be circulated to:</p> <ul style="list-style-type: none"> • Chair, Rotherham Local Safeguarding Children Board • Chair, Rotherham Safeguarding Adults Board • Strategic Director of Regeneration and Environment, RMBC • Representative, South Yorkshire Fire and Rescue Service • Rotherham ICP Place Board Manager, CCG 	
Audit Committee	<p>To be comprised of:-</p> <ul style="list-style-type: none"> • Five Councillors, none of which are members of the Cabinet. • One person who is not a councillor or officer of the Council (independent member). 	<p>Statement of purpose</p> <ol style="list-style-type: none"> 1. The audit committee is a key component of RMBC's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. 2. The purpose of the audit committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control

	<ul style="list-style-type: none"> • Quorum - 3 	<p>environment. It provides independent review of RMBC's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p> <p>Governance, risk and control</p> <ol style="list-style-type: none"> 3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider RMBC's code of governance. 4. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control. 5. To approve the final AGS for publication. 6. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. 7. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council. 8. To monitor the effective development and operation of risk management in the council. 9. To monitor progress in addressing risk-related issues reported to the committee. 10. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. 11. To review the assessment of fraud risks and potential harm to the council from fraud and corruption. 12. To monitor the counter-fraud strategy, actions and resources. 13. To review the governance and assurance arrangements for significant partnerships or collaborations. <p>Internal audit</p> <ol style="list-style-type: none"> 14. To approve the internal audit charter. 15. 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. 16. To approve significant interim changes to the risk-based internal audit plan and
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		<p>resource requirements.</p> <p>17.To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.</p> <p>18.To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.</p> <p>19.To approve the internal or external assessments of Internal Audit against Public Sector Internal Audit Standards. This will include:-</p> <ul style="list-style-type: none"> • regular reports on the results of the Quality Assurance and Improvement Programme (QAIP) • reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS <p>20.To consider reports from the head of internal audit on internal audit’s performance during the year. These will include updates on the work of internal audit including:-</p> <ul style="list-style-type: none"> • progress against the plan • key findings and issues of concern • action in hand as a result of internal audit work • performance indicators <p>21.To approve the head of internal audit’s annual report:-</p> <ul style="list-style-type: none"> • The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement. • 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. <p>22.To consider summaries of specific internal audit reports.</p> <p>23.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.</p> <p>24.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.</p> <p>25.To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for him to meet privately with the committee.</p>
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		<p>External audit</p> <p>26.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 Public Sector Audit Appointments (PSAA).</p> <p>27.To approve the external auditor's annual plan</p> <p>28.To approve any revisions to the external auditor's plan</p> <p>29.To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.</p> <p>30.To consider specific reports as agreed with the external auditor.</p> <p>31.To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>32.To commission work from internal and external audit.</p> <p>33.To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</p> <p>Financial reporting</p> <p>34.To receive the draft annual statement of accounts following approval by the s151 Officer. Specifically, to consider whether appropriate accounting policies have been followed.</p> <p>35.To approve the final audited annual statement of accounts for publication. Specifically to consider whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.</p> <p>36.To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p>37.To deal with any matters referred to the Committee by the Strategic Director Finance and Customer services in relation to her responsibilities under section 151 of the Local Government Act 1972.</p> <p>Treasury Management</p> <p>38.To review treasury management policy, strategy and procedures and to be satisfied that controls are satisfactory</p> <p>39.To receive annual reports on treasury management, specifically the outturn report and the mid-year report</p> <p>40.To review the treasury risk profile and adequacy of treasury risk management</p>
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		<p>processes</p> <p>41. To review assurances on treasury management, for example an internal audit report, external audit report or other review.</p> <p>Accountability arrangements</p> <p>42. 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.</p> <p>43. 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.</p> <p>44. To submit a report on the work of the committee to the Council on an annual basis.</p>
