

### SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

#### Definitions:

"Chief Officers" means the Chief Executive, [Executive Directors](#), Monitoring Officer, s151 Officer, [Assistant Directors](#) and Heads of Service.

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

"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 dwelling house 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.

## 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 or the relevant 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 Chief Officer 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 [Head Assistant Director](#) 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 Constitution Working 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 [Head Assistant Director](#) 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 Head of Service 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 this nature as a representative of a Chief Officer shall have full authority to act

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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 Head of Service may be exercised by the relevant Executive Director and any delegation exercised by an Executive Director may be exercised by the Chief Executive unless restricted by this Scheme of Delegation or by law.
17. 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.
18. 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.

### Consultation

19. 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.
20. 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.
21. 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.
22. 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.

### Limits on Delegated Arrangements

23. 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;
  - (ii) create new policies;

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- (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.

### *Authorisation*

24. 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~~ Band 14 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 ~~Head of Human Resources~~ Assistant Director of Workforce & Transformation 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 agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations.
12. To approve nominations received for the filling of co-opted member vacancies on Committees and Panels in consultation with the relevant Portfolio Holder and/or chair, where relevant.
13. To appoint Authorising Officers contained in Sections 28 and 29 Regulation of Investigatory Powers Act 2000.
14. 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.
15. The Chief Executive may take such steps as are appropriate to secure compliance with any decision of Council, Cabinet, a Committee or Panel.
16. The Chief Executive when exercising any powers may authorise in consultation with the [Head of Finance Governance and Assurance Executive Director of Resources](#) 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.
17. 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.
18. 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.
19. 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.
20. 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 Freeman and Honorary Freeman.
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.

### **Senior Executive Management Team**

- (1) To approve significant variations to existing corporate personnel policies and locally adopted conditions of service in relation to all national negotiating

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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.
- (3) Where in exceptional circumstances it is necessary to amend fees and charges within a year from that agreed by Full Council and any such amendments follow the principles set out in the approved Charging Policy, **Executive** Directors in consultation with the appropriate Portfolio Holder for the service where fees and charges are being amended will have delegated authority to agree these changes subject to any changes to the levels of fees and charges including the introduction of new charges resulting in a budget adjustment must be approved in line with the Council's Virement Rules ( financial size ).

### **Chief Officers**

1. To take all steps to implement any decisions taken by Council/Cabinet or any of its committees 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 , and **Executive** 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 [Head of Human Resources](#) ~~Assistant Director of Workforce and Transformation~~, 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 Cabinet for which a budget has been approved.



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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 [Head-Assistant Director](#) 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.
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.
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 or](#) Band 14 (or equivalent).
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 [Executive](#) Directors of Children's Services; [the Executive Director of Adult Services](#), ~~and~~ [Public Health and Housing](#) and their respective Heads of Service [and the Director of Public Health](#) 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.
16. Without prejudice to the generality of the powers of the [Head-Assistant Director](#) of Legal and Democratic Services to institute proceedings and as set out within this Part 8, the [Executive](#) Director of Place ~~and Enterprise~~, the [Head-Assistant Director](#) of Infrastructure ~~and Communities~~, [the Assistant Director for Homes and Communities](#) the [Head-Assistant Director](#) of Adult Social Care [Operations & Housing](#), the ~~-~~Director of Public Health and the Operations Managers who report directly to the Director of Public Health shall have the power to institute proceedings either in the name of the

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Council or in the name of an officer under those statutory provisions which relate to their respective service areas.

### ~~Head, Governance and Assurance~~ Executive Director of Resources

In addition to acting on behalf of the Council in relation to matters within their service area the ~~Corporate Head~~ Executive Director of Resources, ~~Governance and Assurance~~ shall have authority:

1. To carry out the responsibilities and powers of the Chief Finance 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.  
~~To carry out the responsibilities and powers of the Chief Finance 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 be a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest.  
~~To operate the Council's banking arrangements.~~
3. To actively be involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy  
~~To pay salaries and allowances.~~
4. To make recommendations to the Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, Community Charge and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations  
~~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.  
To lead the promotion and delivery of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively, including:
  - The determination of financial management and accounting procedures and the form and extent of financial records.
  - The production and distribution of financial management information.
  - In cases of urgency to approve virement, supplementary revenue and capital votes not otherwise covered by the ~~Corporate Head of Finance, Governance and Assurance's~~ Executive Director of Resources delegated authority.

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- Virement (i.e. the transfer of sums approved for a specified purpose to another purpose) to authorise in accordance with the Financial Rules providing there are no greater consequential revenue effects in later years.
- To approve supplementary capital votes subject to the limitations set out in the Financial Rules.
- 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.
- To maintain the Council's Financial Rules.
- 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
- To approve supplementary revenue votes for items which are unavoidable and are not inconsistent with approved budgetary policy and which:
  - i. Result from pay awards or price increases not taken into account in approved revenue votes.
  - ii. Result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives.
  - iii. Are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue votes.

6. To collect all income due to the Council, including appropriate interest and costs, including:

To ensure effective treasury management, including:

- Operating the Council's banking arrangements
- Payment of salaries and allowances.
- 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.
- To pay all sums properly authorised as due.
- To collect all income due to the Council, including appropriate interest and costs, including: the recovery of unpaid income due to the Council by the issue of summonses or otherwise, including proceedings in tribunals and inferior courts; and 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.
- The writing off of court costs in respect of national non domestic rates and council tax.
- The payment of sums properly payable from the Collection Fund.
- The determination of on-costs and rates of interest in respect of any sums due where such on-cost or interest is properly chargeable.
- 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).
- Determination of the manner in which the cost of capital schemes is to be defrayed and the application of capital receipts.
- Coordination, control and supervision of all monies due to the Council.

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- 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.
  - Write off of income due to the Council which is considered irrecoverable if:
    - i. amount is £100,000 or less
    - i. debtor has been declared insolvent or bankrupt
    - ii. debtor being a company which has ceased to trade.
- (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. To ensure the safeguarding of assets including:
- 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.
- ~~The writing off of court costs in respect of national non domestic rates and council tax.~~
8. To maintain and administer appropriate 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).
- ~~The payment of sums properly payable from the Collection Fund.~~
9. To negotiate, enter into arrangements and act generally on behalf of the Council in respect of continuing financial matters arising from arrangements and obligations with external bodies.
- ~~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. 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.
- ~~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 take all necessary action in respect of the Council's role in relation to the administration and operation of the Pension Fund;
- To act as Scheme Administrator for the Shropshire Council Pension Fund including
  - 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.
- ~~To determine all claims, administer and collect payment in relation to Council Tax, National Non Domestic Rates and Housing Benefits (including~~

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~~the exercise of all discretions conferred upon the Council by the relevant schemes).~~

12. ~~In conjunction with the Assistant Director of Legal and Democratic Services (~~Monitoring Officer~~) to maintain the Council's Contract Rules.~~  
~~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 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~~
  - ~~(ii) debtor has been declared insolvent or bankrupt~~
  - ~~(iii) debtor being a company which has ceased to trade.~~
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.~~
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 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 Head of Legal and Democratic Services to maintain the Council's Contract Rules.~~

### ~~Head of Business Enterprise and Commercial Services~~**Property & Development Assistant Director of Commercial Services**

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 Head of ~~Business Enterprise and Commercial Services~~**Property & Development** to settle terms for acquisitions or disposals.

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6. To approve allowances to tenants for expenditure incurred by them for repairs, drainage rates and the like.
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 granting of leases and licences whether as a Landlord or Tenant up to a value of £500,000 capitalised over the term or £50,000 in rental value. Where the value is above this and the Chief Executive or relevant Executive 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 or relevant Executive 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 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,



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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).
22. To determine whether assets are listed or not as assets of community value under the Localism Act 2011 – Community Right to Bid.
23. To determine whether compensation is payable to an owner under the provisions of the Localism Act 2011 – Community Right to Bid.

### **Head Assistant Director of Legal and Democratic Services**

In addition to acting on behalf of the Council in relation to matters within their service area the [Head Assistant Director](#) 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.<sup>1</sup>
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.

