

Section 1 Local Choice Functions

| Local Choice Function | Decision to be taken by |
|---|-----------------------------------|
| Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 | Cabinet |
| The determination of an appeal against any decision made by or on behalf of the authority | Cabinet |
| Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 | Cabinet |
| The determination of an appeal against any decision made by or on behalf of the authority | Cabinet |
| Any function relating to contaminated land | Cabinet |
| The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authorities area | Cabinet |
| The discharge of any function relating to the control of pollution or the management of air quality | All Environmental Health Officers |
| The service of an abatement notice in respect of a statutory nuisance | All Environmental Health Officers |
| The inspection of the authority's area to detect any statutory nuisance | All Environmental Health Officers |
| The investigation of any complaint as to the existence of a statutory nuisance | All Environmental Health Officers |

Section 2 Council Functions

A. **Council** (All 44 Members)

The Council shall be responsible for those functions set out at paragraph 4.02 of Article 4 of the Constitution

B. **Audit & Standards Committee** (12 members)

To exercise the following duties:-

- i. To promote and maintain high standards of conduct by members of the Council.
- ii. To ensure members of the Council observe the Council's Code of Conduct.
- iii. To advise the Council on the adoption or revision of a Code of Conduct.
- iv. Monitor the operation of the Code of Conduct.
- v. To provide advice and training (or arrange training) for members on matters relating to the Code of Conduct.
- vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the district.
- vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct.
- viii. Power to make determinations at Code of Conduct Hearings: Arrangements for Dealing with complaints of Councillor misconduct
- ix. Approve (but not direct) internal audit's strategy, plan and performance
- x. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- xi. Consider the reports of external audit and inspection agencies
- xii. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- xiii. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- xiv. Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
- xv. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- xvi. Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.
- xvii. approve the Council's Audited Statement of Accounts.
- xviii. All matters relating to elections and electoral registration including the appointment of Councillors to a Parish or Town Council under Section 91 of the Local Government Act 1972.
- xix. All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews.
- xx. consider updates on Treasury Management activity

C. Planning Committee (12 Members)

To exercise delegated powers as follows:

- i. To determine planning applications and applications for listed building consent, which are not delegated to the Head of Place, Arts and Economy, as set out in the Scheme of Delegation.
- ii. To decide if tree preservation orders should be confirmed if objections are received.
- iii. The service of planning and listed building enforcement and other notices.
- iv. The making of a revocation order in respect of existing planning permission where the owner agrees not to claim compensation.
- v. To enter into Planning Agreements under S106 of the Town and Country Planning Act and to modify or discharge obligations contained in such agreements which are not delegated to the Head of Place, Arts and Economy.
- vi. To determine planning applications for development made under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
- vi. To consider performance and monitoring reports with regard to the planning matters
- vii. To determine submissions made under the High Speed Rail Act which are referred to the Committee by the Head of Development Services.

D. Licensing & Regulatory Committee (15 Members)

This Committee is established and empowered under sections 6 and 7 of the Licensing Act 2003 and section 154 of the Gambling Act 2005 to exercise delegated powers in discharging the Council's functions under the Licensing Act 2003 and the Gambling Act 2005 and to establish sub committees and arrange for the discharge of Licensing Act and Gambling Act functions by such sub committees or officers

- a. All matters relating to licences consents and registrations (excluding those delegated to the Licensing & Regulatory Panels) except the setting of fees.
- b. All matters relating to public footpaths and bridle ways.
- c. Functions relating to name and status of areas and individuals:-
 - recommend to Council a change the name of the district
 - power to change the name of the parish
 - power to confer title of honorary alderman or to admit to be an honorary freeman
 - power to petition for a charter to confer borough status
- d. Promoting or opposing local or personal Bills (See article 4 para 4.02(j))
- e. All powers and duties of the Council relating to the making, variation or discharge of Public Spaces Protection Orders under the Anti-Social Behaviour and Policing Act 2014.
- f. All matters relating to making Orders under the Criminal Justice and Police Act 2001.

- g. To recommend to Council amendments to the Council's Licensing Policy Statement, with regard to the Licensing Act 2003,
 - h. Under the Licensing Act 2003 the determination of application to review premises licence or club premises certificate.
 - i. To recommend to Council amendments to the Council's Licensing Policy Statement and a policy not to permit casinos, with regard to the Gambling Act 2005.
- E. Licensing & Regulatory Sub-Committee (To be known as Licensing & Regulatory Panels) (3 Members to be drawn from the membership of the Licensing & Regulatory Committee as required)**

These Sub Committees are established by the Licensing & Regulatory Committee and have delegated responsibility for exercising the following powers with regard to the Licensing Act 2003 or the Gambling Act 2005 which are not delegated to the Head of Service for Health & Community Protection.

