

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

ALL COMMITTEES – GENERAL FUNCTIONS

| | |
|---|---|
| G | To constitute time limited Sub-Committees and appoint elected and (where appropriate) Co-opted Members to small Sub-Committees (with delegated or advisory powers or both) or small Working Panels (with advisory powers) to deal with specific issues as and when the need arises in accordance with the Council Procedure Rules set out in Part 4 of this Constitution. |
| | The terms of reference of any such Sub-Committee shall be determined by the Committee unless already laid down in the Constitution. |
| | To receive reports from any Sub-Committees so constituted. |
| | To oversee the best value reviews of its services and monitor performance. |
| | To make any in-year amendments to the plans and strategies which are the responsibility of the Committee subject to the Council Procedure Rules and Financial Procedure Rules set out in Part 4 of this Constitution. |
| | Within the terms of reference to work with outside organisations in partnership to further the Council's primary purposes / aims and objectives. |
| | To supervise, monitor and enforce Partnering contracts within the Committee's terms of reference. |
| | To delegate to the Officer or Officers named the functions or parts of functions which are listed as Officer delegations set out in Part 3 of this Constitution. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

LICENSING & APPEALS COMMITTEE

| | |
|------|---|
| LA01 | To exercise licensing and registration requirements under the Licensing Act 2003 and Gambling Act 2005 and to appoint Sub-Committees of three Members (two Members of majority Group and one Member of opposition) to consider the following matters. |
| | To consider applications and appeals relating to licensing matters in accordance with Government guidance and Regulations under the Licensing Act 2003 and Gambling Act 2005 which are not delegated to Officers. |
| LA02 | To consider applications for and, where appropriate, renewals of miscellaneous licences (including house-to-house and street collections). |
| | To consider applications for sundry licences (including street trading, scrap metal dealers). |
| LA03 | To operate the Discretionary Rate Relief, Discretionary Rural Rate Relief and Hardship Relief Schemes and Discretionary Housing payments in respect of Housing and Council Tax Benefits. |
| | To determine all housing-related appeals (including those in respect of Introductory Tenancies, homelessness and the housing register). |
| | To consider all appeals in respect of applications for, renewals and the suspension or revocation of Private Hire Licences. |
| | To determine all personnel-related appeals (including job evaluation and other grading appeals, disciplinary and dismissal hearings). |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

HOUSING & COMMUNITY SERVICES COMMITTEE

| | |
|-------|---|
| HCS | To make proposals for the provision of its services for consideration of the Finance & Management Committee when it is drafting the Community Strategy and Corporate Plan for consideration by Full Council. |
| | To consider and determine issues about any policy document from other organisations, which affect the District and are related to this Committee's areas of responsibility. |
| HCS01 | To make proposals for approval or adoption by Full Council of the strategy and plans which comprise the Housing Investment Programme. |
| | To maintain and manage Council dwellings and incidental amenities including the modernisation of Council dwellings, planned maintenance and adaptations for disabled persons. |
| | To maintain and manage Council housing, garages and permanent gypsy sites. |
| | To develop good tenant relations and participation. |
| | To review housing and garage rents, District heating and other charges. |
| | To liaise with other appropriate agencies and organisations to ensure that the Council's housing management functions provide best value in accordance with the Council's primary purposes / aims and objectives. |
| | To exercise the Council's functions in respect of homelessness. |
| | To exercise the Council's functions in respect of meals on wheels and concurrent functions. |
| | To consider and recommend Housing Revenue Account Budgets and associated rents and charges. |
| | To provide housing advice. |
| | To make proposals for ensuring that an adequate supply of housing of a proper standard is available in the District to meet existing and future needs in the public and private sectors. |
| HCS02 | To make advances for house purchase and improvement. |
| | To exercise the Council's functions in respect of slum clearance and disrepair of houses in the private sector, including compulsory purchase. |
| | To exercise the Council's functions in respect of Housing grants. |
| | To exercise the Council's functions in respect of the licensing of mobile homes. |
| HCS03 | To maintain and manage the Council's sheltered housing stock. |
| HCS04 | The exercise of the Council's functions in respect of community and social regeneration. |
| HCS05 | Public health promotion and development Health Improvement Activities. |
| HCS06 | The exercise of the Council's functions in respect of public health and infectious and communicable diseases. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

HOUSING & COMMUNITY SERVICES COMMITTEE contd.