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<sup>1</sup> [with effect from a date to be determined](#)



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5. To take appropriate steps to enable or effect compliance with any 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.
7. To settle legal proceedings in the best interests of the Council in consultation with the ~~Head of Finance, Governance and Assurance~~ Executive Director for Resources where there are financial implications.
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 ~~Head of Finance, Governance and Assurance~~ Executive Director of Resources to maintain the Council's Contract Rules.
13. 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 Head ~~of Public Protection~~ of Regulatory Services.
14. 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.
15. To determine whether an application to register land as a town or village green is duly made in accordance with the relevant regulations.
16. To advertise applications to register land as town or village greens that are deemed duly made in accordance with the relevant regulations.
- ~~17. 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.~~

### ~~Head of Human Resources~~ Assistant Director of Workforce and Transformation

1. To authorise payments to newly appointed employees in accordance with the Council's approved Scheme of Relocation Expenses.

## Part 8 – Delegations to Officers

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:
  - 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 ~~Head of Finance, Governance and Assurance~~Executive Director of Resources any employer discretions under Local Government Pensions Regulations, in accordance with policies approved by the Council from time to time.
9. To approve minor variations to existing corporate personnel policies in line with good employment practice and legislation.

### Head-Executive Director of Adult Social Care, Housing & Public Health Operations

The Executive Director of Adult Social Care, Housing & Public Health ~~Head of Adult Social Care Operations~~ shall exercise the following functions:

## Part 8 – Delegations to Officers

All the powers and functions set out in the following table are delegated to the [Executive Director of Adult Social Care, Housing & Public Health](#) ~~Head of Adult Social Care Operations~~.

Authorised Officers have powers and functions delegated to them in accordance with the table:

Statutory Power	Section and Summary/Function	Authorised Officer
Housing Act 2004	S. 11 & 12 Authority to serve Improvement Notices	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del> <del>Private Sector Housing Manager (Assistance)</del>
	S. 16 Authority to revoke or vary Improvement Notices	Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
	S. 20 & 21 Authority to serve Prohibition Orders	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del> <del>Private Sector Housing Manager (Assistance)</del>
	S. 23 Authority to suspend Prohibition Orders	
	S. 25 Authority to revoke or vary Prohibition Orders	
	S. 31 & Schedule 3 Power to take enforcement action in respect of Improvement Notices and recover expenses	Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
	S. 28 & 29 Authority to serve Hazard Awareness Notices	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del> <del>Private Sector Housing Manager (Assistance)</del>  Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
	S. 40 & 41 Authority to carry out emergency remedial action and serve Notice	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del>
	S. 42 Authority to recover expenses for emergency remedial action	

## Part 8 – Delegations to Officers

	S. 43 Authority to make, revoke, vary and enforce Emergency Prohibition Orders	<del>Private Sector Housing Manager (Assistance)</del>  Environmental Health Officers
	S. 46 Authority to make Demolition Orders (see Housing Act 1985 S. 265 below)	<del>Senior Private Sector Housing Officer</del> <del>Senior Technical Officers</del>
	S. 72 Authority to prosecute for offences	
	S. 49 Power to charge for enforcement action in respect of powers under sections 11, 12, 20, 21, 28, 29, 40, 43 & 46	<del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del> <del>Private Sector Housing Manager (Renewal)</del>  <del>Private Sector Housing Manager (Assistance)</del>  Environmental Health Officers <del>Senior Private Sector Housing Officer</del> <del>Senior Technical Officers</del>
	S. 139 Authority to serve Overcrowding Notices	<del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del> <del>Private Sector Housing Manager (Renewal)</del>
	S. 144 Authority to vary and revoke Overcrowding Notices	<del>Private Sector Housing Manager (Assistance)</del>
	S. 235 Power to require documents to be produced	Environmental Health Officers <del>Senior Private Sector Housing Officer</del> <del>Senior Technical Officers</del>
	S. 131 & 239 Powers of entry	<del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del> <del>Private Sector Housing Manager (Renewal)</del>  <del>Private Sector Housing Manager (Assistance)</del>  Environmental Health Officers Environmental Health/Senior Technical Officers <del>Senior Private Sector Housing Officer</del> <del>Senior Technical Officers</del>

## Part 8 – Delegations to Officers

Housing Act 1985 (as amended)	S. 265 Authority to make Demolition Orders (see Housing Act 2004 S. 46 above)	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del>
	S. 270 Authority to serve Notice requiring recovery of possession of building to be demolished	<del>Private Sector Housing Manager (Assistance)</del>
	S. 271 Authority to carry out works in default in respect of Demolition Enforcement	Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
	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	
	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. 338 Notice to abate overcrowding	
	S. 339 Power to prosecute (Sections 324 to 344 incl.)	
	S. 337 & 340 Powers of entry	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del>  <del>Private Sector Housing Manager (Assistance)</del>  Environmental Health Officers Environmental Health/Senior Technical Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
Local Government and Housing Act 1989	S.89 Authority to declare a Renewal Area	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations</a>

## Part 8 – Delegations to Officers

		<a href="#"><del>Manager Private Sector Housing Manager (Renewal)</del></a>  <a href="#"><del>Private Sector Housing Manager (Assistance)</del></a>
	S. 97 Powers of entry	<a href="#"><del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del></a> <a href="#"><del>Private Sector Housing Manager (Renewal)</del></a>  <a href="#"><del>Private Sector Housing Manager (Assistance)</del></a>  Environmental Health/Senior Technical Officers Environmental Health Officers <a href="#"><del>Senior Private Sector Housing Officer</del></a> <a href="#"><del>Senior Technical Officers</del></a>
Housing Grants, Construction and Regeneration Act 1996	Part 1 Determination, of applications for Disabled Facilities Grants	<a href="#"><del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del></a> <a href="#"><del>Private Sector Housing Manager (Renewal)</del></a>  <a href="#"><del>Private Sector Housing Manager (Assistance)</del></a>  Environmental Health/Senior Technical Officers Environmental Health Officers <a href="#"><del>Senior Private Sector Housing Officer</del></a> <a href="#"><del>Senior Technical Officers</del></a>

## Part 8 – Delegations to Officers

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002	Determination of applications for financial assistance made under the Council's Private Sector Housing Assistance Policy	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <a href="#">Private Sector Housing Manager (Renewal)</a>  <a href="#">Private Sector Housing Manager (Assistance)</a>  Environmental Health/Senior Technical Officers Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
Local Government Misc. Provisions) Act 1976 (as amended)	S. 16 Authority to serve Notice to obtain particulars of persons interested in land	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <a href="#">Private Sector Housing Manager (Renewal)</a>  <a href="#">Private Sector Housing Manager (Assistance)</a>  Environmental Health/Senior Technical Officers Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
	S.33 Authority to restore or continue the supply of water, gas or electricity.	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <a href="#">Private Sector Housing Manager (Renewal)</a>  <a href="#">Private Sector Housing Manager (Assistance)</a>  Environmental Health Officers <a href="#">Senior Private Sector Housing Officer</a> <a href="#">Senior Technical Officers</a>
Environmental Protection Act 1990	S. 80 Authority to serve Abatement Notices	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a>
	S. 81 & Schedule 3 Powers of Entry	

## Part 8 – Delegations to Officers

	<p>S. 80 &amp; 81 Power to institute proceedings for non-compliance under Sections 80 and 81</p>	<p><del>Private Sector Housing Manager (Renewal)</del></p> <p><del>Private Sector Housing Manager (Assistance)</del></p> <p>Environmental Health Officers <del>Senior Private Sector Housing Officer</del> <del>Senior Technical Officers</del></p>
	<p>S. 5 Authority to carry out works in default S. 6 Authority to serve Notice in relation to groups of premises</p>	<p><del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del> <del>Private Sector Housing Manager (Renewal)</del></p> <p><del>Private Sector Housing Manager (Assistance)</del></p>
Public Health Act 1936 (as amended)	<p>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 S. 296 Authority to institute proceedings</p>	<p><del>Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</del> <del>Private Sector Housing Manager (Renewal)</del></p> <p><del>Private Sector Housing Manager (Assistance)</del></p>
Building Act 1984	<p>S.76 Authority to serve Notice in respect of defective premises</p>	
	<p>S.79 Authority to serve Notice in respect of ruinous or dilapidated buildings or neglected sites</p>	



