

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

Definitions:

"Chief Officers" means the Chief Executive, Corporate Directors, Director of Health and Care, Area Directors, Monitoring Officer, s151 Officer, Corporate Heads of Service and Group Managers

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"The Council" includes any committee or officer of the Council acting within delegated powers and acting as agent for another body or person

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"Council Policies" within the Section referred to under "Planning" includes any development plan or informal plan or development brief, code of guidance or brochure on good design.

"The establishment" means the staff establishment of the Council for which funds have been provided in the estimates.

"The estimates" means the capital and revenue estimates approved by the Council.

"Extension" includes alterations, and in respect of a dwellinghouse any development within the curtilage.

"Facilities" mean facilities under the control of the Chief Executive.

"Function" includes any power or duty

"Income of the Council" includes community charges, council tax, national non domestic rates, penalties under community charge and council tax legislation and contractual and other payments due to the Council

"Legislation" and "statute" includes subordinate legislation and "legislative" and "statutory" shall be construed accordingly.

"Proceedings" includes any tribunal, inquiry, arbitration or other legal or quasi legal proceedings.

"Staff" means all employees of the Council.

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Part 8 – Delegations to Officers

PREAMBLE

1. The following functions are delegated to the officers described below by the Council, pursuant to Section 101 of the Local Government Act 1972 and by the Executive under Section 15 of the Local Government Act 2000.
2. The officers referred to in Part 7 (Management Structure) or by title within this Part 8 or any successor subsequent to any re-organisation and any officers acting in their place under paragraphs 3 and 14 are authorised to exercise the powers of the Council (both Executive and non-Executive functions) relating to their areas of responsibility as set out in Part 7 of this Constitution including professional and managerial functions relating to his/her service subject to the limitations and reservations of this Scheme
3. Every officer referred to in Part 7 and by title within this Part 8, may authorise officers in his/her department/service area to exercise on his/her behalf, functions delegated to him/her. The qualification to this is that in the case of the delegation reserved to the Service Manager with the responsibility for Trading Standards the delegation can only be exercised by an officer possessing the necessary qualification to do so. Any decisions taken under this authority shall remain the responsibility of the relevant officer referred to in Part 7 and by title within this Part 8 and must be taken in the name of that officer, who shall remain accountable and responsible for such decisions. However, certain legal functions have to be exercised by and in the name of the Corporate Head of Legal and Democratic Services.
4. The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff and incidental legislation.
5. The Constitution includes power for the Executive and committees to delegate their functions onwards to officers or to other local authorities and is in addition to any other general scheme made by the Council which does not conflict with it.
6. Functions of the Council are divided between:
 - (i) Executive functions, which are all those functions of the Council which are not non-Executive functions, and
 - (ii) non-Executive functions, which are required by statute or regulations to be non-Executive functions or local choice functions that the Council decides will be non-Executive functions and in exercise with statutory discretion.

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7. Any exercise of responsibility of functions or delegated powers shall comply with:
- (i) any statutory restrictions;
 - (ii) the Council's Constitution in particular the Financial and Contract Rules and any other guidelines, policies or procedures as the Council or Cabinet prescribe;
 - (iii) the Code of Recommended Practice on local authority publicity;
 - (iv) the need to take legal or other appropriate professional advice when required;
8. The Scheme does not delegate to officers any matter that:
- (i) is reserved by law or by this Constitution to the full Council or
 - (ii) may not by law be delegated to an officer.
9. The Scheme places an obligation on officers to keep Members properly informed of any action arising under these delegations and to record decisions.
10. It should always be open to the Cabinet or any committee of the Council, as appropriate, to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
11. Any decision taken under this Scheme must be made within the approved revenue and capital budgets, subject to any discretion allowed by the Financial Rules
12. The Political Structures Monitoring Group will review from time to time, as may be necessary, the general operation of the approved delegated arrangements, with any variations or amendments requiring the approval of the Cabinet and/or Council.
13. The Corporate Head of Legal and Democratic Services shall make routine revisions providing clarity where necessary and by replacing references to any repealed or amended, consolidated or replacement legislation, or secondary legislation with current references.
14. In the event of an Officer referred to in Part 7 or by title within this Part 8 not being available for whatever reason, his/her Deputy (or, where there is no officer designated as such, the next most appropriate senior officer) shall be authorised to implement approved delegated arrangements. The qualification to this is that in the case of the delegation reserved to the Service Manager with responsibility for Trading Standards the delegation can only be exercised by an officer possessing the necessary qualification to do so. In addition any officer attending any meeting, committee, public inquiry or other meetings of

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Part 8 – Delegations to Officers

this nature as a representative of a Chief Officer shall have full authority to act on behalf of that Chief Officer unless such authority has been limited by the Chief Officer.

15. Should the title of an Officer be altered from that shown owing to a re-organisation, or for any other reason, the approved delegated arrangements shall be exercisable by the appropriate Officer referred to in Part 7 or by title within this Part 8, as the case may be, responsible for the function in question.
16. For the avoidance of doubt any delegation exercised by a Group Manager may be exercised by the relevant Corporate Director and any delegation exercised by a Corporate Head of Service may be exercised by the Chief Executive unless restricted by this Scheme of Delegation or by law.
16. Any reference to a committee shall be deemed to include a reference to any other committee or sub Committee to which the performance of the function is delegated.
17. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulation, orders or schemes made thereunder.

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Consultation

18. In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given and where the exercise of a delegated power is likely to affect more than one service area, consultation shall take place with any other Chief Officer whose service area is likely to be affected.
19. Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive, that officer shall consult and liaise closely with the appropriate Cabinet member(s) (or in their absence, the Leader) or the committee chair (or in their absence, the vice-chair) before exercising the delegated powers.
20. It shall always be open to an officer to consult a Cabinet member, a committee, or its chair or vice-chair before exercising the delegated powers, or not to exercise delegated powers but to refer the matter to the Council, Cabinet or a committee for decision.
21. The normal requirements for consultation with Local Members on matters affecting their Electoral Divisions, as set out in the Local Member Protocol, will also be adhered to.

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Limits on Delegated Arrangements

22. Officers may not exercise any of the functions reserved by Part 3 to the Council, the Cabinet or any committee of the Council. Nor may officers:
- (i) change approved policies;

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(ii) create new policies;

(iii) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have a significant impact upon services;

(iv) increase the totality of the revenue or capital budgets agreed by Full Council.

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Authorisation

23. By this Scheme and subject to the limitations and reservations herein, the Council delegates and authorises the officers identified in this Part 8 above and any officers acting in their place under paragraphs 3 and 14:

(i) to exercise the powers specified;

(ii) to exercise any of the Council's functions in an emergency; and

authorises any other officers identified under arrangements made by the Council or Cabinet or any committee pursuant to section 101 (2) of the Local Government Act 1972 or section 15 the Local Government Act 2000 to exercise the powers specified in relation to the appropriate officers in those arrangements.