- (1) Licensing Act 2003
- Application for personal licence - If a police objection is received
 - Application for personal licence by an applicant with unspent convictions
 - Application for premises licence or a club premises certificate if a relevant representation is 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
 - Application for transfer of premises licence – If police objection
 - Applications for interim authorities – If police objection
 - Determination of an application for a Temporary Event Notice where objection is received from a relevant person (except a late TEN)
 - Determination of application to vary premises licence at community premises to include alternative licence condition If a police objection
 - Summary Review of premises/Personal license All cases as an Emergency activity
 - Decision to object when local authority is a consultee and not the relevant authority considering the application
 - To consider suspension or revocation of a Personal Licence under the Licensing Act 2003 Following conviction or a relevant offence, foreign offence or immigration penalty.
- (Applications for review of a premises license or a club premises certificate under Licensing Act 2003 will be reserved to the Licensing and Regulatory Committee)*

- (2) Gambling Act 2005
- Issue club/ gaming machine permits – If objection received
 - Determine applications/Approve gambling act licenses – if representations received
 - Vary gambling act licenses – If representations received
 - Transfer gambling act licenses – If representations received

(3) The Licensing & Regulatory Committee has also delegated authority to these Sub-Committee to determine the following matters

- The Issue Street Trading Consents – if objections received
- Action to be taken in respect of a Private Hire Operators, who have been the subject of serious or repeat complaints, or may not be considered fit and proper to hold the licence in accordance with the Councils policy
- Action to be taken in respect of Hackney Carriage or Private Hire Drivers who have been the subject of serious or repeat complaints or may not be considered fit and proper to hold the licence in accordance with the Councils policy other than emergency cases under section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976 where immediate action is considered necessary in the interests of public safety.
- Action to be taken in relation to Hackney Carriage and Private Hire Vehicle licences where license has been suspended or revocation is proposed and the licence holder has made a request to be heard by the Committee.
- Renewal of Hackney Carriage and Private Hire Driver Licence, Operator Licence and Vehicle Licences where refusal is proposed by the Head of Heath of Community Protection and the licence holder has made a request to be heard by Committee.
- Application for Hackney Carriage and Private Hire Driver Licence, where refusal is proposed by the Head of Health and Community Protection for reasons other than the failure to pass the knowledge test, a failure to complete the Disability Awareness Course or a failure to complete the Child Sexual Exploitation Awareness Course. Application for a Private Hire Operator Licence where refusal is proposed and the applicant has made a request to be heard by the Committee has been received.
- Application for a Hackney Carriage and Private Hire Vehicle licence where refusal is proposed by the Head of Health and Community Protection and the applicant has made a request to be heard by the Committee.

F. **Employment Committee** (12 Members One of whom will be the Leader as a representative of their political group)

To exercise delegated powers as follows:

- i. To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy.
- ii. To modify any National Joint Council for Local Government Services conditions of service which may, under the Single Status Agreement, be modified by local agreement and approve any local agreements that may be entered into with the recognised trade unions.
- iii. To approve amendments to the establishment of the Council in respect of Chief Officers of the Council, as defined in Article 12 of the Constitution, in accordance with the Council's agreed budget
- iv. To consider recommendations and the minutes from the Members/Trades Unions Joint Consultation and Safety Panel
- v. To appoint an Independent Investigator in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.

- vi To appoint a sub-committee, at an appropriate time that will
 - (a) undertake disciplinary hearings to receive the evidence of the Independent Investigator and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules;
 - (b) dismiss chief officers (excluding statutory officers) as determined in accordance with the Officer Employment Procedure Rules;
 - (c) to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with Council Procedure Rules;
 - (d) determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision to suspend by the Head of Paid Service or Monitoring Officer) at least every two months
- vii To agree the procedures for the appointment to any roles listed in (viii)
- viii To appoint a sub-committee that in line with adopted procedures will appoint Deputy Chief Executive, Programme Director for Climate Change and Heads of Service ("Chief Officers") and
- ix To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures

NB 1: Where the committee (or a sub-committee of it) is involved in the discipline or dismissal of Statutory Officers, it must include a member of the Cabinet, that will normally be the Leader.

NB 2: Where it is proposed that a statutory officer is dismissed prior to Council determining the decision it must be considered by a Panel of at least two Independent Persons as defined under the Localism Act 2011.

3. Informal Council Meetings

The Council operates discussion forums e.g. Planning Forum, Members/Trades Unions Joint Consultation and Safety Panel, Warwick District Conservation Advisory Forum and various working parties which do not have decision making powers and are not open to the public. There is no requirement for them to follow the Council Procedure Rules but have adopted their own procedures which are annexed to the Constitution and available on request.