## Part 8 – Delegations to Officers

Crime and Disorder Act 1998 suppl. By Anti Social Behaviour Act 2003	S.30 Authority to authorize 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	Head of Adult Social Care Operations
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 of more of the statutory grounds.	Head of Adult Social Care Operations
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.	Head of Adult Social Care Operations
Land Compensation Act 1973 (as amended)	S29 Authority to grant a tenant a home loss payment (HLP) where he/she is displaced from a dwelling in consequence of: (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	Head of Adult Social Care Operations

## Part 8 – Delegations to Officers

Housing Act 1985 (as amended)	<p>Part V Authority:</p> <ul style="list-style-type: none"> <li>to approve the sales of Council Dwellings;</li> <li>to deny the Right to Buy where the terms and conditions of paragraph 11 are not met;</li> <li>to enter into deeds of rectification for houses sold under the Right to Buy;</li> <li>to apply service charges to leasehold properties sold under the Right to Buy</li> </ul>	Head of Adult Social Care Operations
Party Wall Act 1996	Authority to sign Acknowledgement of Party Structure Notices	<b>Assistant Director of Adult Social Care &amp; Housing</b> <del>Head of Adult Social Care Operations</del>
Housing Act 1985	Schedule 20: S.540 Authority to grant assistance to occupants of defective housing	<b>Assistant Director of Adult Social Care &amp; Housing</b> <del>Head of Adult Social Care Operations</del>
<del>Housing Act 1985 as amended by the Localism Act 2011</del>	<del>Authority to issue notices, commence court proceedings and make decisions to gain possession of a flexible tenancy on one or more of the statutory grounds.</del>	Head of Adult Social Care Operations
Housing Act 2004 (as amended)	<p>Authority:</p> <ul style="list-style-type: none"> <li>to make decisions on the option of re-purchasing properties which are offered back to the Council;</li> <li>to decide whether the full amount of discount on the sale of a Council house within the 5-year period should be repaid</li> </ul>	Head of Adult Social Care Operations
Housing Act 1996 as amended by Housing Act 2004	<p>Authority to:</p> <ul style="list-style-type: none"> <li>grant an Introductory Tenancy;</li> <li>extend the trial period in relation to an Introductory Tenancy</li> <li>conduct a review of a decision to extend the trial period of an Introductory Tenancy;</li> <li>seek possession of a dwelling where there is a breach of an Introductory Tenancy</li> </ul>	Head of Adult Social Care Operations

## Part 8 – Delegations to Officers

Housing Act 1996 Part VII	s.184 Make Inquiries (and decisions relating to) any homeless or threatened with homeless applicant.	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Senior Housing Options Officers</del> <del>Housing Options Officers</del>
Housing Act 1996 Part VII	s.203 To carry out and determine reviews in relation to homelessness decisions (in relation to matters set out in s.202) in accordance with any relevant guidance or regulation.	<a href="#">Service Manager, Housing &amp; Occupational Therapy</a> <del>Head of Adult Social Care Operations</del>
Housing Act 1996	To make any decision and take any action under Part VII of the act in relation to any particular homeless applicant.	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del>
Common Law and Statute	To sign and issue notices, including Notices to Quit, in relation to any property that is occupied as a consequence of the council's duty to house under Part VII of the Housing Act 1996 and to take any necessary action to gain possession of such a property.	<a href="#">Service Manager, Housing &amp; occupational Therapy and Housing Operations Manager</a> <del>Private Sector Housing Manager (Renewal)</del>

### **Director of Public Health**

The Director of Public Health shall exercise the following functions:

#### **1. Specific licensing functions**

All the powers and functions set out in Table 1 to Table [19-16](#) below are delegated to the Director of Public Health.

Officers with responsibility for the licensing function have powers and functions delegated to them in accordance with Table 1 to Table [19-16](#) below.

[For all delegations in Table 1 to Table 16 below, 'X' indicates the lowest level to which decisions can be delegated. These delegations are without prejudice to any Officer referring an application or other matter to be determined to a more senior Officer holding responsibility for the licensing function or for any Committee to refer an application or other matter to be determined to another Committee, to Cabinet or to Full Council if considered appropriate in the circumstances of any particular case or matter.](#)

## Part 8 – Delegations to Officers

\*“Licensing Officer” includes all posts in the Licensing Team that are not at Specialist, Professional or Manager level.

For all delegations in Table 1 to Table 19 below, ‘X’ indicates the lowest level to which decisions can be delegated. These delegations are without prejudice to Officers referring an application to a more senior Officer or to a Sub-Committee, or a Sub-Committee referring an application to Full Committee, if considered appropriate in the circumstances of any particular case.

\* The delegations to Public Protection Officer (Professional) are applicable to any equivalent post in the event that post designations are amended in the future.

**Table 1 – Activities involving animals (NOT dangerous wild animals or in relation to zoos)**

<u>Matter to be determined</u>	<u>Strategic Licensing Committee</u>	<u>Licensing Act Sub-Committee</u>	<u>Licensing Officer*</u> <u>(unless otherwise specified)</u>
<u>Final approval of the LA Policy Statement</u>	X		
<u>Fee setting</u>	X		
<u>Exemptions from fees</u>			X (Team Manager with responsibility for the Licensing Function)
<u>Application to carry on a licensable activity</u> <ul style="list-style-type: none"> <li>• <u>Grant</u></li> <li>• <u>Renewal</u></li> <li>• <u>Variation with licence holder’s consent</u></li> </ul>			X
<u>Attach general conditions and relevant specific conditions to granted or renewed licence</u>			X
<u>Application for extension in the event of death of the licence holder</u>			X
<u>Variation or suspension without licence holder’s consent</u>			X
<u>Cancel a decision to suspend or vary a licence</u>			X
<u>Reinstate a licence that has been suspended</u>			X
<u>Revocation</u>			X

## Part 8 – Delegations to Officers

			(Team Manager with responsibility for the Licensing Function)
<u>Appeal: suspension, variation or star rating</u>			X (Public Protection Officer – Professional)

**Table 4-2A – Caravan Sites, Moveable Dwellings [including Tents] and Camping Sites**

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Final approval of the relevant Local Authority Policy Statement	X		
Fee setting	X		
Exemptions from fees			X (Team Manager responsible for the Licensing Function)
Application for a relevant licence			X
Power of Local Authority to attach and/or alter conditions to site licences			X
Serving compliance notice/ 'emergency action' notice			X
Application for a transfer or transmission on death of a licence			X
Refusal to issue or consent to transfer a licence			X

**Table 2B – Mobile Homes – Site Manager to be a Fit and Proper Person**

<u>Matter to be determined</u>	<u>Strategic Licensing Committee</u>	<u>Team Manager responsible for the Licensing Function</u>	<u>Licensing Officer *</u> (unless otherwise specified)

## Part 8 – Delegations to Officers

<u>Final approval of the relevant Local Authority Policy Statement</u>	<u>X</u>		
<u>Fees policy</u>	<u>X</u>		
<u>Exemptions from fees</u>		<u>X</u>	
<u>Application for inclusion in register - grant unconditionally</u>			<u>X</u>
<u>Application for inclusion in register, including to:</u> <ul style="list-style-type: none"> <li><u>grant subject to conditions</u></li> <li><u>reject</u></li> </ul>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Remove person from the register</u>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Impose conditions on the inclusion of a person in the register</u>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Vary conditions imposed</u>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Remove conditions imposed</u>			<u>X</u>
<u>Serve:</u> <ul style="list-style-type: none"> <li><u>final decision notice</u></li> <li><u>notice of action</u></li> <li><u>notice of proposed action</u></li> <li><u>preliminary decision notice</u></li> </ul>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Withdraw or amend:</u> <ul style="list-style-type: none"> <li><u>preliminary decision notice</u></li> <li><u>final decision notice</u></li> <li><u>notice of proposed action</u></li> </ul>		<u>X</u> <u>where written representations received</u>	<u>X</u> <u>where no written representations received</u>
<u>Submit application to First-Tier Tribunal for Order to revoke a Site Licence</u>		<u>X</u>	

Table 2-3 - Dangerous Wild Animals

## Part 8 – Delegations to Officers

Matter to be determined	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X		
Fee setting	X		
Exemptions from fees			X (Team Manager responsible for the Licensing Function)
Application for new or renewal licence			X
Specifying required conditions			X
Varying existing conditions			X
Application for a variation to a licence			X