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SPECIFIC POWERS DELEGATED TO OFFICERS

Chief Executive

1. Exercise the functions of the Council's Head of Paid Service under s4 Local Government and Housing Act 1989 and in this role the general management of the Authority
2. Exercise the powers of the Council under s138 of the Local Government Act 1972 in the event of an emergency disaster
3. To appoint such independent persons to Appeals Committees or Panels as required by law or in his/her discretion appears appropriate and may maintain lists of such persons for such purposes. In the case of Education Admission and Exclusion Appeal Panels to appoint the Chairman of each Appeal Panel.
4. To designate officers as authorised officers for the purpose of exercising the Council's powers under any statutory provisions.
5. To issue any licences or control any registration of persons or premises on behalf of the Council under any legislation save to the extent that this power is specifically delegated by this Scheme or reserved by law to a Senior Officer.
6. To publish notices as required on behalf of the Council under any legislation save to the extent that this power is specifically delegated by this Scheme or reserved by law to a Senior Officer.
7. To approve the grading and regrading of posts (subject to NJC to Local Government Services, Soulbury and Youth and Community Worker Conditions of Service) where the proposed maximum grade is PO17 or above (or equivalent).
8. To approve the original grading of individual posts, (subject to JNC Chief Officer Conditions) and regradings of such posts providing that the proposed grading is no more than one grade higher (or lower) than the current grade.
9. To approve the composition of Appeal Panels convened by the Corporate Head of, Organisation Development to deal with disciplinary, grading or other issues.
10. In consultation with the relevant Portfolio Holder to take decisions in respect of any company where the Council has an interest as shareholder, subject to issues of a significant nature being brought to Cabinet and, if necessary, to Council. (A significant issue is a decision which is likely to result in the Council incurring expenditure, making a saving, receiving income or an increase in share value above a budget value of £500,000 as per the Council's Financial Rules).

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11. To approve nominations for appointment of alternates to the School Organisation Committee.
12. To agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations.
13. To approve nominations received for the filling of co-opted member vacancies on Committees and Panels in consultation with the relevant Portfolio Holder.
14. To appoint Authorising Officers contained in Sections 28 and 29 Regulation of Investigatory Powers Act 2000.
15. The Chief Executive may (save to the extent that such matters are reserved by statute for other individual Officers) exercise any powers delegated under this scheme to any Chief Officer
16. The Chief Executive may take such steps as are appropriate to secure compliance with any decision of Council, Cabinet, a Committee or Panel.
17. The Chief Executive when exercising any powers may authorise in consultation with the Corporate Head of Finance the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council or Cabinet for this to be done.
18. Any power exercisable by the Chief Executive in these Delegations shall be exercisable in the absence of the Chief Executive by such other Chief Officer as the Chief Executive shall from time to time designate as his/her Deputy.
19. If considering the exercise of a delegated power which would normally be exercised by one of the other Chief Officers, the Chief Executive shall consult with the Chief Officer if available and the Chairman, Cabinet or the relevant Portfolio Holder concerned if available.
20. Following consultation with the Leader to give the necessary consent required under s31(2) of the Anti Social Behaviour Act 2003 to the Police to authorise the designation of areas of the County within which the powers under s 30 and 36 of the Act are to be exercised.
21. To act as the Council's Electoral Registration Officer and Returning Officer for Local and European Parliamentary elections and Acting Returning Officer for national Parliamentary elections, referenda and all other elections.
22. To approve any requests from Town Councils for Shropshire Council to delegate its powers under Sections 248 & 249 of the Local Government Act 1972 to install / create Freemen and Honorary Freemen.

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Senior Management Team

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- (1) To approve significant variations to existing corporate personnel policies and locally adopted conditions of service in relation to all national negotiating bodies prior to consultation taking place with the Trade Unions, except where the financial or policy implications across the Council require the matter to be referred to the Cabinet.
- (2) To adopt new corporate personnel policies and exercise any discretions available in national agreements, in relation to all national negotiating bodies, except where the financial and policy implications across the Council require the matter to be referred to the Cabinet.

Chief Officers

1. To take all steps to implement any decisions taken by Council or under delegations.
2. To exercise day to day management of those services, staff and resources placed under the control of the Chief Officer.
3. To implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council.
4. To appoint staff (excluding the posts of Chief Executive, Monitoring Officer, Section 151 Officer , Corporate Directors and Area Directors) within structures and budgets approved by the Council and the Cabinet where Procedure Rules allow and to exercise control and discipline in accordance with the Council's agreed policies and personnel procedures.
5. To appoint staff within budgets approved by the Council and structures approved by Cabinet and to exercise control, discipline and dismissal in accordance with the Council's agreed policies and personnel procedures
6. Upon advice from the Corporate Head of Organisation Development the making of agreements with other local authorities for placing of staff at the disposal of other authorities.
7. To authorise the acquisition of assets or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by a Portfolio Holder or Cabinet for which a budget has been approved.
8. Following consultation with the relevant Portfolio Holder to enter into agreements for the provision of services to third parties and make charges therefore subject to the confirmation of the Corporate Head of Legal and Democratic Services that the activity is not ultra vires.
9. Taking such steps as may be required to maintain the operation or effectiveness of services.

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10. Taking such steps to put in place any policy decision taken by the Council.
11. To approve changes to the number and distribution of posts (subject to NJC for Local Government Services, Soulbury and Youth and

Community Worker Conditions of Service) for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to Cabinet will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.

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12. To approve changes to the grading of posts (subject to NJC for Local Government Services, Soulbury and Youth and Community Worker Conditions of Service), taking account of job evaluation outcomes for posts covered by these schemes and subject to financial provision for the current and future years being available; and the proposed maximum grade being below PO17.
13. To authorise staff to exercise such powers of entry, inspection and survey of land buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which they have statutory powers.
14. For the avoidance of doubt the Chief Officers are authorised to act on behalf of the Council within the service area for which he/she is responsible and as set out in this Scheme of Delegation and subject to the considerations as set out in the Preamble above.

15. The Council has also expressly agreed that these delegations shall extend to enable the Corporate Director of People and the Director of Health and Care and Group Manager Care and Wellbeing to act under these powers in respect of all Health, Education and Social Services matters as defined within the Local Authority Social Services Act 1970.

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16. Without prejudice to the generality of the powers of the Corporate Head of Legal and Democratic Services to institute proceedings, the Corporate Directors and Group Manager (Public Protection and Enforcement) and Group Manager (Care and Wellbeing) shall have the power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas.

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Corporate Head of Finance

In addition to acting on behalf of the Council in relation to matters within their service area, the Corporate Head of Finance shall have authority:-

1. To carry out the responsibilities and powers of the Chief Finance

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Officer as defined in Section 151 Local Government Act 1972, The Local Government Finance Act 1988, The Local Government and Housing Act 1989, the Local Government Act 2003 and the Accounts and Audit Regulations 2003 as amended.

