

SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

PREAMBLE

A. Introduction

1. **Article 16** and **Part 3** of the Constitution set out the general arrangements for decision-making at the Council. This Part provides more detail on the exercise of decision-making powers by officers.
2. In line with the “Councillors at the core” principle of the Council’s Strategic Operating Model, and in line with legal requirements, Councillors must be the decision-makers for important decisions. They may make decisions at Council, at regulatory committees such as Planning or Licensing, or at Cabinet (with Cabinet decisions being referred to as “executive decisions”). This class of decision may not be delegated, and the decisions that correspond to this class are set out in **Part 3**.
3. For certain decisions, however, councillors can decide to delegate their decision-making powers to officers. This Scheme ensures that this delegation, when it happens, is clear and consistent.
4. This Scheme also sets out where powers to make decisions are conferred directly by legislation, rather than being delegated by the Council or Cabinet.
5. Effective officer decision-making relies on a number of principles.

B. Principles underpinning officer decision-making

1. The most fundamental principle is that the powers exercised by officers under the Scheme do not extend to any of the functions reserved by Part 3 of the Constitution to Council, to the Cabinet or to any committee of the Council (unless explicitly delegated to identified officers, usually in consultation with the relevant Portfolio Holder, at the time Council, Cabinet or the Committee consider the matter).
2. Officers may not change policies which have been approved by Cabinet or Council, or create new policies where the right to do so is reserved to Cabinet or Council, by law or by the terms of this Constitution.
3. Officers may also not provide formal responses to any formal consultation by an external body (which may include consultations on White Papers) where those consultations may lead to policy changes, or where they may have a significant impact on services.

Other principles include:

4. **Legality.** Decision-making authority is provided to the Council or to the Council’s Cabinet by statute (with those powers being informed by the Council’s “general power of competence” as provided for by Section 1 of the Localism Act 2011). The way that

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decisions are made must reflect the Council's overall powers, and must also reflect the exact way that those powers have been delegated¹. This Scheme of Delegation provides a way for officers, members and the public to track the way that powers are delegated to ensure that decision-making authority, when exercised, is still exercised within the law. Importantly, the scope of the delegation may *not* be the same as the scope of the overall power that the Council enjoys in a given area;

5. **Adherence to wider legal requirements.** The Council is obliged to conform to the requirements of the Equality Act, the Human Rights Act and other legislation that requires that certain relevant considerations be taken into account in the process of decision-making;
6. **Procedural consistency and propriety.** Across the Council there needs to be consistency and fairness in the process by which decisions are made. Decisions must be within approved revenue and capital budgets and comply with the Council's Financial and Contract Procedure Rules (with some of those Rules making reference to formal, legal obligations), as well as with other procedural requirements;
7. **Reasonableness and proportionality.** The legal principles of "reasonableness" and "proportionality", as they apply to administrative action, are complex. In brief, decision-makers will need to be able to demonstrate that decisions are informed by evidence, that they conform to logical norms, that they are not erratic, and that – if an individual's rights are affected by the decision – that due care has been paid to considering how decision-making can be carried out in a way that minimises negative impacts;
8. **Transparency and accountability.** Decisions made under delegated powers need to be recorded properly, , and appropriately published.² Accountability for decisions – when, how, and by whom they are made – must be clear;
9. **Consultation and dialogue.** The management of the Council is based on an operating model that is focused on collective responsibility and action, and on administrative agility. Decision-making must be framed in a way that recognises the intersection between collective and individual responsibility.
10. Decisions made under delegated powers must also conform to the Council's "principles of decision-making", as set out at Article 13.2.

Recording and reporting arrangements: overview

11. Although there is a requirement for decisions made using powers set out in this Scheme to be recorded and reported, a failure to record and report decisions in the way set out does not *on its own* mean that the decision does not have effect. Decisions made under these powers should be understood as taking legal effect immediately on being made.
12. Decision-making at the Council will also closely reflect the key principles that underpin the Council's strategic operating model. These principles will underpin the approach that those holding power under this scheme of delegation will use to undertake their duties. In particular, the principles "Councillors at the core", "Stakeholder-based decision-

¹ For example, delegations must be exercised within agreed budgets.

² Openness of Local Government Bodies Regulations 2014
<https://www.legislation.gov.uk/ukxi/2014/2095/regulation/7>

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making”, and “Effective leadership” will be important underpinnings for the exercise of decision-making powers.

13. Specific requirements – in particular those setting out arrangements for sub-delegation and for the recording and reporting of decisions – are set out below.