Table 3-4 - Distribution of Free Printed Matter

Matter to be determined	Full Council Cabinet	Strategic Licensing Committee	Licensing and Safety Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Designation by Order of land for the purposes of Schedule 3A of the Environmental Protection Act 1990		X		
Revocation of any Order made under Schedule 3A of the Environmental Protection Act 1990		X		
Final approval of the Litter Authority Policy Statement	X			
Application for consent to distribute free printed matter				X
Imposition of any limitation or condition on a consent				X
Variation/revocation of any limitation/condition				X
Revocation of consent in full or to any extent				X (Team Manager responsible for

## Part 8 – Delegations to Officers

				the Licensing Function)
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Table 4-5 - Explosives

Matter to be determined	<u>Full Council Cabinet</u>	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<u>Public Protection Licensing Officer (Professional)*</u> (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X			
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for a new or the renewal of an authorisation to store explosives licence				X
Application for Local Authority assent			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Application for a transfer of a licence				X
Licensing Authority decision to vary a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Refusal to licence, renew or transfer a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Revocation of a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn



## Part 8 – Delegations to Officers

Table 5-6 - Gambling Act 2005

Matter to be determined	<del>Full Council Cabinet</del>	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	X			
Policy not to permit casinos	X			
Fee setting	<del>X</del>	<del>X</del>		
Exemptions from fees				X (Team Manager responsible for the Licensing Function )
Application for premises licences			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a variation to a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Application for a transfer of a licence			X where representations received from Commission or responsible authority	X where no representations received from Commission or responsible authority
Application for a provisional statement			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Initiating a review of a premises licence				X (Operations Manager/Head of Service)

## Part 8 – Delegations to Officers

Review of a premises licence			X	
Whether representations are irrelevant, frivolous, vexatious or 'certain not to influence the determination'				X
Application for club gaming/club machine permits			X where objections made and not withdrawn	X where no objections made or objections withdrawn
Cancellation of club gaming/club machine permits			X	
Applications 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	

### Hackney Carriage and Private Hire Drivers, Operators and Vehicles

**Table 6-7A – Hackney Carriage and Private Hire Drivers Licence**

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<u>Operations Manager/Head of Service</u> with responsibility for the Licensing Function	<u>Public Protection Licensing Officer (Professional)*</u> (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X			
Fee setting	X			
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for new and renewal drivers licence				X (Where deviations from Policy/where Policy requires referral, Team Manager)

## Part 8 – Delegations to Officers

				<a href="#">responsible for the Licensing Function)</a>
Warning, Suspension or Revocation				<a href="#">X</a> (Team Manager responsible for the Licensing Function)
Immediate Revocation			X	

**Table 7B - Private Hire Operators**

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<a href="#">Operations ManagerHead of Service</a> with responsibility for the Licensing Function	<a href="#">Public ProtectionLicensing Officer (Professional)*</a> (unless otherwise specified)
Final approval of the Local Authority Policy Statement	<a href="#">X</a>			
Fee setting	X			
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for new and renewal Private Hire Operator licences				X (Where deviations from Policy/where Policy requires referral, Team Manager responsible for the Licensing Function)
Warning, Suspension or Revocation				<a href="#">X</a> (Team Manager responsible for the Licensing Function)

**Table 8-7C - Hackney Carriage and Private Hire Vehicles**

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<a href="#">Operations ManagerHead of Service</a> with responsibility for the Licensing Function	<a href="#">Public ProtectionLicensing Officer (Professional)*</a> (unless otherwise specified)
Final approval of the Local Authority Policy Statement	<a href="#">X</a>			
Fee setting	X			
Exemptions from fees				X

## Part 8 – Delegations to Officers

				(Team Manager responsible for the Licensing Function)
Application for new and renewal Hackney Carriage and Private Hire Vehicle licence				X (Where deviations from Policy/where Policy requires referral, Team Manager responsible for the Licensing Function)
Application for Transfer of Hackney Carriage and Private Hire Vehicle licence				X (Where deviations from Policy/where Policy requires referral, Team Manager responsible for the Licensing Function)
Warning, Suspension or Revocation				X (Team Manager responsible for the Licensing Function)

**Table 9-8 - House to House Collections**

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X		
Application for House to House Collections licence			X
Revocation of licence			X

## Part 8 – Delegations to Officers

			(Team Manager responsible for the Licensing Function)
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Table ~~10-9~~ - Licensing Act 2003

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Licensing Officer (Professional)* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	X			
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for Personal Licence with no convictions or spent convictions			X If a police objection <a href="#">made</a>	X If no objection made
Application for Personal Licence with unspent convictions			X	
Application for Premises Licence/Club Premises Certificate			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn
Application for Provisional Statement			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn
Application to vary Premises Licence/Club Premises Certificate			X If a relevant representation made and not withdrawn	X If no relevant representation made or representations have been withdrawn

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Application to vary Designated Premises Supervisor			X If a police objection <a href="#">made</a>	X
Request to be removed as Designated Premises Supervisor				X
Application for transfer of Premises Licence			X If a police objection <a href="#">made</a>	X
Application for Interim Authorities			X If a police objection <a href="#">made</a>	X
Application to review Premises Licence/Club Premises Certificate			X	
Licensing Authority initiating a review Premises Licence/Club Premises Certificate				X ( <a href="#">Operations Manager</a> <a href="#">Head of Service</a> )
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.				X
Decision to object when Licensing Authority is a consultee and not the relevant authority considering the application			X	
Determination of objections to a Temporary Event Notice			X	
Determination of objections to a late Temporary Event Notice				X
Determination of application to vary premise licence at community premises to include alternative licence condition			X If a police objection <a href="#">made</a>	X
Decision whether to consult other responsible authorities on minor variation applications				X (Public Protection Officer – Specialist)
Determination of minor variation application				X (Public Protection

## Part 8 – Delegations to Officers

				Officer – Specialist)
Acknowledgement of notices, applications and other documents				X (Public Protection Officer – Technical Support)
Revocation of Personal Licence under Section 124 of the Licensing Act 2003			X If a police or Secretary of State (immigration) objection notice <u>made and not withdrawn</u>	X
<u>Revocation and suspension of Personal Licence under Section 132A of the Licensing Act 2003</u>			<u>X</u>	<u>X</u> (Where Public Protection Officer - Specialist determines revocation or suspension not appropriate)
Review of Premises Licence following closure under Section 167 of the Licensing Act 2003			X	
Issue of counter notice to temporary event under Section 107 of the Licensing Act 2003				X

**Table 10 – Pavement Licensing**

<u>Matter to be determined</u>	<u>Strategic Licensing Committee</u>	<u>Licensing Act Sub-Committee</u>	<u>Licensing Officer*</u> (unless otherwise specified)
<u>Final approval of Local Authority Policy Statement</u>	<u>X</u>		
<u>Fee setting</u>	<u>X</u>		
<u>Exemptions from fees</u>			<u>X</u> (Team Manager responsible for the Licensing Function)
<u>Application for pavement licence</u>			<u>X</u>

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<u>Serve notice to remedy a breach of any condition</u>			<u>X</u>
<u>Revocation of a pavement licence</u>			<u>X</u> ( <u>Team Manager responsible for the Licensing Function</u> )

**Table 11 – Performing Animals**

<b>Matter to be determined</b>	<b>Full Council</b>	<b>Strategic Licensing Committee</b>	<b>Licensing Act Sub-Committee</b>	<b>Public Protection Officer (Professional)</b> * (unless otherwise specified)
<b>Final approval of the Local Authority Policy Statement</b>	X			
<b>Fee setting</b>		X		
<b>Exemptions from fees</b>				X ( <u>Team Manager responsible for the Licensing Function</u> )
<b>Application for Performing Animals registration</b>				X
<b>Application for a variation to a registration</b>				X

**Table 12 – Pet Shops, Animal Boarding and Animal Breeding**

<b>Matter to be determined</b>	<b>Full Council</b>	<b>Strategic Licensing Committee</b>	<b>Licensing Act Sub-Committee</b>	<b>Public Protection Officer (Professional)</b> * (unless otherwise specified)