| | |
|-------|--|
| HCS07 | To make proposals for approval or adoption by the Council of the the Crime and Disorder Reduction Strategy. |
| | The exercise of the Council's functions in respect of crime and disorder. |
| | The exercise of the Council's functions in respect of home and water safety matters and crime prevention initiatives. |
| | The provision, management, promotion, publicity and co-ordination of all matters dealing with cultural activities including the arts and heritage, community development, sport and health development and public events and activities for the District in accordance with the relevant plans and strategies. |
| | The provision of grant aid support to voluntary organisations. |
| | The provision of environmental education. |
| | Participation in and management of / assistance to externally funded projects. |
| HCS08 | The provision and management of leisure facilities including monitoring the Green Bank Leisure Centre Contract and the performance of the Etwall Leisure Centre (including to receive the Minutes of the Etwall Leisure Centre Joint Management Committee). |
| HCS09 | The provision and management of cemeteries, crematoria and mortuaries. |
| HCS10 | The provision and management of public parks and open space. |
| HCS11 | The provision of welfare funerals and exhumations. |
| HCS12 | The provision and management of short-stay gypsy sites. |
| | The control of unauthorised camping by travellers. |
| HCS13 | To accept or reject tenders in cases where the lowest tender (or the highest where payment is made to the Council) is not recommended for acceptance, provided it can be contained within existing budgets. |
| HCS14 | To determine responses on behalf of the Council to consultation documents related to the Committee's service areas. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

PLANNING COMMITTEE

| | |
|------|---|
| PL01 | To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of Development Control, Article 4 Directions, Tree Preservation Orders and Advertisement Control. |
| | To respond to any consultation in the revision of the Development Plan policy. |
| | To determine proposals for the revocation or modification of planning consents or any other proposals which may give rise to claims for compensation. |
| | To exercise all enforcement powers and duties in respect of the functions EDS04 and EDS05. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE

| | |
|-------|--|
| EDS | To make proposals for the provision of its services for consideration of the Finance & Management Committee when it is drafting the Community Strategy and the Corporate Plan for consideration by Full Council. |
| | To consider and determine issues about any policy document from other organisations, which affect the District and are related to this Committee's areas of responsibility. |
| EDS01 | The exercise of the Council's Land drainage functions and its functions relating to the clearance and maintenance of private drains and sewers. |
| | Amenity maintenance (as agents of the local Highways Authority). |
| | To oversee and co-ordinate the Council's approach to the environment and environmental management. |
| EDS02 | Proposals to make Compulsory Purchase Orders under the Town and Country Planning Acts. |
| | Proposals for discontinuance of use or revocation / modification of planning consents. |
| | Purchase Notices under the Town and Country Planning Acts. |
| EDS03 | The management and promotion of activities within Swadlincote Town Centre. |
| | To monitor and review the housing, industrial and commercial needs of the District |
| | To make proposals for approval or adoption by the Council of the plans and alterations which together comprise the Development Plan. |
| | To make proposals for inclusion in the County Structure Plan. |
| EDS04 | To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of conservation and heritage, namely Listed Building Control and Building Preservation Notices. |
| | To determine applications for Historic Buildings and Conservation Area Grants. |
| | To liaise with Derbyshire County Council over records and archives. |
| EDS05 | To carry out, on behalf of the Council, all its powers and duties in relation to Building Regulations and related legislation. |
| | The exercise of the Council's functions in respect of dangerous trees, buildings and structures. |
| EDS06 | To exercise the Public Rights of Way Agency and to create, extinguish and divert public rights of way. |
| EDS07 | The exercise of the Council's functions in respect of waste disposal, recycling, street cleansing and litter. |
| EDS08 | The exercise of the Council's functions in respect of refuse collection. |
| EDS09 | The exercise of the Council's functions in respect of street cleansing and litter. |
| EDS10 | The provision, management, promotion, publicity and co-ordination of all matters dealing with economic development for the District. |
| | The provision of business advice and support as part of the Derbyshire Business Link. |
| | Schemes for the reclamation of areas of derelict land. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE contd.

| | |
|-------|---|
| EDS11 | The provision, management, promotion, publicity and co-ordination of all matters dealing with tourism for the District. |
| EDS12 | The exercise of the Council's functions in respect of the Land Charges service. |
| EDS13 | The exercise of the Council's functions in respect of health and safety enforcement and corporate health and safety. |
| | The exercise of the Council's functions in respect of food safety. |
| | Welfare duties including committals to hospital and control of filthy and verminous persons, premises and articles. |
| | The control of offensive trades. |
| | Subject to Terms of Reference for the Licensing & Appeals Committee, the provision, management and enforcement of the Council's licensing and registration functions. |
| | The exercise of the Council's functions in respect of the Sunday trading laws and hours of trading. |
| | The exercise of the Council's functions in respect of abandoned vehicles. |
| EDS14 | The exercise of the Council's functions in respect of pollution control. |
| | The provision and management of the service governing nuisances and matters prejudicial to health, including noise and vibration control. |
| | The declaration of noise abatement zones. |
| | The provision and management of the pest control service. |
| | The exercise of the Council's functions in respect of animal welfare, dog wardens and disease. |
| | Water guarantee schemes. |
| | The exercise of the Council's functions in respect of the control of water quality. |
| | The exercise of the Council's functions in respect of contaminated land. |
| EDS15 | The provision and management of public conveniences, bus shelters, Swadlincote bus station, public car parks and the Swadlincote Market Contract |
| EDS16 | To accept or reject tenders in cases where the lowest tender (or the highest where payment is to be made to the Council) is not recommended for acceptance, provided it can be contained within existing budgets. |
| EDS17 | To determine responses on behalf of the Council to consultation documents related to the Committee's service areas. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