2. To operate the Council's banking arrangements.
3. To pay salaries and allowances.
4. To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time.
5. To pay all sums properly authorised as due.
6. To collect all income due to the Council, including appropriate interest and costs , including –
 - (i) The recovery of unpaid income due to the Council by the issue of summonses or otherwise, including proceedings in tribunals and inferior courts
 - (ii) The issue and recovery of penalties (or their waiver and writing off) under the Third Schedule to the Local Government Finance Act 1988 and the Third Schedule to the Local Government Finance Act 1992
7. The writing off of court costs in respect of national non domestic rates and council tax. Deleted: , community charge
8. The payment of sums properly payable from the Collection Fund.
9. Requests to the Valuation Officer to revise valuation lists by e.g. the inclusion of newly completed properties, and appeals against valuations of Council property.
10. The determination of on-costs and rates of interest in respect of any sums due where such on-cost or interest is properly chargeable.
11. To determine all claims, administer and collect payment in relation to Council Tax, National Non Domestic Rates and Housing Benefits (including the exercise of all discretions conferred upon the Council by the relevant schemes).
12. To deal with all insurances against loss to or liability of the Council including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer)..
13. The determination of financial management and accounting Deleted: 01/02/2011
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procedures and the form and extent of financial records.

14. The production and distribution of financial management information.
15. Financial negotiations with external bodies.
16. Determination of the manner in which the cost of capital schemes is to be defrayed and the application of capital receipts.
17. Co ordination, control and supervision of all monies due to the Council.
18. Write off of income due to the Council which is considered irrecoverable if:-

(i) amount is £100,000 or less

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(ii) debtor has been declared insolvent or bankrupt

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(iii) debtor being a company which has ceased to trade.

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19. To act as Scheme Administrator for the Shropshire Council Pension Fund.

20. To authorise payments of any pensions, gratuities, grants, etc provided for in the Superannuation Acts and Regulations, subject to those payments being in accordance with the Acts, Regulations or agreed Policy of the Council.

21. In cases of urgency to approve virement, supplementary revenue and capital votes not otherwise covered by the Corporate Head of Finance's delegated authority.

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22. To approve supplementary revenue votes for items which are unavoidable and are not inconsistent with approved budgetary policy and which:

- Result from pay awards or price increases not taken into account in approved revenue votes.
- Result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives.
- Are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue votes.

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23. Virement (ie the transfer of sums approved for a specified purpose to another purpose) to authorise in accordance with the Financial

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Rules providing there are no greater consequential revenue effects in later years.

24. To approve supplementary capital votes subject to the limitations set out in the Financial Rules.
25. To exercise the Council's voting rights as a member of the National Association of Pension Fund Investment Protection Committee, subject to consultation with the Chairman of the Pensions Committee if appropriate.
26. To approve, on the recommendation of the Chief Officer concerned, individual items of expenditure from the Council's Reserves and Provisions, after appropriate resources have been voted by the Council.
27. To approve the application for and the terms and conditions of grant funding for the Council and approval of all payment made by the Council when acting as an Accountable Body.
28. To maintain a "carry forward" scheme for the management of revenue and capital underspends, the recommendations of which, are agreed by Cabinet prior to the start of the new financial year.
29. To maintain the Council's Financial Rules.
30. In conjunction with the Corporate Head of Legal and Democratic Services to maintain the Council's Contract Rules.

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Group Manager Facilities Management

1. In connection with sales of surplus property, to authorise repairs, advertising, appointment of agents and applications for planning permission.
2. To agree rating assessments for Council property, and to make proposals and objections to the Valuation Court.
3. To exercise day-to-day control over the Council's land and premises and to serve all necessary notices and counter notices
4. To declare surplus and authorise terms for the acquisition or sale of property not exceeding £500,000 in value.
5. Where property has a greater value than £500,000, a Cabinet decision will be required to confirm it being declared surplus and may authorise the Group Manager, Facilities Management to settle terms for acquisitions or disposals.
6. To approve allowances to tenants for expenditure incurred by them for repairs, drainage rates and the like.

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7. To settle dilapidation claims and compensation payments on the termination or surrender of hirings or lettings in accordance with relevant statutory provisions.
8. To take all necessary steps through Legal & Democratic Services to recover possession of land or property, save that where such property or land is occupied by travellers, not to take such action without:
 - (i) giving prior consideration to the educational health and welfare needs of those involved and the provisions of the Human Rights Act 1998 and the Council's specific obligations under Part III of the Children Act 1989 and Part III of the Housing Act 1985, and
 - (ii) the Local Member's agreement or if he/she cannot be contacted, that of the relevant Cabinet Committee Chairman.
9. To authorise the taking of leases and licences whether as a Landlord or Tenant up to a value of £500,000 capital or £25,000 in rental value. Where the value is above this and the Chief Executive, Corporate Director and Area Director is not involved, Cabinet to decide.
10. To approve terms for the surrender of leases/licenses and any pre-existing terms up to a maximum of £500,000, where the value is above this sum and the Chief Executive, Corporate Director and Area Director is not involved, Cabinet to decide.
11. To submit planning applications on behalf of the Council.
12. To enter into party wall awards with adjoining owners to Council property.
13. The management of industrial and commercial premises including lease renewals and rent reviews.
14. Authorise the purchase at market value of land and premises included in compulsory purchase orders made by the Council or its predecessor councils, together with blight/purchase notices accepted by the Council, including payment of compensation in accordance with relevant legislation, subject to availability of funding within the Council's capital programme, or from elsewhere
15. Approve the review of rents reserved by existing leases and tenancy agreements of Council land and property at current market rental levels.
16. Approve assignments of the residue of leases and tenancy

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agreements and underleases thereof subject to the receipt of satisfactory references.

17. Approve (where appropriate at the market value thereof) the modification or release of covenants contained in existing conveyances, leases, agreements and licences subject to compliance with the Council's planning or other policies and to approve the terms of any such modification or release.
18. Approve the grant of easements, wayleaves, etc. over Council owned land where the annual acknowledgement to be paid does not exceed £1,000, or where a capital payment of up to £10,000 is involved.
19. Approve the purchase of or agreements for easements, wayleaves, etc. necessary to fulfil Council requirements where the annual acknowledgement to be paid does not exceed £1,000 or a capital payment of £10,000 and settle subsequent claims where the total in respect of capital payments and claims does not exceed £10,000.
20. Approve the appointment of professional advisers and/or agents, using any select list currently in force, and to settle any fees or other costs arising therefrom providing they are within budget allocations approved for this purpose.
21. Authority to let and manage shops, buildings and land held under the Housing Revenue Account (including granting/refusal of wayleaves/easements/restrictive covenants; renewal of leases, and serving Notices to Quit for breach of covenant).