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<b>Final approval of the Local Authority Policy Statement</b>	X			
<b>Fee setting</b>		X		
<b>Exemptions from fees</b>				X (Team Manager responsible for the Licensing Function)
<b>Application for Pet Shops, Boarding/Breeding licences</b>				X
				X (No variation is permitted if it relates to the requirements/prohibitions under the Regulatory Reform (Fire Safety) Order 2005)
<b>Application for extension in the event of the death of the licence holder (does not include Pet Shops)</b>				X

**Table 13 – Riding Establishments**

<b>Matter to be determined</b>	<b>Full Council</b>	<b>Strategic Licensing Committee</b>	<b>Licensing Act Sub-Committee</b>	<b>Public Protection Officer (Professional)* (unless otherwise specified)</b>
<b>Final approval of the Local Authority Policy Statement</b>	X			
<b>Fee setting</b>		X		
<b>Exemptions from fees</b>				X (Team Manager responsible)

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				for the Licensing Function)
Application for Riding Establishments licences				X
Issue of a provisional Riding Establishment licence				
Specifying required conditions				X
Application of extension to provisional Riding Establishment licence				X
Application for extension in the event of the death of the licence holder				X

Table 114 - Scrap Metal (Collectors/Sites)

Matter to be determined	<u>Cabinet</u>	Strategic Licensing Committee	Team Manager with responsibility for the Licensing Function	Public Protection Licensing Officer (Professional) *) (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X	X		
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for new and renewal Collectors and Site licences			X Where applicant/ licensee requests to make oral or written representations and they are not withdrawn	X where no representatio ns received or representatio ns have been withdrawn
Application for a variation to a licence			X Where applicant/ licensee requests to make oral or	X where no representatio ns received

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			written representations and they are not withdrawn	or representations have been withdrawn
<b>Vary licence by adding prescribed conditions</b>			X Where applicant/ licensee requests to make oral or written representations and they are not withdrawn	X where no representations received or representations have been withdrawn
<b>Revocation of a licence</b>			X Where applicant/ licensee requests to make oral or written representations and they are not withdrawn	X where no representations received or representations have been withdrawn
<b>Issuing/cancellation of a Closure Notice</b>			X	
<b>Application for/Termination of a Closure Order</b>			X	

**Table 15-12 - Sex Establishments**

<b>Matter to be determined</b>	<b>Strategic Licensing Committee</b>	<b>Licensing and Safety Sub-Committee</b>	<b>Public Protection Licensing Officer (Professional)* (unless otherwise specified)</b>
<b>Final approval of the Local Authority Policy Statement</b>	<del>X</del>		
<b>Fee setting</b>	X		
<b>Exemptions from fees</b>			X (Team Manager responsible for the Licensing Function)
<b>Application for a new, renewal or transfer of a sex establishment licence</b>		X where observations and/or objections	X where no observations and/or

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		are received and not withdrawn	objections are received or representations have been withdrawn
Prescribe standard conditions to a sex establishment licence	X		
Exclude or vary standard conditions and/or apply additional terms, conditions or restrictions to a sex establishment licence	X		X
Application for a variation to a sex establishment licence			X (No variation is permitted if it relates to the requirements/prohibitions under the Regulatory Reform (Fire Safety) Order 2005)
Application for extension to a sex establishment licence in the event of the death of the licence holder			X
Application for cancellation of a sex establishment licence			X
Revoke an existing sex establishment licence		X	
Application to waive the requirement of a sex establishment licence		X	

Table 46-13 - Skin Piercing (Acupuncture, Tattooing, Semi-permanent skin colouring, Cosmetic Piercing and Electrolysis)

Matter to be determined	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Licensing Officer (Specialist)* (unless otherwise specified)
Final approval of the Local Authority Policy Statement	X		
Fee setting	X		
Exemptions from fees			X

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			(Team Manager responsible for the Licensing Function)
Application for Skin Piercing registration (person and premises)			X

Table 17-14 - Street Collections

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<del>Public Protection</del> Licensing Officer ( <del>Professional</del> )* (unless otherwise specified)
Approval of the proposed Regulations under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 for confirmation by the Secretary of State or the Minister for the Cabinet Office	<del>X</del>		
Application for Street Collection licence			X
Revocation or Suspension of Street Collection licence			X (Team Manager responsible for the Licensing Function)

Table 18-15 - Street Trading

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<del>Public Protection</del> Licensing Officer ( <del>Professional</del> )* (unless otherwise specified)
Final approval of the relevant Local Authority Policy Statement	<del>X</del>		
Fee setting	X		
Exemptions from fees			X (Team Manager responsible for the Licensing Function)
Application for a Licence (New or Renewal)		X where representations received and not withdrawn	X where no representations received or representations have been withdrawn

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Specify principle and subsidiary terms of the licence		X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Revocation of a licence		X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a Consent (New or Renewal)			X
Attach conditions/ include permissions to a Consent			X
Revocation of a Consent			X <a href="#">(Team Manager with responsibility for the Licensing Function)</a>

Table 19-16 - Zoos

Matter to be determined	Strategic Licensing Committee	Licensing and Safety Sub-Committee	<a href="#">Public Protection Licensing Officer (Professional)*</a> (unless otherwise specified)
Final approval of the Local Authority Policy Statement	<a href="#">X</a>		
Fee setting	X		
Exemptions from fees			X (Team Manager responsible for the Licensing Function)
Application for new licence		X where representations received and not withdrawn	X where no representations received or representations withdrawn

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Application for the extension (renewal) of a licence			X
Direction of applicant to renew by way of a fresh licence application			X
Application for a transfer of a licence			X
Approving extension in the event of the death of the licence holder			X
Alteration of existing licence			X
Significant alterations of an existing licence			X (Team Manager with responsibility for <a href="#">the Licensing Function</a> )
Closure of zoo or part thereof			X (Team Manager with responsibility for <a href="#">the Licensing Function</a> )

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 409.

### **2.Trading Standards, Environmental Health, Licensing and Ecology related functions**

The senior most officer within the Council holding the certificate of qualification as required by Section 73 of the Weights and Measures Act 1985 shall act as the Chief Inspector of Weights and Measures and is accountable directly to the Director of Public Health.

In addition to the Director of Public Health the following functions shall also be exercised by the ~~Operations Managers~~[Heads of Service](#) for the areas for which they are responsible.

1. To discharge the powers, duties and responsibilities of the Council under any legislation which has imposed a statutory duty on the Council, been adopted or assigned from time to time concerning any Environmental Health (including housing), Trading Standards (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare matters or any other function/service area as authorised by 3 (iv) below.
2. To appoint, designate and authorise officers as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation concerning Environmental Health (including housing), Trading Standards

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(including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare matters.

3. To authorise the institution and defence of proceedings brought:
  - (i) under the legislation set out in the Schedule of Legislation below concerning Environmental Health (including housing), Trading Standards (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare matters.
  - (ii) under such other legislation as may from time to time be adopted by the Council relating to (whether directly or indirectly) any of the functions concerning Environmental Health (including housing), Trading Standards (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare, or any other function/service area of the Council as authorised by virtue of 3 (iv) below;
  - (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 (including housing), Trading Standards (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology or Animal Health and Welfare or any other function/service area of the Council as authorised by virtue of 3 (iv) below;
  - (iv) for any offence under any legislation whatsoever where proceedings for such an offence concern any other function of the Council for which permission by the Chief Officer with responsibility for that function has been granted; and
  - (v) for the avoidance of doubt, in paragraphs (i), (ii), (iii) and (iv) above “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 and any new enactments that are relevant to the functions shall be automatically added to the Schedule of Legislation below from the day they are passed.