FINANCE & MANAGEMENT COMMITTEE

| | |
|---|--|
| FM | To determine all matters coming within the purview of any other Committee on the grounds of urgency or expediency in between meetings. |
| FM01 Asset and Property Management | The provision, including the power to sell, lease and / or purchase, the management, promotion, publicity and co-ordination of all matters dealing with operation of the Council's land and property holdings except Council owned houses, garages and permanent gypsy sites. |
| | To manage the Council offices, public buildings and other corporate assets. |
| | To manage the Council's investment and commercial property portfolio including the oversight of all estate management matters. |
| | To decide issues in relation to uses for any land between Committees. |
| | To acquire (by agreement or compulsory purchase or appropriation) or dispose of any land which has a major or strategic significance in accordance with Council policy. |
| | |
| FM03 | To nominate or appoint Council representatives to outside bodies, receive reports from them, and to approve, or otherwise, the Council's corporate membership of outside organisations. |
| | To prescribe 'approved duties' for the purpose of Section 173 –176 of the 1972 Act and the Local Authorities (Members' Allowances) England Regs. 2003. |
| | To make proposals for approval or adoption by Full Council of the Council's Constitution and any changes made to it. |
| | To make proposals for approval or adoption by Full Council of the Members' Code of Conduct and any changes to it. |
| FM04 Governance | To authorise the Chief Executive to prosecute or take any legal proceedings (as defined in this scheme) subject to powers to take legal proceedings or prosecutions delegated elsewhere in this Constitution. |
| | To reconsider any decision to which the Call-In procedure has been properly invoked, and to determine the validity of any application to Call-In a decision where the Chief Executive's decision is disputed. |
| | To receive reports on complaints made to the Council and the Local Government Ombudsman, and, where appropriate, to decide whether to reach local settlements or to take any other action following the Ombudsman referral (including obtaining authority to make ex gratia payments). |
| FM05 Human Resources | The appointment and dismissal of the following Officers – (See Officer Employment Procedure Rules set out in Part 5 of this Constitution):- <ul style="list-style-type: none"> • Director of Finance and Corporate Services |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

| | |
|-----------------------------------|--|
| | <ul style="list-style-type: none"> • Director of Housing and Environmental Services • Director of Planning and Community Services • Head of Legal and Democratic Services • |
| | The oversight and management of all personnel issues including all dealings with recognised Unions, issues relating to pensions and gratuities, the monitoring and review of manpower requirements, including decisions on redundancy procedures and the disciplinary and grievance procedures of the Council. |
| | To appoint 5 representatives to the Council's Joint Consultative Committee. |
| FM06 Electoral Registration | All elections matters including electoral registration, the revision of electoral areas and elections at District, Parish, County, General and European level, except reports relating to the conduct of elections which must be considered and responded to by Full Council. |
| FM07 Communications | The oversight and management of the Council's communications, consultation and media functions. |

FINANCE & MANAGEMENT COMMITTEE contd.

| | |
|---------------------------------|---|
| FM08 Financial Management | To recommend an Annual Budget, Treasury Management Strategy, the level of Council Tax and the Council's Borrowing limit to be set by Full Council (including the determinations as to discounts or liability in prescribed cases), together with any measures needed to keep the Council's spending within its income for the year. |
| | To calculate an annual Council Tax Base and declare an annual surplus or deficit on the Collection Fund. |
| | To be responsible for the organisation, management and the performance of the Council, including in year financial monitoring of all Committees and spending Departments to ensure they remain within budget and act in accordance with financial regulations. |
| | To monitor and keep under review the Council's Financial Strategy and Medium Term Financial Plan . |
| | To consider the financial implications of new spending proposals, service restructures and income generation schemes. |
| | To approve the Statement of Accounts as required by Regulation 10 of the Accounts and Audit Regulations 2003 (as amended). |
| | To co-ordinate bids for external funding. |
| | To determine which contracts or classes of contracts may be exempted from the application of the Contract Procedure Rules (Tendering Procedures) in relation to the supply of goods or services |
| | To accept or reject tenders in cases where the lowest tender (or the highest where payment is to be made to the Council) is not recommended for acceptance. |
| | To write off bad debts, arrears of rent, NNDR, Council Tax, losses of property and obsolescent stores and equipment not delegated to the Section 151 Officer. |
| | The determination of applications for grant or contributions from various organisations and individuals not coming within the purview |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