C. Functions of the authority

1. For the purposes of the Scheme of Delegation we can divide the overall functions of the authority into three categories:
 - **Functions of the Executive (EF).** These are powers conferred directly on the Executive (the Cabinet) by law, and those powers that the Council has decided shall be carried by the executive where the law provides for a local choice. These decisions are “executive decisions”. They do not include decisions which are made by officers in the ordinary, day to day management and operation of their services, the transaction of which ultimately falls under the responsibility of the Chief Executive (as Head of Paid Service). Some executive decisions are “key decisions” as defined in Article 13.3.³ When an executive decision is designated as a key decision there are additional obligations around how it should be made, and implemented;
 - **Functions of the Council (CF).** These are powers which the law says must be carried out by full Council. This includes agreeing the budget and policy framework. Some Council duties may be delegated by full Council to other Council bodies, or to officers. Examples include licensing decision-making and planning, which are carried out by officers subject to triggers for referral to committees that hold those functions;
 - **Functions given to individual officers by other means (PO).** These are powers given to individual officers to carry out duties in a way that is specified in legislation. Some of these powers require that a “proper officer” is identified to carry out these functions. This designation may be provided for:
 - In legislation directly** – eg where the Council’s Monitoring Officer is designated as the proper officer to transact certain duties;
 - By Council or by the Chief Executive** – the Council – either in a formal meeting or through a duty that sits with the CEO – may be able to designate the role whose occupant holds a specific statutory duty.
2. Usually a deputy can be designated to carry out the duties of the named “proper officer” in that person’s absence.
3. In some cases legislation gives power to “the authority” to do something – in this case the power exercised by officers is interpreted as having been delegated by Council subject to the terms set out in this Scheme (see above).

³ <https://shropshire.gov.uk/committee-services/documents/s36756/Part2ArticlesoftheConstitution.docx.pdf>

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4. Sometimes, a named officer (in most cases the Chief Executive or Monitoring Officer) may have a general power to oversee, ensure or assure the Council's adherence to a variety of statutory obligations.
5. The table below marks each specific power listed with the description or initials corresponding to each of these categories so that those exercising powers, and those holding them to account, can understand from where those powers derive.

D. Sub-delegation, consultation and the recording and reporting of decisions

Consultation on decision-making

The organisation's strategic operating model

1. The Council has a Strategic Core, built around the political direction set by members, which is focused on collaboration between the organisation's political leadership (expressed through Cabinet) and its officer leadership (expressed through the Leadership Board).

Some powers are conferred on, or delegated to, Chief Officers. For the purposes of this Part 8 "Chief Officers" means the Chief Executive, Executive Directors, Monitoring Officer, s151 Officer, Service Directors and Heads of Service

2. Officers will exercise their power to make decisions under delegated powers with regard to the work of the Leadership Board. Certain officers will need to work together consistently and regularly to carry out duties relating to services whose functions are closely linked – for example, the duties relating to the Local Authority Social Services Act 1970. In some cases, expectations around consultation between officers are set out in the Scheme, although the lack of an explicit mention of this duty in respect of certain powers does not mean that a requirement to consult is not present.
3. This will particularly need to be the case where the exercise of a delegated power is likely to affect more than one service area. In this case direct consultation shall take place with any Service Director whose service area is likely to be affected.

Leadership Board not a decision-making body

4. For the avoidance of doubt the Leadership Board, as an entity, is not a body authorised to formally make decisions. Officers with the power to make decisions may co-ordinate the exercise of those powers at meetings of the Leadership Board but those officers retain their individual legal responsibility for decision-making, even if they choose to exercise those responsibilities in the locus of a meeting of the Leadership Board itself.

Sub-delegation

5. Sub-delegation – sometimes called "onward delegation" – is the principle that certain powers, once delegated, can be delegated further to other officers.

The Chief Executive

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6. Any power exercisable by the Chief Executive in the Scheme shall be exercisable in the absence of the Chief Executive by such other Executive Director as the Chief Executive shall designate as their Deputy.
7. The Chief Executive may designate officers as authorised, or proper, officers for exercising the Council's powers under any statutory provisions, subject to the powers conferred by legislation to do so. The designation of the Chief Executive, Chief Finance Officer, Monitoring Officer and of the statutory functions carried out by Chief Officer shall be made by Council as part of the appointments procedure for senior officers as set out in Part 4.
8. If considering the exercise of a delegated power which would normally be exercised by one of the other members of the Leadership Board, the Chief Executive shall consult with the Executive Director or Service Director in question, with the Monitoring Officer and with the Leader, or Cabinet or relevant Portfolio Holder concerned. In doing so, the Chief Executive shall have regard to the possibility that the source and scope of the power in question may restrict the right of other officers to exercise it.