### 4. **Schedule of 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, 1968 and 1972  
Agriculture Act 1970 - Part IV  
Animal By-Product (Enforcement) (England) Regulations 2013  
Animal Boarding Establishments Act 1963  
Animal Feed (Composition, Marketing and Use) Regulations 2015  
Animal Feed (Hygiene, Sampling etc and Enforcement) England Regulations 2015  
Animal Health Acts 1981 and 2002  
Animal Health and Welfare Act 1984



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Animal Welfare Act 2006  
[Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)  
Anti-Social Behaviour Act 2003  
Anti-Social Behaviour, Crime and Policing Act 2014  
Banking Act 1987  
Bankers' Books Evidence Act 1879  
Beef and Veal Labelling Regulations 2010  
~~[Breeding of Dogs Act 1973 and 1991](#)~~  
~~[Breeding and Sale of Dogs \(Welfare\) Act 1999](#)~~  
Broadcasting Act 1990  
Building Act 1984  
[Business and Planning Act 2020](#)  
Business Protection from Misleading Marketing Regulations 2008  
Cancer Act 1939  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Charities Act 1992  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933 (Section 7) as amended  
Children and Families Act 2014  
Chronically Sick and Disabled Persons Act 1970  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Acts 1985 and 2006  
Construction Products Regulations 2013  
Consumer Credit Acts 1974 and 2006  
Consumer Protection Acts 1961 - 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Consumer Rights Act 2015  
Consumer, Estate Agents and Redress Act 2007  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Copyright, Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Cremation Act 1902 as amended by the Cremation Act 1952  
Crime and Disorder Act 1998  
Criminal Attempts Act 1981  
Criminal Damage Act 1971  
Criminal Justice and Public Order Act 1994  
Criminal Justice and Police Act 2001  
Criminal Law Act 1977  
Dangerous Wild Animals Act 1976  
Deregulation Act 2015  
Dogs Act 1906  
Dogs (Amendment) Act 1928  
Education Reform Act 1988  
Employment Agencies Act 1973  
Energy Acts 1976, [2011](#) and 2013  
Energy Conservation Act 1981  
Enterprise Act 2002

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Enterprise and Regulatory Reform Act 2013  
Environment Act 1995  
Environmental Damage (Prevention and Remediation) (England) Regulations 2015  
Environmental Permitting (England and Wales) Regulations 2010 and 2016  
Environmental Protection Act 1990  
[Equality Act 2010](#)  
Estate Agents Act 1979  
European Communities Act 1972 and Treaties and Legislation given effect thereunder  
[European Union \(Withdrawal\) Act 2018 and Treaties and Legislation given effect thereunder](#)  
Explosives Acts 1875, 1923 and 1976  
Explosives Regulations 2014  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fire Safety and Safety of Places of Sport Act 1987  
Fireworks Act 2003  
Food Act 1984 - Part III  
Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulation 2013  
Food and Environment Protection Act 1985  
Food Information Regulations 2014  
Food Safety Act 1990  
Food Safety and Hygiene (England) Regulations 2013  
[Food Standards Act 1999](#)  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
General Food Regulations 2004  
[Genetically Modified Organisms \(Traceability and Labelling\) \(England\) Regulations 2004](#)  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Health and Social Care Act 2008  
Health and Safety Enforcing Authority Regulations 1998  
Health Protection (Notification) Regulations 2010  
Health Protection (Local Authority Powers) Regulations 2010  
Health Protection (Part 2A Orders) Regulations 2010  
Highways Act 1980  
House to House Collections Act 1939  
Housing Acts 1985, 1988, 1996, 2004  
Housing and Planning Act 2016  
Housing, Grants, Construction and Regeneration Act 1996  
Identity Documents Act 2010  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Landlord and Tenant Act 1985  
Land Compensation Act 1973  
Licensing Acts 1964 and 2003

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Live Music Act 2012  
Local Government Act 1972 and the regulations issued under that Act (the Local Authorities' Cemeteries Order 1977)  
Local Government and Housing Act 1989  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Localism Act 2007  
Malicious Communications Act 1988  
Markets and Fairs (Weighing of Cattle) Acts 1887 - 1926  
Medicines Acts 1961, 1968 and 1971  
Mobile Homes Act 2013  
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 1991  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Offensive Weapons Act 1996  
Official Food and Feed Control (England) Regulations 2009  
[Official Controls \(Animals, Feed and Food\) \(England\) Regulations 2006](#)  
Olympic Symbol etc. Protection Act 1995  
Osteopaths Act 1993  
Party Wall Act 1996  
Performing Animals (Regulations) Act 1925  
Pet Animals Act 1951  
Petroleum (Consolidation) Regulations 2014  
Planning and Compensation Act 1991  
Planning and Compulsory Purchase Act 2004  
Planning Act 2008  
Plant Health Act 1967  
Police and Criminal Evidence Act 1984  
Police and Justice Act 2006  
Police Reform and Social Responsibility Act 2011  
Police, Factories etc. (Miscellaneous Provisions) Act 1916  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Act 1974 and 1975  
Private Water Supplies Regulations 1991  
Proceeds of Crime Act 2002  
Products of Animal Origin (Third Country Imports) (England) Regulations 2006  
Products of Animal Origin (Import and Export) Regulations 1996  
Protection Against Cruel Tethering Act 1988  
Protection from Eviction Act 1977  
Protection from Harassment Act 1997  
Protection of Animals Act 1911  
Protection of Animals (Amendment) Acts 1954 and 1988  
Protection of Animals (Anaesthetics) Act 1954  
Protection of Children (Tobacco) Act 1986  
Protection of Freedoms Act 2012

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Psychoactive Substance Act 2016  
Public Health Acts 1936 and 1961  
Public Health Acts Amendment Act 1907  
Public Health (Control of Diseases) Act 1984  
Public Health (Infectious Diseases) Regulations 1988  
Refuse Disposal (Amenity) Act 1978  
Regulation of Investigatory Powers Act 2000  
Regulatory Reform (Fire Safety) Order 2005  
Riding Establishments Act 1964  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988 and 1991  
Road Traffic Offenders Act 1988  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Regulation Act 1984  
Road Vehicles (Construction and Use) Regulations 1986  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act 1988  
Scrap Metal Dealers Acts 1964 and 2013  
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  
Solicitors Act 1974  
Sunday Trading Act 1994  
Telecommunications Act 1984  
[Tenant Fees Act 2019](#)  
Theft Act 1968 and 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002 and 2007  
Tobacco and Related Products Regulations 2016  
Town and Country Planning Act 1990  
Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade in Animals and Related Products Regulations 2011  
Trade Marks Act 1938 and 1994  
Trading Representations (Disabled Persons) Act 1958 - 1972  
Trading Schemes Act 1996  
Trading Stamps Act 1964  
Transmissible Spongiform Encephalopathies (England) Regulations 2010  
Transport Act 1978  
Unsolicited Goods and Services Act 1971-75  
Vehicle (Crime) Act 2001  
Vehicles (Excise) Act 1971  
Video Recordings Act 1984, 1993 and 2010  
Violent Crime Reduction Act 2006  
Water Industry Act 1991  
Weights and Measures Act 1985  
Wildlife and Countryside Act 1981  
Zoo Licensing Act 1981

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### **3. Highways and Environmental Maintenance Functions**

In addition to the Director of Public Health the following functions relating to highways, environmental maintenance (to include the enforcement of local bylaws) and parking enforcement generally shall also be exercised by the [Operations Managers/Heads of Service](#) for the areas for which they are responsible and in relation to the matters and legislation listed below.

1. To discharge the powers, duties and responsibilities of the Council.
2. To appoint, designate and authorise officers.
3. To authorise the institution and defence of proceedings.
4. For the avoidance of doubt “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 and any new enactments that are relevant to the functions shall be automatically added to the list below from the day they are passed.