Corporate Head of Legal and Democratic Services

In addition to acting on behalf of the Council in relation to matters within their service area the Corporate Head of Legal and Democratic Services shall have authority:-

1. To make payment or provide other benefits in cases of maladministration etc, as set out in Schedule 1 to the Functions Regulations.
2. To exercise the powers and responsibilities as Monitoring Officer as defined by Section 5 Local Government and Housing Act 1989 as amended by the Local Government Act 2000.
3. To determine applications for the apportionments of rights of common in the Register of Common Land.
4. To authorise steps or take any legal proceedings, to secure compliance with any notice served or injunction granted.
5. To take appropriate steps to enable or effect compliance with any

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Council, Cabinet or Committee resolution.

6. To institute, defend, act (or authorise others to act), and to appear on behalf of the Council before any Court, Tribunal, or Inquiry in any proceedings instituted by or on behalf of or against them or in any other matter in which the interests of the Council require that it should be legally represented.

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7. To settle legal proceedings in the best interests of the Council in consultation with the Corporate Head of Finance where there are financial implications.

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8. To sign certificates for the purposes of the Local Authorities (Contracts) Act 1997 and the associated Regulations.

9. To affix the Council's Common Seal to any document in order to give effect to any decision of the Council, Cabinet, Committee, Sub-Committee or of an officer acting under delegated powers and thereafter to attest the seal

10. To sign any documentation in order to give effect to any decision of the Council Cabinet, Committee, Sub-Committee or of an officer acting under delegated powers.

11. To serve notices requiring particulars of ownership (s16 Local Government (Miscellaneous) Provisions Act 1976)

12. In conjunction with the Corporate Head of Finance, to maintain the Council's Contract Rules.

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13. To act as the Council's Deputy Electoral Registration Officer.

Democratic Services Manager

1. The exercise of the power relating registered animal trainers and exhibitors under the Performing Animals Regulations as set out in Schedule 1 to the Functions Regulations in consultation with the Group Manager Public Protection and Enforcement.

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2. To sanction the withdrawal of an application to register land as a town or village green where there are no objections to such a withdrawal.

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3. To determine whether an application to register land as a town or village green is duly made in accordance with the relevant regulations.

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4. To advertise applications to register land as town or village greens that are deemed duly made in accordance with the relevant regulations.

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5. To deputise, with full powers in all instances, for the Corporate Head of Legal and Democratic Services, as the Council's Electoral Registration Officer and Returning Officer for Local and European Parliamentary elections and Acting Returning Officer for national Parliamentary elections.

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Group Manager Customer Care and Community Involvement

In addition to acting on behalf of the Council in relation to matters within their service area the Group Manager Customer Care and Community Involvement shall have:-

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1. Power to approve premises for the solemnisation of marriages and civil partnerships as set out in Schedule 1 to the Functions Regulations.

Corporate Head of Organisation and Development

1. To authorise payments to newly appointed employees in accordance with the Council's approved Scheme of Relocation Expenses
2. On the recommendation of Chief Officers subject to budgetary provision, to agree additional increments to individual employees based on exceptional contribution.
3. To authorise the payment of honoraria to employees, excluding staff employed in NJC for Local Government Services posts in schools and colleges with delegated budgets arising from the Education Reform Act 1988.
4. To introduce and maintain employee benefits, other than the provision of cars, where these are likely to assist with recruitment and retention, and where the costs can be found within existing budgets
5. To annually review the level of payments and allowances within locally approved Conditions of Service for employees subject to the NJC for Local Government Services and other national negotiating bodies in line with inflation.
6. To implement, on a consistent basis, all locally and nationally determined Conditions of Service and agreements for employees subject to the NJC for Local Government Services and other national negotiating bodies.
7. To convene, on behalf of the Chief Executive, panels of members to deal with appeals by employees:

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¶ Assistant Chief Executive Performance and Partnerships¶

¶ The Assistant Chief Executive Performance and Partnerships shall have the general delegation to act on behalf of the Council in relation to matters within the service area of Performance and Partnerships.¶

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- Against disciplinary action, including dismissal
- Against dismissal on grounds of capacity or ill-health
- Against the grading of their posts where they are not covered by a job evaluation scheme.
- Exceptionally to deal with other personnel issues where it is determined that an appeal stage is required.

8. To exercise, in accordance with the Corporate Head of Finance any employer discretions under Local Government Pensions Regulations, in accordance with policies approved by the Council from time to time.

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9. To approve minor variations to existing corporate personnel policies in line with good employment practice and legislation.

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Group Manager Care and Wellbeing

The Group Manager Care and Wellbeing shall exercise the following functions:

To conduct and determine reviews under the provisions of section 202 Housing Act 1996 in relation to Homelessness, in accordance with the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999, provided that the relevant Service Manager shall also be authorised to discharge this function except in cases where they have already had an involvement in the original decision, in which case the review shall be conducted by the Group Manager Care and Wellbeing

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¶ Director of Community Services¶

¶ In addition to acting on behalf of the Council in relation to matters within the service area of Community Services the Director of Community Services shall have authority.¶

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Statutory Power	1. Section and summary
Housing Act 2004	S. 11 & 12 Authority to serve Improvement Notices
	S. 16 Authority to revoke or vary Improvement Notices
	S. 20 & 21 Authority to serve Prohibition Notices
	S. 23 Authority to suspend Prohibition Notices
	S. 25 Authority to revoke or vary Prohibition Notices
	S. 28 & 29 Authority to serve Hazard Awareness Notices
	S. 31 & Schedule 3 Power to take enforcement action in respect of Improvement Notices and recover expenses
	S. 40 & 41 Authority to carry out emergency remedial action and serve Notice

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Part 8 – Delegations to Officers

Housing Act 2004	S. 42 Authority to recover expenses for emergency remedial action
	S. 43 Authority to make, revoke, vary and enforce Emergency Prohibition Orders
	S. 46 Authority to make Demolition Orders (see Housing Act 1985 S. 265 below)
	S. 49 Power to charge for enforcement action in respect of powers under sections 11, 12, 20, 21, 28, 29, 40, 43 & 46
	S. 64, 65, & Schedule 4 Authority to grant or refuse applications for HMO Licences and to include conditions
	S. 69 Authority to vary HMO Licences
	S. 70 Authority to revoke HMO Licences
	S. 72 Authority to prosecute for offences
	S. 102 Authority to make Interim Management Order
	S. 111 Authority to vary Interim Management Order
	S. 112 Authority to revoke Interim Management Order
	S. 113 Authority to make Final Management Order
	S. 121 Authority to vary Final Management Order
	S. 122 Authority to revoke Final Management Order
	S. 133 Authority to make Interim Empty Dwelling Management Order
	S. 135 Authority to revoke Interim Empty Dwelling Management Order
	S. 136 Authority to make Final Empty Dwelling Management Order
	S. 137 Authority to vary and revoke Final Empty Dwelling Management Order
	S. 139 Authority to serve Overcrowding Notices
	S. 144 Authority to vary and revoke Overcrowding Notices

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Part 8 – Delegations to Officers