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Licensing Board	21 Members (quorum – 7)	<ol style="list-style-type: none"> 1. The determination of matters relating to the Councils Statutory Licensing Functions as set out below: <ol style="list-style-type: none"> (a) Hackney Carriage and Private Hire; (b) Charitable collections (Street Collections and House to House Collections); (c) Marriage and Civil Partnership Premises; (d) Small Bus Permits; (e) Scrap Metal Dealers; (f) Motor Salvage Operators; (g) Sex Establishment Licences (including variation and revocation); (h) Hypnotism 2. To determine any matters referred to the Licensing Board by the Assistant Director of Community Safety and Street Scene in relation to 1a to e above. 3. To review and approve terms and conditions (where appropriate) of any licence, permit, registration or consent or in relation to certificate any of the functions within the remit of the Board. 4. To consider and recommend to the Council, the making, amendment and revocation of Byelaws. 5. To determine and review in line with Government Guidance any Designated Public Places Orders which are in place within the Borough. <p>In order to discharge its functions, sub-committees of five Members of the Licensing Board may be established to appointed by the Head of Democratic Services. The quorum for which is 3 Members</p>
Licensing Committee	15 Members (quorum – 5)	<ol style="list-style-type: none"> 1. To consider and determine applications under the Licensing Act 2003: <ol style="list-style-type: none"> (a) for personal licences where there are unspent convictions or where relevant Police representations have been received; (b) for the variation of a designated personal licence holder where relevant Police representations have been made; (c) for the transfer of a premises licence where relevant Police representations have been made; (d) for premises licences/club premises certificates, provisional statements and the variation of premises licences/club premises certificates where relevant representations have been made (e) to review a premises licence/club premises certificate;

		<ul style="list-style-type: none"> (f) for determination of a Police representation to a temporary event notice; (g) for a provisional statement where relevant representations have been made; (h) for interim authorities where relevant representations have been made; (i) for determination of an application for a summary review on the grounds of serious crime and/or disorder made by the Chief Officer of Police under Section 53(A) of the Licensing Act 2003; (j) any other matter referred to a Sub Committee by the Assistant Director of Community Safety and Street Scene. <p>2. To consider and determine applications under the Gambling Act 2005:</p> <ul style="list-style-type: none"> (a) for a premises licence where relevant representations have been received and not withdrawn; (b) for a variation to a premises licence where relevant representations have been received and not withdrawn; (c) for a provisional statement where relevant representations have been received and not withdrawn; (d) for club/gaming machine permits where objections have been received and not withdrawn; (e) the cancellation of club/gaming machine permits; (f) to give a counter notice to a temporary use notice; (g) to attach/exclude a condition under Section 169 (i) (a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given; (h) for small lottery registrations where objections have been made and not withdrawn; (i) for other permits where objections have been made and not withdrawn; (j) any other matter referred to the Sub Committee by the Assistant Director of Community Safety and Street Scene. <p>In accordance with the Licensing Act 2003 and Gambling Act 2005, sub-committees of five Members will be appointed by the Head of Democratic Services in order effectively to discharge the functions of the Licensing Committee. The quorum for which is 3 Members.</p>
Planning Board	15 Members (quorum 5)	1. Power to determine applications for planning permission – sections 70 (1) (a) and (b)

		<p>and 72 of the Town and Country Planning Act 1990.</p> <ol style="list-style-type: none"> 2. Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990. 3. Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990. 4. Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990. 5. Power to determine an application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). 6. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). 7. Power to enter into an agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990. 8. Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990. 9. Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990. 10. Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. 11. Power to authorise entry onto land. 12. Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990. 13. Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990. 14. Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990. 15. Power to issue a temporary stop notice. 16. Power to apply for an injunction restraining a breach of planning control – section