4. Emergency Powers

The Chair of the Council has authority to take decisions in consultation with the Vice-Chair and the Group Leaders, with advice from the Chief Executive, Monitoring Officer and Section 151 Officer, when Council is unable to meet due to an emergency situation. This includes the ability to revise Council procedure rules (for a limited time of no more than three months). Any decision would be brought back to the next meeting of Council for scrutiny. The items considered in this arrangement can only be urgent matters to ensure the Council can continue to function and meet, providing they are within the legislative framework and the spirit of the Constitution

Section 3 Executive Functions

The Council has previously chosen to adopt a stronger Leader model for its Executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Cabinet or Members of the Cabinet.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3 of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example, by taking back responsibilities delegated to the Cabinet, an individual member of the Cabinet or an officer, or delegating powers under certain conditions. These will then be notified to Council for it to update the Constitution.

Structure of The Cabinet

The Cabinet will comprise of nine Members, with responsibilities for service areas as detailed in Part 7 of the Constitution.

Executive decision-making

Policy decisions, as set out in Article 4 of the Constitution are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by Cabinet, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chair shall have a casting vote.
- b. Cabinet decisions shall otherwise be made by a scheme of delegation determined by the Leader and either set out in this document (for those powers delegated to the Cabinet and/or Portfolio Holders) or as set out in the Scheme of Delegations to Officers.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

To consider and make recommendations to Council on:

1. The formulation of the Council's Corporate Strategy, and such forward programmes and other steps as may be necessary to achieve those objectives;
2. The Council's financial policies;
3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or Service structure, or the distribution of functions and responsibilities;
4. The making and levying of the Council Tax;
5. Council functions that are not specifically assigned;

6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans;
7. Approval of the Housing Strategy and Housing Investment Programme;
8. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004;
9. The basis upon which revenue estimate and capital programmes should be prepared;
10. Before the start of every financial year, to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.

Subject to those matters reserved to Council and those matters delegated to an officer, the Cabinet to exercise delegated powers:

1. To take such action as the Cabinet thinks necessary in relation to:
 - (a) The Council's policies, objectives and priorities.
 - (b) The co-ordination and development of services.
 - (c) The work of other committees and bodies.
2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.
3. To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
4. To consider and review the budget management and financial control systems of the Council.
5. To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
6. To make Grants under the RUCIS scheme.
7. To ensure the effective management, development and maintenance of all land and buildings.
8. To sell, purchase or appropriate land and buildings.
9. To grant or take leases of or any other interest in land and buildings
10. To acquire land and buildings by compulsory purchase
11. as the Housing Authority
12. Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council.
13. Development Management
14. To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
15. Culture, including (Parks & open spaces, Royal Spa Centre, Pump Room premises, Art Gallery & Museum; Sport, leisure & community or Catering establishments
16. Markets & mops Car park management Refuse collection and recycling Street Cleansing;
17. Food safety, Health and safety, Pollution control public health - pest control - animal welfare – nuisances - infection control Health promotion Cemeteries & crematorium
18. Main drainage
19. Housing benefits & Council Tax Reduction
20. To exercise overall management of information technology policy and related power and duties.

21. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
22. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
23. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
24. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Cabinet or are specifically reserved to the Council.
25. To institute proceedings (other than for debt collection) in the High Court
26. Consideration of corporate risk.

Leader's Scheme of Delegation to Portfolio Holders

At present, no decision making powers are delegated to Portfolio Holders. The guidance below is in place as a minimal provision if the Leader was so minded to introduce such decision making.

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in their absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or Cabinet and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. The relevant Ward Councillor(s) must be consulted where the matter specifically affects their Ward or Group Leaders where the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Chief Officers (The Senior Management Team of the Council) as outlined in the Constitution.

All Members and officers are bound by the Council's approved, Budget and Policy Framework, Code of Financial Practice, Code of Procurement Practice and Code of Corporate Governance.

Where responsibility for any Cabinet decision is silent, the default decision-maker will be Cabinet unless the Leader determines otherwise.

(c) Committees of the Cabinet - There are none at present.

Warwick District Council has formed a Joint Cabinet with Stratford-on-Avon District Council under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet of each council in February 2021. The purpose of the Joint Committee is to enable the two Council's to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner. The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Council's for final approval. The Constitution for the Joint Committee, appended to this Constitution, includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

(d) Working Groups of the Cabinet (with decision making powers) - There are none at present.

(e) External working

Representation on Strategic bodies

The Leader shall appoint representatives on these external bodies:

- Warwickshire Police & Crime Panel -
- West Midlands Employers
- Coventry and Warwickshire LEP
- District Councils' Network
- LLP Board
- Safer Warwickshire Partnership Board
- South Warwickshire Community Safety
- Warwickshire County Council Health & Wellbeing Board
- Association of Retained Council Housing (ARCH)
- Shakespeare's England
- local housing companies

Delegations regarding external working

Chief Officers, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Work with partner bodies, to support the development of partnership plans and strategies;

- (d) Develop strategic plans;
- (e) Work with partner bodies to support growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (h) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for Cabinet or the Council, shall be a matter for the Leader to determine or authorise, after due consultation with the Chief Executive, Deputy Chief Executives and Head of Finance/S151 Officer.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Councillor Ian Davison
Leader of the Council
17 May 2023