The Leadership Board and Chief Officers

9. Chief Officers – are authorised to act on behalf of the Council within the service area for which they are responsible. This includes the power to sub-delegate decision-making authority, where the source and scope of that power permits that sub-delegation. This is additional to the general power set out in this scheme for officers to deputise for Executive Directors and Service Directors.
10. Chief Officers and officers referred to by title in this Part 8 may sub-delegate powers to exercise functions delegated to them, to officers, where such power may be legally delegated. The qualification to this is that the delegation reserved to the officer with responsibility for trading standards (who, while specified in a the table below is not a membership of Leadership Board or a Chief Officer) may only be exercised by an officer possessing the necessary qualification to do so. For the avoidance of doubt, this sub-delegation does not create a line management situation in respect of those officers. However certain legal functions have to be exercised by and in the name of the Service Director for Legal and Governance.
11. Sub-delegation does not abrogate the responsibility of the officer specified in this Scheme for the appropriate transaction of the delegated power in question.
12. In the event of an Officer referred to in Part 7 or 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 officer with responsibility for weights and measures 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 on behalf of that Chief Officer unless such authority has been limited by the Chief Officer.
13. For the avoidance of doubt any delegation exercised by a Head of Service may be exercised by the relevant member of Leadership Board and any delegation exercised by

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an Officer may be exercised by the Chief Executive unless restricted by this Scheme of Delegation or by law.

14. 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 this Part 8, as the case may be, responsible for the function in question
15. All the arrangements for sub-delegation in this section shall be made subject to being recorded, and reported to Legal Services.

The role of statutory officers

16. Decision-making must be carried out subject to the advice and, where relevant, instructions of the principal statutory officers – the Chief Executive, the Chief Finance Officer, and the Monitoring Officer (Service Director (Legal and Governance)).
17. The approval of the Chief Finance Officer and Monitoring Officer, or other officers that they designate shall be required for the submission of reports that set out decisions to be made by members in Cabinet, and at the Council.
18. The Chief Finance Officer and Monitoring Officer hold particular duties to assure good practice with regard to the authority's legal, and financial, governance, which are set out in more detail in this Scheme.

Consultation with members

19. Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive, that officer shall consult and liaise closely with the appropriate Portfolio Holder (or in their absence, the Leader) or the committee chair (or in their absence, the vice-chair) before exercising the delegated powers.
20. It shall always be open to an officer to consult a Cabinet member, a committee, or its chair or vice-chair before exercising the delegated powers, or not to exercise delegated powers but to refer the matter to the Council, Cabinet or a committee for decision.
21. The normal requirements for consultation with and notification of Local Members on matters affecting their Electoral Divisions, as set out in the Local Member Protocol⁴, will also be adhered to. Consultation should be:
 - Timely, to ensure that the relevant Portfolio Holder's views can be fully taken into account in the substance of the decision;
 - Proportionate, to ensure that the principle of delegation is not undermined, that decisions are not *de facto* made by the Portfolio Holder, and that Portfolio

⁴ <https://shropshire.gov.uk/committee-services/documents/s39713/Part5CodesandProtocols.doc.pdf>

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Holders are involved in supporting delegated decisions where appropriate and not indiscriminately;

- Consistent, to ensure that the decision-making process is predictable across the whole Council.

22. In determining on what matters Portfolio Holders should be consulted, officers shall have regard to:

- The likely impact, to the Council and the wider community, of the decision;
- The risks attached to the decision, which may include the risks attached to options considered but not taken forward;
- The degree of political contention associated with the decision.

23. Officers shall always notify members when operational action of a significant nature is planned to be undertaken in their divisions but this should not amount to consultation on the nature of that action other than as part of a wider consultation / engagement exercise.

24. For the avoidance of doubt, notwithstanding the commitment to consult Portfolio Holders the responsibility to make executive decisions shall rest with the officer designated in this Scheme.

Recording and reporting of decisions and of arrangements for sub-delegation

25. Executive decisions made under delegated powers shall be recorded, and reported, consistently. Decisions made under powers delegated by Council shall be similarly recorded and reported.

26. Arrangements for sub-delegation made by Chief Officers, shall be recorded and a record kept in Legal Services and made available for inspection. Arrangements for sub-delegation will:

- Set out the scope of the sub-delegation with reference to the source of the legal power to which it relates;
- Set out the Chief Officer to which the original delegation relates;
- Set out the furthest that the decision-making power may be onwardly delegated. For example in respect of licensing decision-making, certain decisions may be made by the Licensing Manager but not by a Licensing Officer;
- Where appropriate, set out the qualifications or other characteristics that the person to whom a power is delegated must possess, whether required by law or reflecting arrangements put in place by the Council.