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		<p>187B of the Town and Country Planning Act 1990.</p> <ol style="list-style-type: none"> 17. Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990. 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act. 19. Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990. 20. Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 21. Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act. 22. Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97. 23. Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 24. Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area – section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 25. Powers to acquire a listed building in need of repair and to serve a repairs notice – sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 26. Power to apply for an injunction in relation to a listed building – section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 27. Power to execute urgent works – section 54 of the Planning (Listed Buildings and
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		<p>Buildings in Conservation Areas) Act 1990.</p> <p>28. Powers relating to the preservation of trees – sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).</p> <p>29. Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160).</p> <p>30. Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).</p>
Staffing Committee	<p>The Committee shall comprise:</p> <ul style="list-style-type: none"> • Leader of the Council • Deputy Leader of the Council • Other Cabinet Members whose portfolios are affected by the issues to be considered • Leader of the Majority Opposition party. 	<ol style="list-style-type: none"> 1. To prepare and recommend for approval by the Council the annual Pay Policy Statement 2. To recommend for approval by the Council conditions of service and remuneration for officers earning £100k or more in line with the Council's approved Pay Policy Statement 3. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more. 4. To determine new employment policies and procedures, beyond those delegated to officers 5. To respond to formal government consultations 6. To consider changes to senior management structure of the Council 7. To determine the payment of honoraria in respect of posts at and above Assistant Director level. 8. To determine policies relating to local government pensions and discretionary compensation for early termination of employment. 9. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
Senior Officer Appointments Panel	<p>The Panel shall comprise:-</p> <ul style="list-style-type: none"> • Leader of the Council • Deputy Leader of the Council • Relevant Cabinet Member(s) • Leader of the Majority Opposition Group • Chair of Overview and Scrutiny Management Board 	<ol style="list-style-type: none"> 1. To appoint strategic directors and assistant directors

	<ul style="list-style-type: none"> Other members to be determined by the Leader of the Council, in order to achieve a representative composition reflecting the diversity of the Council who will have undertaken appropriate training in respect of recruitment and selection 	
Chief Officer Disciplinary Panel	The Panel shall consist of three members of the Council and two independent persons appointed by the Council under section 28(7) of the Localism Act who will be invited to a Panel meeting as and when required.	<ol style="list-style-type: none"> To consider allegations against the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers) which may ultimately lead to his/ her dismissal, in accordance with the procedures agreed by Council; To determine whether an allegation made against a Statutory Officer requires further investigation or other appropriate action; To give informal, unrecorded oral warnings in appropriate cases where no further formal action is required; To appoint an Independent Investigator, agree the terms of remuneration, provide the investigator with their terms of reference and working methods; To take decisions on the suspension of the Chief Executive, Section 151 Officer or Monitoring Officer while investigations are undertaken (suspensions to be reviewed after two months in conjunction with the Independent Investigator); To consider the recommendations of the Independent Investigator; To determine whether action(s) short of dismissal should be imposed; Where dismissal is recommended, to refer matters to the Independent Panel for consideration, and; To recommend dismissal to Full Council
Employment Appeals Panel	<p>The Panel shall comprise three members of the Council selected from a pool of eight members:</p> <ul style="list-style-type: none"> two of whom shall be Cabinet members, four of whom shall be Scrutiny Panel members and two of whom shall be 	<ol style="list-style-type: none"> The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).

	<p>members of the opposition party) who have received appropriate training on employment related issues.</p>	
<p>Housing Tenancy and Anti-Social Behaviour Review Panel</p>	<p>The Panel shall comprise at least three elected members from the Improving Lives Scrutiny Commission or Improving Places Scrutiny Commission and a housing policy and community safety advisor</p>	<ol style="list-style-type: none"> 1. The Panel and the senior officers in Housing and Neighbourhood Services or Community Safety and Street Scene may review and confirm, confirm with conditions attached or not confirm, notices of proceedings for possession in respect of breaches of tenancy agreements. 2. The Panel may undertake the statutory reviews of the Council's decisions to seek a possession order of a Council tenancy on the absolute ground of ant-social behaviour, as required by section 85ZA of the Housing Act 1985.