### **Matters and legislation**

#### **1. Civil Enforcement of Traffic Contraventions and the Blue Badge Scheme**

- Part 6 Traffic Management Act 2004 – to authorise suitably qualified officers or appoint consultants and technical advisors as necessary
- Chronically Sick and Disabled Persons Act 1970 – for the purposes of administering, inspecting and enforcing the Blue Badge Scheme

#### **2. Littering**

- Section 87 Environmental Protection Act 1990 - leaving litter
- Section 88 Environmental Protection Act 1990 - fixed penalty notices for leaving litter
- Schedule 3A, paragraphs 1, 6 and 7 Environmental Protection Act 1990 – for the purposes of dealing with unauthorised distribution of free printed matter

#### **3. Abandoned Vehicles/Fly-Tipping**

- Section 2 Refuse Disposal (Amenity) Act 1978 – abandoning motor vehicles, motor vehicle parts and other things
- Section 2A Refuse Disposal (Amenity) Act 1978 - fixed penalty notices in relation to the abandoning of motor vehicles and motor vehicle parts
- Section 33 (1) (a) Environmental Protection Act 1990 – insofar as it concerns the unauthorised or harmful depositing of waste

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- Section 33ZA Environmental Protection Act 1990 – insofar as it concerns fixed penalty notices for contravention of section 33 (1) (a)
- Section 1 Control of Pollution (Amendment) Act 1989 - transporting controlled waste without registering
- Section 59 Environmental Protection Act 1990 - removal of waste unlawfully deposited

### 4. Fly-Posting/Graffiti

- Section 224 (3) Town and Country Planning Act 1990 – displaying advertisements in contravention of regulations
- Section 131 (2) Highways Act 1980 – obliterating traffic signs including signposts erected or placed along a footpath, bridleway, restricted byway or byway
- Section 132 (1) Highways Act 1980 – painting or otherwise inscribing or affixing marks on the surface of or on any structures in or on the highway
- Section 1 (1) Criminal Damage Act 1971 – destroying or damaging property as it relates to the painting or writing on, or the soiling, marking or other defacing of, any property by whatever means.
- Section 43 Anti-social Behaviour Act 2003 – penalty notices for relevant offences (refer to Section 44) relating to graffiti and fly-posting

### 5. Nuisance Parking

- Section 3 Clean Neighbourhoods and Environment Act 2005 – exposing vehicles for sale on a road
- Section 4 Clean Neighbourhoods and Environment Act 2005 – repairing vehicles on a road
- Section 6 Clean Neighbourhoods and Environment Act 2005 - fixed penalty notices in relation to nuisance parking

### 6. Pavement Permits

- Sections 115A to 115K Highways Act 1980 - administration and enforcement of permission to use the highway
- Sections 130, 137, ~~and~~ 143 ~~and~~ 149 Highways Act 1980 - insofar as it relates to the use of the highway where no pavement permit has been sought or granted

### 7. Waste

- Section 34 (5) and (6) (and regulations made thereunder) Environmental Protection Act 1990 - making and retention of controlled waste related documents and the furnishing of documents
- Section 34A Environmental Protection Act 1990 – insofar as it concerns fixed penalty notices for offences relating to Section 34 (5) and (6)
- Section 46 Environmental Protection Act 1990 – provision of adequate receptacles for household waste

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- Section 47 Environmental Protection Act 1990 – provision of adequate receptacles for commercial or industrial waste
- Section 47ZA Environmental Protection Act 1990 - fixed penalty notices for offences under Sections 46 and 47
- Section 47ZB Environmental Protection Act 1990 - amount of fixed penalty under section 47ZA

### 8. Other anti-social behaviour related matters

- Sections 43 to 58 Anti-Social Behaviour, Crime and Policing Act 2014 – for the purposes of the administration and enforcement of Community Protection Notices
- Sections 59 to 75 Anti-Social Behaviour, Crime and Policing Act 2014 – for the purposes of the administration and enforcement of Public Space Protection Orders. This includes the administration and enforcement of the requirements and restrictions on dogs and their owners under existing Dog Control Orders in accordance with the transition arrangements under the Anti-Social Behaviour, Crime and Policing Act 2014.

### **4. Registration Service.**

The Director of Public Health shall have the power to approve premises for the solemnisation of marriages and civil partnerships as set out in the Schedule to the Functions Regulations.

### **Assistant Director of Economy & Place**

#### **1. Planning Matters**

The determination of all planning matters as set out in the Functions Regulations shall be delegated to the **Assistant Director of Economy & Place** ~~Director of Place and Enterprise~~ with the exception of the following which shall be determined by the relevant committee

- 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 Planning Services Manager, Head of Infrastructure and Communities, or the Head of Economic Growth.
- 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)



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- Applications accompanied by a Schedule 1 Environmental Statement
- Complex or major applications which in the view of the [Assistant Director of Economy & Place](#) ~~Director of Place and Enterprise~~ or the [Head of Planning Services](#) ~~Manager~~ in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee

### 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 [Head of Planning Services](#) ~~or the Team Manager (Planning) Manager~~ 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”.

### Parish and Town Councils

- 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) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
  - (ii) the Team Manager (Planning) or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

For the avoidance of doubt the following remain delegated to the [Assistant Director of Economy & Place](#) ~~Director of Place and Enterprise~~:

### 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.

### 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.



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### 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

### Planning Obligations

- To require planning obligations without referral to committee
- To discharge planning obligations under Section 52 Town and Country Planning Act 1971 or Section 106 Town and Country Planning Act 1990 and to vary or modify Section 52 Agreements as required.
- To approve release of contribution money to third parties

## 2. Building Control Matters

The following delegations shall be exercisable by the [Assistant Director of Economy & Place](#) ~~Director of Place and Enterprise~~ and those officers indicated as authorised officers in the attached table:

	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.	Team Manager Building Control
2	To enter into contracts for the purchase and supply of goods and services in accordance with the Contract Procedure Rules	Team Manager Building Control
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	Team Manager Building Control

## Part 8 – Delegations to Officers

	the purposes of inspection; enforcement; surveying; testing and sampling as provided in the relevant legislation	
4	To hire plant from contractors and engage specialist sub-contractors in accordance with the Contract Procedure Rules.	Team Manager Building Control
5	To sell surplus materials, equipment, goods and other waste in accordance with the Financial Rules	Team Manager Building Control
6	In consultation with the <del>Head Assistant Director</del> of Legal and Democratic Services 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	Team Manager Building Control
7	In conjunction with the relevant Head of Service, <del>Head of Finance, Governance and Assurance</del> <u>Executive Director of Resources</u> and Portfolio Holder, to assess, determine and publish building control fees and charges.	Team Manager Building Control
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.	Team Manager Building Control
9	To authorise and nominate staff to determine and negotiate fees and charges for building regulation applications and notices.	Team Manager Building Control
10	Authority to enter into Partnerships and determine building regulation applications under the LABC Partnership Scheme.	Team Manager Building Control, Principal Surveyor
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.	Team Manager, Building Control <u>Principal</u> Surveyor, Senior Surveyors
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.	Team Manager Building Control

## Part 8 – Delegations to Officers

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
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### **3. Community Infrastructure Levy**

Authority to act on behalf of the Council in its role as the Community Infrastructure Levy charging authority in the day to day implementation of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 ( as amended ).

#### **Head Assistant Director of Infrastructure and Communities Homes & Communities**

In addition to acting on behalf of the Council in relation to matters within their service area the [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities shall have authority as follows:-

#### **1. Rights of Way Matters**

The determination of all Rights of Way matters as set out in the Functions Regulations shall be delegated to the [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities with the exception of those matters which in the discretion of the [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities should be referred to the relevant Planning Committee.

The Local Member has the right, after consultation with the [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities , 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 [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities in writing within 10 days of the Local Member being notified of matters to which there have been objections.

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 [Head Assistant Director](#) of [Infrastructure Homes](#) and Communities shall exercise the following delegations:

	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

## Part 8 – Delegations to Officers

3.	To serve notices requiring particulars of ownership	Section 16 Local Government (Miscellaneous) Provisions Act 1976
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### 2. Localism Act 2011 – Community Right to Bid

To determine reviews against the listing of an asset by the owner.

To determine reviews, against the payment or not of compensation, by an owner.