	S. 235 Power to require documents to be produced
	S. 255 Authority to issue HMO Declarations
	S. 256 Authority to revoke HMO Declarations
	S. 131 & 239 Powers of entry
Housing Act 1985 (as amended)	S. 265 Authority to make Demolition Orders (see Housing Act 2004 S. 46 above)
	S. 270 Authority to serve Notice requiring recovery of possession of building to be demolished
	S. 271 Authority to carry out works in default in respect of Demolition Enforcement
	S. 273 Authority to serve Notice requiring Cleansing before Demolition
	S. 274 Authority to permit reconstruction of condemned house
	S. 275 Authority to substitute demolition with Closing Order
	S.289 Authority to declare Clearance Area and serve associated notices
Housing Act 1985 (as amended)	S. 330 Authority to issue Licence to permit excess numbers
	S. 335 Authority to serve Notice requiring information on persons sleeping in a dwelling
	S. 336 Power to require production of rent book
	S. 338 Notice to abate overcrowding
	S. 339 Power to prosecute (Sections 324 to 344 incl.)
	S. 337 & 340 Powers of entry
Local Government and Housing Act 1989	S.89 Authority to declare a Renewal Area

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Part 8 – Delegations to Officers

	S. 97 Powers of entry
Housing Grants, Construction and Regeneration Act 1996	Part 1 Determination, of applications for Disabled Facilities Grants
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Determination of applications for financial assistance made under the Council's Private Sector Housing Renewal Strategy
Local Government (Miscellaneous Provisions) Act 1976 (as amended)	S. 16 Authority to serve Notice to obtain particulars of persons interested in land
	S. 33 Authority to restore or continue the supply of water, gas or electricity
Local Government (Miscellaneous Provisions) Act 1982	S. 29 Authority to serve Notice, undertake works to secure unoccupied buildings and recover expenses

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Environmental Protection Act 1990	S. 80 Authority to serve Abatement Notices
	S. 81 & Schedule 3 Powers of Entry
	S. 80 & 81 Power to institute proceedings for non-compliance under Sections 80 and 81
	S. 5 Authority to carry out works in default
	S. 6 Authority to serve Notice in relation to groups of premises
Public Health Act 1936 (as amended)	S. 45 Authority to serve Notice requiring repair of defective closets
	S. 50 Authority to serve Notice requiring repairs or emptying of cesspools
	S. 79 Authority to serve Notice requiring the removal of obnoxious matter
	S. 287 Authority to enter premises or apply for a Warrant of Entry

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Part 8 – Delegations to Officers

	S. 296 Authority to institute proceedings
Building Act 1984	S.76 Authority to serve Notice in respect of defective premises
	S.79 Authority to serve Notice in respect of ruinous or dilapidated buildings or neglected sites
Crime and Disorder Act 1998 supplemented by Anti Social Behaviour Act 2003	S.30 Authority to authorise Anti Social Behaviour orders and other legal tools (including application to the Courts for demotion of a Secure Tenancy and to seek possession of a tenancy under a demoted tenancy) in order to combat nuisance in and around multi-tenure estates.
Housing Act 1985 as amended by the Housing Acts 1988 & 1996	Part IV (and subsequent amendments in later legislation) Authority to issue notices, commence court proceedings, and make decisions to gain possession of a secure tenancy on one or more of the statutory grounds.
Housing Act 1985	S.2 Authority to grant permission for a mutual exchange or assignment of tenancy. Schedule 3 Authority to withhold consent for a mutual exchange or assignment.
Land Compensation Act 1973 (as amended)	S.29 Authority to grant a tenant a home loss payment (HLP) where he/she is displaced from a dwelling in consequence of: <ul style="list-style-type: none"> (a) the compulsory acquisition of an interest in the dwelling; (b) the making or acceptance of a housing order or undertaking in respect of the dwelling; (c) where the land has been previously acquired by an authority possessing compulsory powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of any improvement to the dwelling or of redevelopment on the land; (d) the making of an order for possession on ground 10 or 10A in part II of Schedule 2 to the Housing Act 1985

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Part 8 – Delegations to Officers

Housing Act 1985 (as amended)	Part V Authority: <ul style="list-style-type: none"> • to approve the sales of Council Dwellings; • to deny the Right to Buy where the terms and conditions of paragraph 11 are not met; • to enter into deeds of rectification for houses sold under the Right to Buy; to apply service charges to leasehold properties sold under the Right to Buy.
Party Wall Act 1996	Authority to sign Acknowledgement of Party Structure Notices.
Housing Act 1985	Schedule 20: S.540 Authority to grant assistance to occupants of defective housing.
Housing Act 2004 (as amended)	Authority: <ul style="list-style-type: none"> • to make decisions on the option of re-purchasing properties which are offered back to the Council; to decide whether the full amount of discount on the sale of a Council house within the 5 year period should be repaid.
Housing Act 1996 as amended by Housing Act 2004	Authority to: <ul style="list-style-type: none"> • grant an Introductory Tenancy; • extend the trial period in relation to an Introductory Tenancy; • conduct a review of a decision to extend the trial period of an Introductory Tenancy; seek possession of a dwelling where there is a breach of an Introductory Tenancy.

Group Manager Business Growth and Prosperity

In addition to acting on behalf of the Council in relation to matters within their service area the Group Manager Business Growth and Prosperity shall have authority as follows:-

The determination of all Rights of Way matters as set out in the Functions Regulations shall be delegated to the Group Manager Business Growth and Prosperity with the exception of those matters which in the discretion of the Group Manager Business Growth and Prosperity should be referred to the relevant Planning Committee.

The Local Member has the right, after consultation with the Group Manager Business Growth and Prosperity, to request that objected to Public Path Applications (under the Highways Act 1980 that are based on grounds of preference) are referred to the relevant Planning Committee. The request by the Local Member is to be made to the Group Manager Business Growth and Prosperity in writing within 10 days of the Local Member being notified of matters to which there have been objections.

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Part 8 – Delegations to Officers

NB. For the avoidance of doubt this procedure does not apply to order applications based on evidence under the Wildlife and Countryside Act 1981.