<p>Standards and Ethics Committee</p>	<p>To be comprised of:-</p> <ul style="list-style-type: none"> • eight Councillors, other than the Mayor and Leader; • three members of town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and • five persons who are not councillors or officers of the Council (independent members). 	<ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by the members and co-opted members of the Council. 2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct for Members and Co-opted Members. 3. To advise the Council on the adoption and revision of its Code of Conduct for Members and Co-opted Members. 4. To monitor the operation of the Code of Conduct for Members and Co-opted Members and to recommend to Council revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council. 5. To advise, train or arrange to train members and co-opted members of the Council and members of local town and parish councils on matters relating to the Code of Conduct. 6. To authorise dispensations to Members and Co-opted Members of the Council in accordance with section 33 of the Localism Act 2011. 7. To review arrangements as to the declarations of the interests of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application. 8. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct

		<p>for Members and Co-opted whilst not forming part of it.</p> <ol style="list-style-type: none"> 9. To establish a Complaints Hearing Sub-committee to hear complaints about the conduct of Members and Co-opted Members and the Members of local town and parish councils which have not been capable of informal resolution and to decide: <ol style="list-style-type: none"> a. Whether the subject Member has failed to comply with the relevant Code of Conduct; b. Whether further action is warranted; and c. What form of action might be appropriate. And to then make any appropriate recommendations to Standards and Ethics Committee, Council or the relevant local parish or town council. 10. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer. 11. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council. 12. To establish and monitor the operation of Whistleblowing Procedures. 13. To review the application of the Council Procedure Rules and Financial & Procurement Procedure Rules and other such provisions. 14. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate. 15. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on the honesty and integrity of the Council, its members, co-opted members and officers. 16. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining high standards of conduct within the authority. <p>In these terms of reference "co-opted member of the Council" means a person who is not a member of the Council, but who:-</p> <ol style="list-style-type: none"> (a) is a member of any committee or sub-committee of the Council, or
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		(b) is a member of and represents the Council on any joint committee or joint sub-committee of the Council and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.
Overview and Scrutiny Management Board	<p>12 Members (quorum – 4) comprising:-</p> <ul style="list-style-type: none"> • a chairperson who shall be a councillor appointed by the Council; • a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group; and • the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council • the chair and vice-chair of the Audit Committee (subject to the political balance of the Council) • sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by the Council, to ensure political balance 	<ol style="list-style-type: none"> 1. To consider matters relating to the conduct, structure and procedures of overview and scrutiny; 2. To provide overview and scrutiny of the Council's values, plans and strategies and to make recommendations for improvements as it considers appropriate; 3. To co-ordinate and prioritise the overview and scrutiny work programme and assign work, as it considers appropriate, to the various select commissions 4. To establish task and finish scrutiny working groups; this includes:- <ol style="list-style-type: none"> (a) determining their size and membership; and, (b) approving their terms of reference; 5. To liaise with the Leader and Cabinet to regularly attend the OSMB to assist in consideration of the scrutiny work programme, 6. To co-ordinate respective work programmes with the Chair of the Audit Committee and Parish Councils to identify areas of joint working as appropriate and. minimise areas of duplication, 7. To consider a request made under a Councillor Call for Action in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007) 8. To consider a request made under a Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006). 9. To act as the designated Crime and Disorder Committee under powers outlined in the Police and Justice Act 2006. 10. To monitor and hold to account the performance of service delivery within the Council and its partners etc with particular reference to the Corporate Plan; 11. To scrutinise and monitor whether efficiency savings are achieved or exceeded; 12. To co-ordinate the carrying out of value for money reviews; 13. To scrutinise the annual budget setting process; and 14. To monitor the Council's budget and medium term financial strategy. 15. To consider matters relating to equalities and diversity and the Council's specific initiatives to promote them; 16. To make recommendations to the Cabinet, partners or to any organisation on issues