### 3. Housing

All the powers and functions set out in the following table are delegated to the Assistant Director of Homes and Communities:

<u>Crime and Disorder Act 1998 suppl. By Anti Social Behaviour Act 2003</u>	<u>S.30</u> <u>Authority to authorize 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</u>
<u>Housing Act 1985 as amended by the Housing Acts 1988 &amp; 1996</u>	<u>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 of more of the statutory grounds.</u>
<u>Housing Act 1985</u>	<u>S.2</u> <u>Authority to grant permission for a mutual exchange or assignment of tenancy.</u> <u>Schedule 3</u> <u>Authority to withhold consent for a mutual exchange or assignment.</u>
<u>Land Compensation Act 1973 (as amended)</u>	<u>S29</u> <u>Authority to grant a tenant a home loss payment (HLP) where he/she is displaced from a dwelling in consequence of:</u> <u>(a) The compulsory acquisition of an interest in the dwelling;</u> <u>(b) The making or acceptance of a housing order or undertaking in respect of the dwelling;</u> <u>(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;</u> <u>(d) The making of an order for possession on ground 10 or 10A in part II of Schedule 2 to the Housing Act 1985</u>

## Part 8 – Delegations to Officers

<a href="#">Housing Act 1985 (as amended)</a>	<a href="#">Part V Authority:</a> <ul style="list-style-type: none"> <li>• <a href="#">to approve the sales of Council Dwellings;</a></li> <li>• <a href="#">to deny the Right to Buy where the terms and conditions of paragraph 11 are not met;</a></li> <li>• <a href="#">to enter into deeds of rectification for houses sold under the Right to Buy;</a></li> <li>• <a href="#">to apply service charges to leasehold properties sold under the Right to Buy</a></li> </ul>
<a href="#">Housing Act 1985 as amended by the Localism Act 2011</a>	<a href="#">Authority to issue notices, commence court proceedings and make decisions to gain possession of a flexible tenancy on one or more of the statutory grounds.</a>
<a href="#">Housing Act 2004 (as amended)</a>	<a href="#">Authority:</a> <ul style="list-style-type: none"> <li>• <a href="#">to make decisions on the option of re-purchasing properties which are offered back to the Council;</a></li> <li>• <a href="#">to decide whether the full amount of discount on the sale of a Council house within the 5 year period should be repaid</a></li> </ul>
<a href="#">Housing Act 1996 as amended by Housing Act 2004</a>	<a href="#">Authority to:</a> <ul style="list-style-type: none"> <li>• <a href="#">grant an Introductory Tenancy;</a></li> <li>• <a href="#">extend the trial period in relation to an Introductory Tenancy</a></li> <li>• <a href="#">conduct a review of a decision to extend the trial period of an Introductory Tenancy;</a></li> <li>• <a href="#">seek possession of a dwelling where there is a breach of an Introductory Tenancy</a></li> </ul>

### Assistant Director of Infrastructure

In addition to acting on behalf of the Council in relation to matters within their service area the Assistant Director of Infrastructure shall have authority as follows:-

#### **21. Planning Matters**

The determination of the following planning matters shall be delegated to the Assistant Director of Infrastructure~~Head of Infrastructure and Communities~~

#### Footpaths

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

#### **32. 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.

## Part 8 – Delegations to Officers

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 [Assistant Director of Infrastructure](#) ~~Head of Infrastructure and Communities~~ 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 Planning Committee~~ [Cabinet](#) which in the view of the [Assistant Director of Infrastructure](#) ~~Head of Infrastructure and Communities~~ [Planning Services or Team Manager \(Planning\)](#) raise issues of a complex nature or are of more than local significance ~~and should be determined by the Planning Committee~~.
7. To serve notices requiring particulars of ownership ( s16 Local Government ( Miscellaneous ) Provisions Act 1976 )
8. To sign and serve notices in respect of contraventions of any of the provisions of the Highways Act 1980, Traffic Management Act 2004 and the New Roads and Street Works Act 1991 and Regulations made thereunder.

### **43. Land Drainage Matters**

The following delegations shall be exercisable by the [Assistant Director of Infrastructure](#) ~~Head of Infrastructure and Communities~~ and those officers indicated as authorised officers in the attached table:

- |    |   |                         |
|----|---|-------------------------|
| 1. | To sign and serve notices in respect of contraventions of any of the provisions of the Land Drainage Act 1991 | Flood and Water Manager |
|----|---|-------------------------|

### **54. Highways and Environmental Maintenance Functions**

In addition to the [Executive](#) Director of Place ~~and Enterprise~~ the following functions relating to highways, environmental maintenance (to include the enforcement of local bylaws) and parking enforcement generally shall also be exercised by the [Assistant Director of Infrastructure](#) ~~Head of Infrastructure and Communities~~ for the areas for which he is responsible and in relation to the matters and legislation listed below.

1. To discharge the powers, duties and responsibilities of the Council.
2. To appoint, designate and authorise officers.
3. To authorise the institution and defence of proceedings.

## **Part 8 – Delegations to Officers**

4. For the avoidance of doubt “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 and any new enactments that are relevant to the functions shall be automatically added to the list below from the day they are passed.

### **Matters and legislation**

#### **1. Civil Enforcement of Traffic Contraventions and the Blue Badge Scheme**

- Part 6 Traffic Management Act 2004 – to authorise suitably qualified officers or appoint consultants and technical advisors as necessary
- Chronically Sick and Disabled Persons Act 1970 – for the purposes of administering, inspecting and enforcing the Blue Badge Scheme

#### **2. Littering**

- Section 87 Environmental Protection Act 1990 - leaving litter
- Section 88 Environmental Protection Act 1990 - fixed penalty notices for leaving litter
- Schedule 3A, paragraphs 1, 6 and 7 Environmental Protection Act 1990 – for the purposes of dealing with unauthorised distribution of free printed matter

#### **3. Abandoned Vehicles/Fly-Tipping**

- Section 2 Refuse Disposal (Amenity) Act 1978 – abandoning motor vehicles, motor vehicle parts and other things
- Section 2A Refuse Disposal (Amenity) Act 1978 - fixed penalty notices in relation to the abandoning of motor vehicles and motor vehicle parts
- Section 33 (1) (a) Environmental Protection Act 1990 – insofar as it concerns the unauthorised or harmful depositing of waste
- Section 33ZA Environmental Protection Act 1990 – insofar as it concerns fixed penalty notices for contravention of section 33 (1) (a)
- Section 1 Control of Pollution (Amendment) Act 1989 - transporting controlled waste without registering
- Section 59 Environmental Protection Act 1990 - removal of waste unlawfully deposited

#### **4. Fly-Posting/Graffiti**

- Section 224 (3) Town and Country Planning Act 1990 – displaying advertisements in contravention of regulations
- Section 131 (2) Highways Act 1980 – obliterating traffic signs including signposts erected or placed along a footpath, bridleway, restricted byway or byway
- Section 132 (1) Highways Act 1980 – painting or otherwise inscribing or affixing marks on the surface of or on any structures in or on the highway

## **Part 8 – Delegations to Officers**

- Section 1 (1) Criminal Damage Act 1971 – destroying or damaging property as it relates to the painting or writing on, or the soiling, marking or other defacing of, any property by whatever means.
- Section 43 Anti-social Behaviour Act 2003 – penalty notices for relevant offences (refer to Section 44) relating to graffiti and fly-posting

### **5. Nuisance Parking**

- Section 3 Clean Neighbourhoods and Environment Act 2005 – exposing vehicles for sale on a road
- Section 4 Clean Neighbourhoods and Environment Act 2005 – repairing vehicles on a road
- Section 6 Clean Neighbourhoods and Environment Act 2005 - fixed penalty notices in relation to nuisance parking

### **6. Pavement Permits**

- Sections 115A to 115K Highways Act 1980 - administration and enforcement of permission to use the highway
- Sections 130, 137 and 143 Highways Act 1980 - insofar as it relates to the use of the highway where no pavement permit has been sought or granted

### **7. Waste**

- Section 34 (5) and (6) (and regulations made thereunder) Environmental Protection Act 1990 - making and retention of controlled waste related documents and the furnishing of documents
- Section 34A Environmental Protection Act 1990 – insofar as it concerns fixed penalty notices for offences relating to Section 34 (5) and (6)
- Section 46 Environmental Protection Act 1990 – provision of adequate receptacles for household waste
- Section 47 Environmental Protection Act 1990 – provision of adequate receptacles for commercial or industrial waste
- Section 47ZA Environmental Protection Act 1990 - fixed penalty notices for offences under Sections 46 and 47
- Section 47ZB Environmental Protection Act 1990 - amount of fixed penalty under section 47ZA

### **8. Other anti-social behaviour related matters**

- Sections 43 to 58 Anti-Social Behaviour, Crime and Policing Act 2014 – for the purposes of the administration and enforcement of Community Protection Notices
- Sections 59 to 75 Anti-Social Behaviour, Crime and Policing Act 2014 – for the purposes of the administration and enforcement of Public Space Protection Orders. This includes the administration and enforcement of the requirements and restrictions on dogs and their owners under existing Dog Control Orders in accordance with the transition arrangements under the Anti-Social Behaviour, Crime and Policing Act 2014.



## Part 8 – Delegations to Officers

### ~~6. Localism Act 2011 – Community Right to Bid~~

~~To determine reviews against the listing of an asset by the owner.~~

~~To determine reviews, against the payment or not of compensation, by an owner.~~