In addition the Group Manager Business Growth and Prosperity shall exercise the following delegations:

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	FUNCTION	PROVISION
1.	To authorise the holding of trials between motor vehicles on a footpath or bridleway under Section 33 of the Road Traffic Act and to impose any necessary conditions to such authorisations	
2.	Temporary stopping up of highways for mineral workings	Section 261 Town and Country Planning Act 1990
3.	<u>To serve notices requiring particulars of ownership</u>	Section 16 Local Government (Miscellaneous) Provisions Act 1976

Group Manager Environment

In addition to acting on behalf of the Council in relation to matters within their service area the Group Manager Environment shall have authority:-

1. Highways matters:

1. To advertise any proposals for a traffic orders (including traffic calming measures) and Gating Orders under the Highways Act and the Highways Act (Gating Orders) (England) Regulations 2006 and proceeding to make the order if there are no objections.
2. To make a traffic order where objections have been received but having given due consideration to the objections, officers are satisfied that any objections are frivolous or irrelevant.
3. Where a traffic order relates to more than one matter and objections have been made to some parts of the order but not to others, to make such parts of a traffic order to which no objections have been made.
4. To make minor modifications to a traffic order before it is made, including modifications to address any objections received.
5. To make a traffic order that has received objections where the Group Manager Environment considers the objections are not of a complex nature, and/or are of only local significance.
6. To refer decisions in respect of traffic and highways matters to the relevant Area Planning Committee which in the view of the Group

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¶ Director of Development Services

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Part 8 – Delegations to Officers

Manager Environment raise issues of a complex nature or are of more than local significance and should be determined by the Area Planning Committee.

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7. To serve notices requiring particulars of ownership (s16 Local Government (Miscellaneous) Provisions Act 1976)

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8. To sign and serve notices in respect of contraventions of any of the provisions of the Highways Act 1980

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2. Planning Matters

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The determination of all planning matters as set out in the Functions Regulations shall be delegated to the Group Manager Environment with the exception of the following which shall be determined by the relevant committee

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- Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment
- Applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions (this would mean that class room extensions etc were delegated to officers but speculative proposals on council owned land would not be)
- Applications accompanied by a Schedule 1 Environmental Statement
- Complex or major applications which in the view of the Group Manager Environment or the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee

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Member Call In

- Applications requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman to be based on material planning reasons. A Practice Note is available in relation to "material planning considerations".

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Parish and Town Councils

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- Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:-
 - (i) the officer recommendation is likely to be to approve; and
 - (ii) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
 - (iii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

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Part 8 – Delegations to Officers

For the avoidance of doubt the following remain delegated to the Group Manager Environment

Consultee Objections

- Ability to proceed to determine under delegated powers applications where a statutory consultee may object to a proposal providing that the development remains in accordance with the provisions of the Development Plan.

Departures

- Ability to approve departures from the Development Plan where there are no objections, subject to notification of the First secretary of State via the Government Office West Midlands if necessary and/or appropriate.

Enforcement

- Ability to authorise entry to land and property
- Ability to issue Planning Contravention Notices, Breach Of Condition Notices, Enforcement Notices, Temporary Stop Notices, Stop Notices, Section 215 Notices, Listed Building Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements, Building Preservation Notices, Notices under Section 330 requiring information as to interests in land and other remedial action as set out in the Planning Compliance policy.

Trees / Hedgerows

- To make and confirm Tree Preservation Orders, Tree Replacement Notices, Hedgerow Replacement Notices, Hedgerow Retention Notices and to determine applications to carry out works to protected trees including trees in Conservation Areas and hedgerows and to provide replacement trees and hedgerows.
- To deal with all matters relating to complaints regarding high hedges

Appeals

- To respond to all appeals on planning matters
- To refuse to determine applications where an appeal for the same development has been refused within the 2 years under Section 70 of the Act

Footpaths

- To deal with orders relating to the diversion of footpaths and bridleways arising from the grant of planning approval

Planning Obligations

- To require planning obligations without referral to committee
- To approve release of contribution money to third parties

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<#>Applications where 6 or more individual representations (separate premises) expressing a contrary view to the officer recommendation have been received relating to material planning reasons. ¶
<#>A petition expressing a contrary view on planning grounds signed by a minimum of 30 persons¶

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Part 8 – Delegations to Officers

3. Building Control Matters

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The following delegations shall be exercisable by the Group Manager Environment and those officers indicated as authorised officers in the attached table:

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	FUNCTION	AUTHORISED OFFICERS
1	In consultation with the principal HR officer, to appoint staff within the establishment (below the level of the manager of the service); to engage temporary staff as and when required within the estimates; to authorise overtime working for staff on salary spinal point 29 or below, within the estimates; and in consultation with the relevant Head of Service to authorise planned overtime for staff above the overtime limit.	Building Control Manager and Business Support Manager
2	To enter into contracts for the purchase and supply of goods and services in accordance with the Contract Procedure Rules	Building Control Manager and Business Support Manager
3	So far as the matter relates to a function for which the relevant chief officer is responsible to the Council: (a) to authorise any member of his or her staff to serve notices under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 (b) to authorise any member of his or her staff to exercise any power of the Council relating to powers of entry in relation to land and property for the purposes of inspection; enforcement; surveying; testing and sampling as provided in the relevant legislation	Building Control Manager
4	To hire plant from contractors and engage specialist sub-contractors in accordance with the Contract Procedure Rules.	Building Control Manager and Business Support Manager
5	To sell surplus materials, equipment, goods and other waste in accordance with the Financial Rules	Building Control Manager and Business Support Manager
6	In consultation with the <u>Corporate Head of Legal and Democratic Services</u> to authorise any member of his or her staff to swear affidavits as to matters within their knowledge in any court proceedings involving the Council	Building Control Manager
7	In conjunction with the relevant Head of Service, <u>Corporate Head of Finance</u> and Portfolio Holder, to assess, determine and publish building control fees and charges.	Building Control Manager

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Part 8 – Delegations to Officers

8	Authority to provide fee earning services beyond the scope of building regulations and within the parameters of the Local Government Goods and Services Act.	Building Control Manager
9	To authorise and nominate staff to determine and negotiate fees and charges for building regulation applications and notices.	Building Control Manager
10	Authority to enter into Partnerships and determine building regulation applications under the LABC Partnership Scheme.	Building Control Manager and Surveying Managers
11	To carry out the relevant functions of the Council under the Building Act 1984 in relation to building and buildings including the approval, conditional approval and rejection of applications. Commencement of legal proceedings, service of notices and issuing formal caution.	All Building Control Surveyors above Assistant/Trainee level
12	As the Proper Officer (Section 93 of the Building Act) the signing and serving of all necessary notices required by the Building Act, Building Regulations and Local Government Miscellaneous Provisions Act.	All Building Control Surveyors above Assistant/Trainee level
13	To accept or refuse Initial Notices under the Building Regulations.	Building Control Team Leaders and above
14	To carry out all functions under the Building Regulations other than the acceptance of Initial Notices.	All Building Control Surveyors above Assistant/Trainee level
15	To act as Appointing Officer for the determination of matters under the Party Wall Act 1996.	Building Control Manager
16	To take appropriate emergency action in respect of dangerous structures under the Building Act and Local Government Miscellaneous Provisions Act.	All Building Control Surveyors above Assistant/Trainee level

4. Land Drainage Matters

The following delegations shall be exercisable by the Group Manager Environment and those officers indicated as authorised officers in the attached table:

<u>1.</u>	<u>To sign and serve notices in respect of contraventions of any of the provisions of the Land Drainage Act 1991</u>	<u>Flood and Water Manager</u>
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Part 8 – Delegations to Officers

