

Introduction

- 1.1 This part of the Constitution sets out who are the responsible members or officers for the different decisions that the Council makes.
- 1.2 It also provides a short summary of the decision-makers and the general principles of this scheme.

Decisions

- 1.3 The decisions that we as a Council make can be split into 7 categories. The separation of these functions between Council, the Executive, committees and officers are listed under these headings

1	General Provisions
2	Budget and Accounts
3	Policy Formulation and Implementation
4	Constitutional Affairs
5	Planning and Development Control
6	Licensing and Registration
7	Employment Matters

The Decision-Makers

- 1.4 Full details of the membership of the Council, the Executive and committees are given in Part 6 of this Constitution. However, for ease of reference a brief summary of the names and make up of the members and officers with decision-making responsibilities is set out below:-

Full Council

36 councillors elected from the 17 wards of the Borough.

The Executive

The Leader of the Council and up to 9 other members appointed by the Leader.

Planning Policy Committee

9 members of the authority (at least one of which may be member of the Executive).

Joint Planning Committee

A joint committee comprising of Northamptonshire County Council, Kettering Borough Council, Corby Borough Council, East

Northamptonshire Council and the Borough Council of Wellingborough made up of 15 members, 3 from each authority, with responsibility for specific strategic planning issues in north Northamptonshire.

Licensing Committee/ Licensing Sub-Committee

The Licensing Committee is made up of 10 members.

Any Licensing Sub-Committee will be made up of 3 members, drawn from the Licensing Committee

The Chair and Deputy Chair of the Licensing Committee and regularly nominated Chairs of Licensing Sub-Committees will not serve on the Planning Committee.

No member will sit on a Licensing Sub Committee considering applications from people or properties in the ward that they represent.

All members (and substitutes) must receive appropriate training before they sit on the Licensing Committee or any Licensing Sub-Committee

Planning Committee

9 members

Most planning applications are determined by officers. Other planning applications are determined by the Planning that decides on those applications not determined by officers. This committee meets on a 4 week cycle.

All members (and substitutes) must receive appropriate training before they sit on this committee

Appeals Committee

Each Appeals Committee is made up of 3 members who have not previously been involved in the matter before them for determination.

All members must receive appropriate training before they sit on this committee

Appointments Committee

Each Appointments Committee is made up of 3 members (at least one of which is a member of the Executive) who have not previously been involved in the matter before them for determination.

All members must receive appropriate training before they sit on this committee

Employment Committee

6 members (at least one of which may be member of the Executive).

All members must receive appropriate training before they sit on this committee

Officers

These decision-making bodies have delegated some of their decision-making powers to officers. The limit (if any) of the officer delegation is also explained.

Delegations are general delegations to all officers or specific delegations to individual officers.

General Principles

1.5 To ensure that the decisions that we take are efficient, open and accountable we believe that:-

- Responsibility should be delegated to the lowest level consistent with the aims of this Constitution;
- Decisions should be taken once;
- It should be clear who is responsible for a decision;
- Key Decisions taken by officers will, where relevant be taken after due consultation with the relevant portfolio holder
- Any decision maker may, after due consultation, choose not to exercise their powers where to do so might compromise the aims of the Constitution or individual rights;
- All decision-making by a decision-maker must be consistent with the Budget and Policy Framework; and
- All decisions should be informed by gathering appropriate facts, undertaking analysis, seeking professional advice (including from the Head of Democratic & Legal Services and the Head of Finance & Corporate Development as required by law) and with due regard to the opinions of local people through consultation.

General Provisions

Council

	All matters which, by law must be reserved to Council are reserved to Council
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Officers- General

	<p>Urgent Decisions</p> <p>A Chief Officer may take a decision that is not a key decision but that would normally be taken by the Executive when it is not practicable to hold a meeting of the Executive to consider the matter after consultation with the Leader of the Council and the Chair and Deputy Chair of the relevant scrutiny committee. If a member who is consulted formally objects to the decision it shall not be implemented and a special meeting of the Executive called.</p>
	<p>General Provisions</p> <p>Save as expressly reserved to Council, the Executive or other decision-making committee Chief Officers and Service Heads may take any action in accordance with the Council's Budget and Policy Framework to implement decisions of the Council, the Executive or other decision-making committee in so far as these are in compliance with the Budget and Policy Framework or the general requirements of service delivery in their respective areas of responsibility. Without limitation this shall include the power to enter into contractual relations for goods and services, enter into service level agreements, to appoint/ dismiss and otherwise manage staff, to set the level of fees and charges, to manage publicity and consultation, to manage the land and property that they are responsible for, to seek external funding, to award grants, respond to consultation papers, to exercise statutory powers that relate to their areas of responsibility and take whatever action is otherwise necessary to ensure the economic, efficient and effective delivery of their service</p>