		<p>scrutinised relevant to those bodies, and where appropriate, direct to Council;</p> <p>17.To co-ordinate for joint scrutiny activity with other authorities and non-executives/scrutineers from other bodies;</p> <p>18.To approve an annual overview and scrutiny work programme, including the programme of any sub- committees it appoints;</p> <p>19.To ensure that there is efficient use of the board’s and overview and scrutiny select commission’s time, and that the potential for duplication of effort is minimised.</p> <p>20.To ensure that members of the board and overview and scrutiny select commissions may efficiently carry out their work.</p> <p>21.To prepare and approve an annual overview and scrutiny work programme for implementation by the select commissions or their review groups, including –</p> <p>(a) liaison with the Cabinet and Senior Leadership Team, service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee’s attention by –</p> <ul style="list-style-type: none"> • an overview and scrutiny select commission; • an organisation with which the Council is in partnership, or • the public as a result of a public consultation exercise, or • the Forward Plan of key decisions; <p>22.To undertake reviews in consequence of the Council’s Corporate Plan and;</p> <p>23.To undertake performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators);</p> <p>24.To undertake reviews under the statutory powers to scrutinise the health service;</p> <p>25.To undertake reviews under the Council’s general power of competence and power to promote the well-being of the citizens of Rotherham;</p> <p>26.To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports;</p> <p>27.To submit an annual report to the Council on the operation of overview and scrutiny select commissions and recommendations for future work, in accordance with article 8(6) of the Constitution;</p> <p>28.To determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them;</p> <p>29.To receive requests from the Cabinet and the Council or both for reports from a select commission and to allocate them as appropriate;</p>
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Scrutiny Select Commissions	<p>The Commissions shall comprise:</p> <ul style="list-style-type: none"> • 18 Members of the Council (quorum – 6) • any non-voting co-optees appointed from time to time by each select commission; and • in the case of the Improving Lives Select Commission the education representatives appointed by the Council. 	<ol style="list-style-type: none"> 1. To carry out the annual overview and scrutiny work programme set for each select commission by the OSMB, including – <ol style="list-style-type: none"> (a) service reviews conducted on the basis of clear priorities set in response to Cabinet, Council or a matter brought to the select commission’s attention by a petition, other overview and scrutiny select commission, organisation with which the Council is in partnership, referral from tenant or user group bodies (for example area housing panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise; (b) performance reviews of joint authorities, other select commissions and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators). 2. To submit reports commissioned by the OSMB in response to requests from the Cabinet or the Council (or both) for reports from overview and scrutiny select commissions. 3. To submit reports with recommendations to the Cabinet or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular select commission. 4. To review and scrutinise decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission. 5. To submit reports with recommendations to the full Council in respect of functions

		<p>which are not the responsibility of the executive but which fall within the remit of the particular select commission.</p> <p>6. To submit reports commissioned by the OSMB with recommendations on matters that affect the borough or the inhabitants of the borough for submitting to the Council or the Cabinet.</p> <p>7. To arranging public consultation exercises for the purpose of assessing public satisfaction with current council policies or to assist in the development of new policies.</p> <p>SPECIFIC FUNCTIONS</p> <p>1. Health Select Commission</p> <p>(1) The Health Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including –</p> <ul style="list-style-type: none"> (a) performing the role of the Council’s designated scrutiny body for any issue relating to health and the public health agenda including those functions contained within the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013; (b) scrutinising the health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001); (c) scrutinising partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements and the integration of health and social care services and budgets (d) scrutinising measures for achieving health improvements and the promotion of wellbeing for Rotherham’s adults and children; (e) scrutinising measures designed to address health inequalities; (f) scrutinising public health arrangements; (g) scrutinising food standards and environmental health ; and (h) scrutinising issues referred to the select commission by the Healthwatch Rotherham (or any successor body). (i) Those elements of this scrutiny function relating to NHS England’s new review of Congenital Heart Disease services are delegated to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)
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