Group Manager Public Protection and Enforcement

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1. Licensing functions generally

In addition to the Group Manager Public Protection and Enforcement the Service Managers shall be able to exercise the following delegations

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1. Within legal constraints and member guidelines (if any) to issue any statutory licence which is not opposed.
2. Within legal constraints to refuse, suspend or revoke any licence.
3. To make submissions to any other body regarding licensing or registration of any matter
4. To exercise and authorise nominated officers to exercise powers of entry and inspection in connection with all licensing and registration functions.
5. To determine exemptions from fees
6. To register all businesses required by legislation to be so registered with a local authority and the exercise of any power or discretion arising
7. The power to determine applications under the Licensing Act 2003 will be delegated in accordance with Table 1
8. The power to determine applications under the Gambling Act 2005 will be delegated in accordance with Table 2
9. For the avoidance of doubt the following will be reserved to Full Council
 - Final approval of three year licensing policy
 - Policy not to permit casinos
10. These delegations are without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

Table 1 – Licensing Act 2003 applications

Matter to be Dealt With	Strategic Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objection made
Application for Personal Licence with unspent convictions		If a police objection	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional		If a relevant	If no relevant

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Part 8 – Delegations to Officers

Statement		representation made	representation made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of police objections to a Temporary Event Notice		All cases	
Request to review a licence from a responsible authority or an interested party, so long as it, the request will be referred to the appropriate Committee for determination.		Where the request is not frivolous, vexatious or repetitious	
Power to determine that a request to review a licence is frivolous, vexatious or repetitious			Licensing Officer

11. Power to appoint a sub committee of 3 Members from the membership of the Strategic Licensing Committee for the purposes of determining the above applications under the Licensing Act 2003 in Table 1

12. All other powers under the Licensing Act 2003 which are not required by the Act to be carried out by the Licensing Committee, or Council or the Cabinet

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Part 8 – Delegations to Officers

Table 2 - Gambling Act delegations

Matter to be dealt with	Strategic Committee	Sub-Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (When appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a Variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a Transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission.
Application for a Provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Application for gaming machine permit for more than 2 machines in an alcohol licensed premises		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn

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Part 8 – Delegations to Officers

Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of representation that is vexatious, frivolous or will not influence the decision made			Corporate Head of Legal and Democratic Services

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X Indicates at the lowest level to which decisions can be delegated.

2. Public Protection functions

In addition to the Group Manager Public Protection and Enforcement the following functions shall also be exercised by the Service Managers.

1. To discharge the powers, duties and responsibilities of the Council under any legislation which may have been adopted from time to time concerning any Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials, Cremations and Animal Welfare matters.
2. To act as the Chief Inspector of Weights and Measures. (Service Manager with responsibility for Trading Standards only to exercise this delegation).
3. To appoint and designate officers as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation related to Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials and Cremations and Animal Welfare.
4. To authorise the institution and defence of proceedings brought:-
 - (i) under the legislation set out in the Schedule below (for the avoidance of doubt) in this paragraph and in paragraphs (ii) and (iii) below "legislation" includes any statute incorporated with an enactment and any statutory instrument, Order in Council, Byelaw or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof and any new enactment relating to Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) or Animal Health and Welfare under which the Council has a statutory duty, Burials

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Part 8 – Delegations to Officers

and Cremations and that such new enactments shall be automatically added to the Schedule of Legislation below from the day they are passed;

- (ii) such other legislation as may from time to time be adopted by the Council concerning (whether directly or indirectly) any of the functions related to Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials and Cremations and Animal Welfare;
- (iii) for any offence under any legislation whatsoever or any offence contrary to common law where proceedings for such offence concern or arise from (whether directly or indirectly) any of the functions of the Council in pursuance of Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials and Cremations or Animal Welfare matters.

5. To grant, amend, refuse, suspend and transfer licences pursuant to the provisions of any of the legislation referred to in delegation above.

Schedule of Public Protection Legislation

Accommodation Agencies Act 1953
Administration of Justice Acts 1970 and 1985
Advertisements (Hire Purchase) Act 1967
Agricultural Produce (Grading and Marketing) Acts 1928 and 1931
Agriculture (Miscellaneous Provisions) Act 1954 and 1968 and 1978
Agriculture Act 1970 - Part IV
Animal Health Act 1981
Animal Boarding Establishments Act 1963
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti-Social Behaviour Act 2003 sections 40 and 41
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Building Act 1984
Building Act 1984 sections 29,60,76 and 84
Business Names Act 1985
Cancer Act 1939
Caravan Sites and Control of Development Act 1960
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1993 (Section 7) as amended
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Construction Products Regulations 1991, as amended
Consumer Credit Act 1974
Consumer Protection Acts 1961 - 1987
Consumer Safety (Amendment) Act 1986
The Consumer, Estate Agents and Redress Act 2007

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Part 8 – Delegations to Officers

Control of Pollution Act 1974
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
The Cremation (England and Wales) Regulations 2008
Cremation Act 1902 as amended by the Cremation Act 1952
Crime and Disorder Act 2001
Criminal Attempts Act 1981
Criminal Justice and Public Order Act 1994
Criminal Justice and Police Act 2001
Criminal Law Act 1977
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1906
Dramatic and Musical Performers' Protection Act 1958, as amended
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Damage (Prevention and Remediation) Regulations 2009
Environment Offences (Fixed Penalties)(Miscellaneous Provisions) Regulations 2006
Environmental Permitting (England and Wales) Regulations 2007
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972 and Treaties and Legislation given effect thereunder
Explosives Acts 1985, 1923 and 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Act 2003
Food Act 1984 - Part III
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Hallmarking Act 1973
Health Act 2006 Part 1 Chapter 1 and Schedule 2 (power of entry)
Health and Safety at Work etc. Act 1974
Health and Safety Enforcing Authority Regulations 1998
House to House Collections Act 1939
Insurance Brokers (Registration) Act 1977
Insurance Companies Act 1982
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 1964
Licensing Act 2003
Local Government Act 1972 and the regulations issued under that Act (the Local Authorities' Cemeteries Order 1977)
Local Government and Housing Act 1989

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Part 8 – Delegations to Officers