Budget and Accounts

Council

	To approve and adopt the Budget (See Article 4)
	Subject to the urgency procedure contained in the Access to Information Rules in Part 4 of this Constitution, to make decisions about any matter which is an executive function and is covered by the budget, where the decision would be contrary to, or not wholly in accordance with, the budget
	To set the Council tax and to set borrowing limits
	Adopt and amend a Members' Allowances Scheme under Article 2.05
	Duty to approve authority's statement of accounts income and expenditure and balance sheet or record of receipts

Executive

	To set the level of fees and charges for council housing and car parking
	To consider and recommend the Council's annual revenue and capital expenditure plans, including target income from fees and charges and to recommend the level of council tax
	To consider and recommend to Council for approval (or amendment) the Budget

Head of Finance & Corporate Development/ Responsible Finance Officer
(section 151 Local Government Act 1972 and section 114 of the Local Government Act 1988)

	To determine the Council Tax Base
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Policy Formulation and Implementation/ Service Delivery

Council

	To approve and adopt the Policy framework (See Article 4)
	Subject to the urgency procedure contained in the Access to Information Rules in Part 4 of this Constitution, to make decisions about any matter which is an executive function and is covered by the policy framework, where the decision would be contrary to, or not wholly in accordance with, the policy framework
	The authorisation of the Executive to make an application for a Housing Land Transfer (See article 4)

Executive

	To consider and recommend to Council for approval (or alteration or amendment) the plans comprising the Policy Framework (with the exception of Local Development documentation in which case the Executive shall act as a consultee to the Planning Committee and any Joint Committee established by order of the Secretary of State)
	To implement the approved policy framework in respect of council functions and services not otherwise the responsibility of full Council or any other committee except where the function involves the determination of an application, the direct regulation of any person or the enforcement of any regulatory function.
	To review the Council's Mission Statement, priorities and commitments and recommend changes to the Council
	To approve (or amend) changes to statutory plans not forming the Policy Framework
	The overall service delivery of all the functions of the Council split between the individual portfolios (as they are organised from time to time) of Executive members insofar as these are not expressly excluded from being an Executive function either

	by law or by a decision of this Council
	Take appropriate lawful action that furthers the economic, social or environmental well-being of the area.

Chief Officers

	Working with and advising the Executive and the Council on the strategic management of the Council
	Day to day management of the paid service
	Professional and administrative functions in relation to the functions of the Council exercisable by Service Heads except as may be specifically delegated to individual officers by law
	To assume all the powers of the Council necessary to respond to a declared civil emergency for the duration of the immediate response phase.

Head of Democratic & Legal Services/ Monitoring Officer and Corporate Property Officer

	Professional and administrative functions in relation to the provision of legal support, estate management, facilities management (from 2005), member support, committee and civic administration
	<p>Specific Limitations</p> <p>Estate Management - Where the total consideration does not exceed £200,000 to conclude agreements in respect of the disposal of land and property that is designated as surplus to requirements in accordance with the provisions of s123 of the Local Government Act 1972</p>

Head of Finance & Corporate Development/ Responsible Finance Officer (section 151 Local Government Act 1972 and section 114 of the Local Government Act 1988)

	Professional and administrative functions of treasury management, financial management, insurance and tax. General performance management functions
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Head of Housing

	Professional and administrative functions in respect of council housing, housing allocations, housing needs and homelessness, and the broader housing market.
	With the Head of Democratic & Legal Services to determine reviews of delegated decisions on allocations and homelessness

Head of IT & Customer Services

	Professional and administrative functions in respect of customer services and information and communication technology
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Head of Development Control

	Professional and administrative functions in respect of building control, dangerous trees (not on the highway), street naming and numbering, and public sewer records
	Specific Limitations – Street naming and numbering in consultation with Ward Councillors, Town or Parish Council the Post Office and the Fire Authority

Head of Environmental Health

	Professional and administrative functions in respect of licensing, authorisation and compliance functions including health and safety at work, nuisance, dog fouling, litter and food safety. General functions in respect of bereavement services and burials, re-cycling, pollution control, contaminated land, energy conservation and public toilets
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Head of Community Services