| | |
|----------------------------------|---|
| | of other Standing Committees or Sub-Committees. |
| FM09 Audit | |
| | To oversee the Council's Internal Audit function including consideration of any reports received. |
| FM10 ICT | To oversee the Council's information and communication technology functions and polices |
| | To oversee that the Council complies with the Data Protection Act. |
| FM11 Customer Access | To oversee and co-ordinate the Council's Customer Relationship Management system and to monitor on a half yearly basis the level of customer compliments, complaints, comments and Freedom of Information requests. |
| FM12 Revenues and Benefits | The exercise of the Council's powers and duties as the Billing Authority, including the determination of reliefs and discounts, together with the recommendation of the local Council Tax Reduction Scheme to Full Council. |
| | Subject to Terms of Reference for the Licensing & Appeals Committee, to operate the Housing Benefits, Fraud and Appeals Schemes in respect of rent rebates, rent allowances and the Council Tax Reduction Scheme. |
| | |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

FINANCE & MANAGEMENT COMMITTEE contd.

| | |
|---|--|
| FM13 | |
| | |
| FM14 Council Planning and Performance Management | To make proposals for approval or adoption by Full Council of the Community Strategy and Corporate Plan |
| | To oversee the Performance Management Framework including service and department planning and to receive regular reports on any performance targets under its responsibility. |
| | To make proposals for approval or adoption of the Council's Policy Framework and all other plans not otherwise referred to in these Terms of Reference which must be sent to a Minister of the Crown for approval. |
| | To make concurrent reports to Full Council about any plans and strategies submitted to the Council for approval or adoption, particularly in relation to the strategic management of the Council and particularly the impact on the objectives, priorities and resources of the Council. |
| | To consider and determine issues about any policy or consultation document from other organisations, which affect the District. |
| | |
| | |
| FM15 Business Continuity and Emergency Planning | The exercise of the Council's functions in respect of Emergency and Business Continuity Planning. |
| FM16 | |
| | |
| FM17 Equalities and Fairness | To oversee and co-ordinate the Council's approach to Equalities, Diversity and Social Inclusions issues. |
| FM18 Organisational Development | To oversee and co-ordinate the Council's approach to Risk Management. |
| | To oversee health and safety procedures. |
| | To oversee training and development requirements for members and officers. |
| | |
| | |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

AUDIT SUB-COMMITTEE

| | |
|-----------------------------|---|
| AS01 External Audit | To consider any matters arising from the External Auditor's annual letter (after presentation to Full Council), relevant reports and the report to those charged with governance. In certain instances, these reports may also be reported to the appropriate policy committee or Full Council. |
| | To consider specific reports as agreed with the External Auditor. |
| | To comment on the scope and depth of external audit work and to ensure it gives value for money. |
| | |
| AS02 Internal Audit | To consider (but not direct) Internal Audit's strategy, operational plan and performance. |
| | To consider the Head of Internal Audit's Annual Report and opinion, and a summary of internal audit activity. |
| | To consider summaries of specific internal audit reports, as requested. |
| | To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. |
| | To approve the Internal Audit Charter |
| | To approve significant interim changes to the annual audit plan and resource requirements |
| | To consider reports dealing with the management and performance of the providers of Internal Audit services |
| | To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years |
| | To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement where required to do so by the Accounts and Audit Regulations |
| | To support the development of effective communication with the Head of Internal Audit |
| AS03 Audit Management | To ensure that there are effective relationships between External and Internal Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted. |
| | To confirm the joint working arrangements between Internal and External Audit. |
| | To commission work from Internal and External Audit subject to approval by the Responsible Finance Officer. |
| AS04 Governance | To maintain an overview of the Council's Constitution in respect of Financial Regulations and Procedure Rules, Contract Procedure Rules and Codes of Conduct and behaviour. |
| | To review any issue referred to it by the Chief Executive or Director, or any Council body. |
| | To monitor the effective development and operation of risk management and corporate governance in relation to financial matters. |
| | To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy. |
| | To oversee the production of the Authority's Annual Governance Statement and to recommend its adoption. |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

| | |
|---------------------------------|--|
| | To consider the Council's arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice. |
| | To consider the Council's compliance with its own and other published standards and controls. |
| AS05 Financial Statements | To review the Annual Statement of Accounts and specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the annual audit that need to be brought to the attention of the Council. |
| | To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts. |