Local Government Miscellaneous Provisions Act 1976
Local Government Miscellaneous Provisions Act 1982
Malicious Communications Act 1988
Markets and Fairs (Weighing of Cattle) Acts 1887 to 1926
Medicines Acts 1961, 1968 and 1971
Mock Auctions Acts 1961 - 1971
Motor Cycles Noise Act 1987
Motor Salvage Operators Regulations 2002
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948(to appoint a proper officer)
New Roads and Street Works Act 1999, and Regulations made thereunder
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offensive Weapons Act 1996
Olympic Symbol etc. Protection Act 1995
Performing Animals (Regulations) Act 1925
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Plant Health Act 1967
Poisons Act 1972
Police, Factories etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention Control Act 1999
Prevention and Damage by Pests Act 1949
Prices Act 1974 and 1975
Private Water Supply Regulations 1991
Property Misdescriptions Act 1991
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Public Health Acts Amendment Act 1907
Public Health (Control of Disease) Act 1984
Public Health (Infectious Diseases) Regulations 1988
Riding Establishments Act 1964
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 (Sections 15, 15A, 17, 18, 36, 41, 42, 70, 71, 75, 76,
78, 79, 80, 81, 83, 173, 175, and Schedule 1)
Road Traffic Act 1991 (Sections 8, 13, 14, 16 and 21)
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Road Vehicles (Construction and Use) Regulations 1986
Scrap Metal Dealers Act 1964
Smoke-Free (Premises and Enforcement) Regulations 2006
Smoke-Free (Signs) Regulations 2007
Smoke-Free (Penalties and Discounted Amounts) Regulations 2007
Smoke-Free (Vehicle Operations and Penalty Notices) Regulations 2007
Sunday Trading Act 1994
The Environmental Permitting (England and Wales) Regulations 2007
Tobacco Advertising and Promotion Act 2007
Telecommunications Act 1984

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Part 8 – Delegations to Officers

Theft Acts 1968 and 1978
 The Osteopaths Act 1993
 The Stop Now Orders (EC Directive) Regulations 2001
 Timeshare Act 1992
 Tobacco Advertising and Promotion Act 2002
 Tourism (Sleeping Accommodation Price Display) Order 1977
 Town Police Clauses Act 1847
 Trade Descriptions Act 1968
 Trade Marks Act 1938 and 1994
 Trading Representations (Disabled Persons) Acts 1958-72
 Trading Schemes Act 1996
 Trading Stamps Act 1964
 Transport Act 1978 - Section 9
 Unsolicited Goods and Services Act 1971-75
 Vehicle (Crime) Act 2001
 Video Recordings Act 1984 and 1993
 Violent Crime Reduction Act 2006
 Water Industry Act 1991
 Weights and Measures Act 1985
 Zoo Licensing Act 1981

6. That the Group Manager Public Protection and Enforcement and the relevant Service Manager, discharge the Council's powers in relation to the following enactments:

- Safety of Sports Grounds Act 1975;
- Fire Safety and Safety of Places of Sport Act 1987; and
- Regulatory Reform (Fire Safety) Order 2005.

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7. That the Group Manager Public Protection and Enforcement and the relevant Service Manager be authorised to issue notices, certificates, exemptions, cancellations or other directions, or take any steps on behalf of the Council and institute any legal proceedings from the operation of the Safety of Sports Grounds Act 1975 or any regulations issued under them.

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8. That the Group Manager Public Protection and Enforcement and the relevant Service Manager be authorised to designate officers as authorised officers for the purposes of Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places Sport Act 1987 and Regulatory Reform (Fire Safety) Order 2005 to exercise powers of entry, investigation and enforcement and that the Strategic Licensing Committee receives an annual report detailing the exercise of delegated functions by officers.

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3. Environmental Maintenance Functions

1. The Group Manager Public Protection and Enforcement is able to exercise the Council's powers and functions in relation to environmental maintenance (to include the enforcement of local bylaws) and parking enforcement generally and particularly with regard to the following legislation.

Part 8 – Delegations to Officers

Environmental Protection Act 1990

Depositing Litter

- Section 87/88 -Environmental Protection Act 1990
- Failure to comply with a street litter control notice
- Section 94/94A - Environmental Protection Act 1990
- Failure to comply with a litter clearing notice
- Section 92C/94A - Environmental Protection Act 1990
- **Failure to produce waste transfer documents**
- Section 34(5) and Regulations made under it/34(6)/34A - Environmental Protection Act 1990
- Failure to keep your land tidy
- Section 59 - Environmental Protection Act 1990
- Street Litter from Business
- Section 93 - Environmental Protection Act 1990
- **Inadequate Commercial waste Provision**
- Section 47 - Environmental Protection Act 1990
- **Inadequate Domestic waste Provision**
- Section 46 - Environmental Protection Act 1990
- **Failure to comply with a waste receptacles notice**
- Section 46/47/47ZA/47ZB -Environmental Protection Act 1990
- **Deposit (knowingly cause or permit deposit of waste**
- Section 33(1) Environmental Protection Act 1990
- **Unauthorised distribution of free printed matter**
- Schedule 3A, paras. 1(1) and 7 - Environmental Protection Act 1990 (CNEA 2005)

Refuse Disposal (Amenity) Act 1978

- **Fly-tipping**
- Section 2 - Refuse Disposal (Amenity) Act 1978
- Section 33 Environmental Protection act 1990 – hazardous waste and fly tipping
- **Abandoned vehicle**
- Section 2A of the Refuse Disposal (Amenity) Act 1978 (CNEA 2005)
- Section 1 (1) Control of Pollution (amendment) act 1989 (Fly Tipping)

Town and Country Planning Act 1990

- **Untidy Land**
- Town and Country Planning Act 1990
- **(Fly posting) Displaying adverts in contravention of regulations**
- **Section 224(3) of the Town and Country Planning Act 1990**

Clean Neighbourhoods and Environment Act 2005

- **Exposing vehicles for sale on a road**
- Section 3 of the Clean Neighbourhoods and Environment Act 2005
- Repairing vehicles on a public road
- Section 4 of the Clean Neighbourhoods and Environment Act 2005
- **Failure to comply with a Dog Control Order**

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Part 8 – Delegations to Officers

- Section 59(2) Clean Neighbourhood & Environments Act 2005 (CNEA 2005 section 55)

Highways Act (1980)

- **(Fly posting) Painting or affixing things on structures on the highway etc**
- Section 132(1) of the Highways Act 1980 (ASB act 2003 section 43)
- **(Graffiti) Obliteration of traffic signs**
- Section 131(2) of the Highways Act 1980

Criminal Damage Act 1971

- **(Graffiti) The Painting, writing, soiling, marking or other defacing of any property**
- Section 1(1) of the Criminal Damage Act 1971 (damaging property etc) (ASB Act 2003 section 43)

Anti Social Behaviour Act 2003

- **Graffiti and Fly posting**
- Section 43 Anti-social Behaviour Act 2003

Traffic Management Act 2003

To authorise suitably qualified officers or appoint consultants or technical advisers to carry out the detailed implementation of paragraph 1 above.

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Relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, due to delays in delivery or execution, have to be accounted for in the following year.

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2. Power to approve premises for the solemnisation of marriages as set out in Schedule 1 to the Functions Regulations.

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2. To agree (on the recommendation of Chief Officers) additions to or deletions from the list of essential car users subject to budgetary provision.

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COMMUNITY SERVICES

Director of Community Services

In addition to acting on behalf of the Council in relation to matters within the service area of Community Services the Director of Community Services shall have authority.

1. To serve notices requiring particulars of ownership (s16 Local Government (Miscellaneous) Provisions Act 1976)