	Professional and administrative functions in respect of support for the voluntary sector, managing SLA's, economic development, other grants, the Single Regeneration Budget, sport, leisure, cultural services (including the art gallery and museum), concessionary fares and crime and disorder
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Head of Human Resources

	Professional and administrative functions in relation to facilities management (to 2005) printing
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Head of Income & Debt Management

	Professional and administrative functions in relation to the administration of Council Tax and Non Domestic Rates, Housing and Council Tax Benefits, benefit fraud administration and debt management
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Head of Environmental Care

	Emergency planning and professional and administrative functions in respect of waste collection and litter, the street scene generally, drainage, traffic regulation and car parking, road closures, cctv, the markets and grounds maintenance
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Constitutional Affairs

Council	
	To elect the Mayor and appoint the Deputy Mayor
	To adopt and change the Constitution
	To appointing and remove the Leader of the Council
	To agreeing and/or amend the terms of reference for committees, to decide on their composition and make appointments to them
	To appoint review boards and of representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
	To changing the name of an area, to confer the title of Honorary Alderman or admit to the honorary freedom of the Borough
	To make, amend, revoking, re-enact or adopt byelaws and promoting or opposing the making of local legislation or personal Bills in Parliament
	Appoint a returning officer for local government elections
	Power to create new parish councils, dissolve small parish councils, to make orders for grouping parishes, dissolving groups and separating parishes from groups and to change the name of a parish

Executive	
	Appoint committees to the Executive and to set their terms of reference
	Keep the Constitution under review
	Appoint/ nominate representatives to outside bodies where such appointments are in connection with functions that are the responsibility of the Executive

Officers	
Head of Democratic & Legal Services	
	To make in year changes to the membership of committees and

	review boards and to make appointments and nominations to outside bodies in consultation with the Leaders of the political groups
	Functions relating to elections generally and assisting the returning officer

Planning and Development Control

Council

	Approving the Plans and alterations which together comprise the Local Development Framework
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Executive

	A consultee of the Planning Policy Committee in respect of the Plans and alterations which together comprise the Development Plan
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Joint Planning Committee

	<p>To exercise the powers of the Councils in determining the Joint Spatial Strategy and acting as a consultee in respect of:</p> <ul style="list-style-type: none"> The Local Development Scheme The Statement of Community Involvement The Core Spatial Strategy, which will cover strategic issues including:- <ul style="list-style-type: none"> Statement of Vision and objectives Future role and function of the main settlements Development requirement to be associated with the main settlements (including housing and employment) Location and intended broad form of major urban extensions Sequence in which it is intended that development should take place Infrastructure and service requirements Necessary implementation policies where a consistent view is needed across the area, including strategic policies on design and developer contributions. Monitoring and implementation framework Local Development Documents or Supplementary Planning Documents forming part of any of the individual LDF for North Northamptonshire subject to the agreement of the Councils as necessary.
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	Approval of the Joint Spatial Strategy
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Planning Policy Committee

	Consider and recommend to Council for approval the Plans and alterations which together comprise the Development Plan and
	Consider and make recommendations to the Council and any Joint Committee established by order of the Secretary of State in respect of strategic planning policy issues that affect the area

Planning Committee

	Act on behalf of the Council in its role as Local Planning Authority including in respect of conservation areas, special advertisement areas, listed buildings, footpaths and tree preservation
	Determine applications for planning permission (including their revocation or modification)
	Authorise enforcement action in respect of these planning and development control functions including those functions set out in Part 8 of the Anti Social Behaviour Act 2003
	Comment on planning applications submitted to or by other local planning authorities and statutory undertakers

Officers

Head of Democratic & Legal Services

	General functions in respect of footpaths
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Head of Development Control

	<p>To determine all planning applications and applications for advertisement consent, listed building consent and conservation area consent and to comment on those referred to the Council by neighbouring authorities, except where:-</p> <p>(a) a ward member (or a ward member for a ward in which land or residents are likely to be directly affected) requests in writing to the Head of Development Services, prior to the expiry of the publicity/notification period that a proposal</p>
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	<p>within their ward should be the subject of consideration by the relevant committee;</p> <p>(b) the proposal, if approved, would constitute, in the opinion of the Head of Development Services, a material departure from the Local Plan and approval is recommended;</p> <p>(c) the proposal has been the subject of a written material planning objection(s) within the relevant stipulated time span, which has not been resolved to the satisfaction of the Head of Development Services through negotiation and/or the proposed imposition of condition(s), approval is recommended and the Planning Chairs' Panel agree with the Head of Development Services that the proposal will be reported to committee;</p> <p>(d) the proposal is substantively supported by a statutory consultee (including town/parish councils), refusal is recommended and the Planning Chairs' Panel agree with the Head of Development Services that the proposal will be reported to committee;</p> <p>(e) the proposal is known to be submitted by, or on behalf of, an elected member of the authority (or a relative or a friend) or by any member of the Council's staff (or their spouse /partner)</p>
	<p>To agree to enter into new, or amend existing, legal agreements in respect of proposed developments where the Head of Development Services and the Head of Legal and Democratic Services agree that the content of such an agreement will be substantially similar to an existing agreement.</p>

	General functions in respect of tree preservation
	<p>To authorise enforcement action in respect of all planning and development control functions including those functions set out in the Anti-Social Behaviour Act 2003 except where:-</p> <ul style="list-style-type: none"> a) a ward member has requested that a breach of planning control be referred to the Planning Committee; b) The Head of Development Services considers the matter should be referred to the Planning Committee where the action is significant or controversial.
	<p>To determine applications for:</p> <ul style="list-style-type: none"> (i) certificates of Lawfulness of Existing Use or (ii) Development Certificates of Lawfulness of Proposed Use of Development and (iii) Change of Use Certificates

Licensing and Registration

Licensing Committee

	Act on behalf of the Council in its role as licensing authority, particularly to determine license applications, set fares for hackney carriages and the appropriate number of hackney carriage licenses
	To review and revise the Council's Statement of Licensing Policy as and when appropriate
	To receive reports about Premises and Licenses, club premises, certificates and grants of personal licenses and Temporary Grant Notices, and the impact of the licensing regime on the economic, social and environmental well-being of the Borough

Licensing Sub-Committee

	Nature of Event	Conditions
	Application for personal licence	If a police objection is made
	Application for personal licence with unspent convictions	All cases
	Application for premises licence/ club premises certificate	If a relevant representation made
	Application for provisional statement	If a relevant representation made
	Application to vary premises licence/ club premises certificate	If a relevant representation made
	Application to vary designated premises supervisor	If a police objection is made
	Application for transfer of premises licence	If a police objection is made
	Application for interim authorities	If a police objection is made

	Application to review premises licence/ club premises certificate	All cases
	Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
	Determination of a police objection to a temporary event notice	All cases

Officers

Head of Environmental Health

	General licensing, registration and compliance functions
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	Nature of Event	Conditions
	Application for personal licence	If no objection is made
	Application for premises licence/ club premises certificate	If no relevant representation made
	Application for provisional statement	If no relevant representation made
	Application to vary premises licence/ club premises certificate	If no relevant representation made
	Application to vary designated premises supervisor	If no police objection is made
	Request to be removed as designated premises supervisor	All cases
	Application for transfer of premises licence	If no police objection is made

	Application for interim authorities	If no police objection is made
	Decision on whether a complaint is irrelevant frivolous vexatious etc	All cases

Employment Matters

Council

	Confirming the appointment of, and dismissing, the Head of Paid Service, the designation of Monitoring Officer and Chief Finance Officer and the appointment of Proper Officers
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Executive

	Consider the proposed appointment/dismissal of deputy chief executives and service heads.
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Employment Committee

	To receive reports from the Head of Paid Service and or the Head of Human Resources on strategic employment policies, i.e. those employment policies immediately and directly affecting all employees
	To work with the employee side representatives to promote effective communications and consultation between the Council and its employees on general personnel matters
	Functions in respect of the exercise of discretion under the local government pension scheme including the award of discretionary payments

Appointments Committee

	Recommend to Council the appointment or dismissal of the Head of Paid Service
	Determine the terms and conditions of service of the Head of Paid Service and other employment related issues as they apply to that post.
	Appointment or dismissal of deputy chief executives and service heads
	Disciplinary action against Head of Paid Service (short of dismissal), deputy chief executives and service heads, the Monitoring Officer (and Deputy) and Chief Finance Officer (and Deputy) in accordance with the relevant provisions

Appeals Committee

	Determination of appeals by an officer against decisions taken in respect of that officer by the Appointments Committee or, in the case of political assistants, by the Proper Officer
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Officers

Head of Human Resources

	General functions in relation to employment matters
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