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27. Decisions cannot be made by anyone other than the officer set out in this Scheme unless the officer in question has made sub-delegation arrangements that comply with these requirements.
28. Where decisions are made by officers who have been designated as the “proper officer”, by Council or directly by legislation, the requirements to record and report those decisions may be different depending on the nature of the power being exercised. Those exercising these powers will need to satisfy themselves, subject to the advice of the Monitoring Officer, that they are meeting any such requirements when they make decisions using those powers.

Arrangements for oversight

29. The Council will make, and maintain, systems to ensure that the operation of the Scheme of Delegation is kept under active review. There are four continuing levels to this review:
- By Chief Officers, in respect of decisions made under delegated powers
 - By the Monitoring Officer
 - By the Constitution Working Group
 - By Council formally

SPECIFIC POWERS DELEGATED TO OFFICERS

Authorisation

By this Scheme and subject to the limitations and reservations herein, the Council delegates and authorises the officers identified in this Part 8 and any officers acting in their place under paragraphs D10, D12 and D14

- (i) to exercise the powers specified;
- (ii) to exercise any of the Council's functions in an emergency; and
- (iii) 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

E. Executive Directors/Statutory Officers

Power held by...	Brief description of power	Source of the power
	CHIEF EXECUTIVE	

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Power held by...	Brief description of power	Source of the power
Chief Executive	Exercise functions of Head of Paid Service (undertaking the general management of the Authority)	Section 4, Local Government and Housing Act 1989 (PO)
Chief Executive	Exercise any function in legislation which is described as the duty of the “Clerk”, in respect of legislation before October 1972	(designation as “proper officer” in various pre-1972 legislative provisions)
Chief Executive	<p>Exercise functions as Head of Paid Service:</p> <ul style="list-style-type: none"> 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 Band 14 or above (or equivalent). 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 to approve the composition of Appeal Panels convened by the Service Director (Enabling) to deal with disciplinary, grading or other issues; to approve significant variations to existing corporate 	As above

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Power held by...	Brief description of power	Source of the power
	<p>personnel policies and locally adopted conditions of service in relation to all national negotiating bodies prior to consultation taking place with Trades Unions, except where the financial or policy implications across the Council require the matter to be referred to the Cabinet;</p> <ul style="list-style-type: none"> • 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. <p>This Scheme sets out where the Chief Executive shall delegate responsibility for management of staff and services to Service Directors.</p>	
Chief Executive	Maintain a list of politically restricted posts and determine applications for exemption from the list (in consultation with Service Director (Enabling))	Local Government and Housing Act 1989 (PO)
Chief Executive	<p>Carry out formal duties relating to councillors, including:</p> <ul style="list-style-type: none"> • Witness and receipt of declaration of acceptance of office (s83) • Receipt of notice of resignation by councillor (s84) 	Local Government Act 1972 (PO)

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Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> • Declaration of any vacancy of office (s86) • Convening a meeting of Council to fill casual vacancy in office of Chairman (s88(2)) • Receipt of notice of casual vacancy from two local government electors (s89(1)(b)) • Agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations • Approve nominations received for the filling of coopted member vacancies on committees and panels in consultation with the relevant Portfolio Holder and/or chair where relevant. 	
Chief Executive	Act as Parish Trustee; hold responsibility for convening newly created parish councils; receipt of notice of casual vacancy in respect of parish councils from two local government electors	Section 13(3) Local Government Act 1972 (PO), Local
Chief Executive	Exercise emergency powers, including authorising the incurring of expenditure where there is no specific provision in the budget set by the Council for this to be done (subject to the views of the Chief Finance Officer and rules relating to emergency decision-making).	Section 138, Local Government Act 1972 (PO)
Chief Executive		Various sources

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Power held by...	Brief description of power	Source of the power
	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.	
Chief Executive	Appoint the Chairs of Education Admission and Exclusion Appeal Panels	Section 94, School Standards and Framework Act 1998 (FC)
Chief Executive	Issue 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 specific officer.	Various sources
Chief Executive	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).	
Chief Executive	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 specific officer.	Various sources
	To approve any requests from Town Councils for Shropshire Council to	Sections 248 & 249 of the Local

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Power held by...	Brief description of power	Source of the power
Chief Executive	delegate its powers to install / create Freemen and Honorary Freemen.	Government Act 1972
Chief Executive	<p>Act as the Council's Electoral Registration Officer and Returning Officer for local elections and as Acting Returning Officer for Parliamentary elections, referendums and for other elections</p> <p>Carry out functions relating to petitions</p> <p>Receive and inspect returns and declaration of election expenses, and notice of appointment of election agents.</p> <p>Including provision of accommodation for election courts and retention for inspection of election documents.</p>	<p>Representation of the People Acts (PO)</p> <p>Local Authorities (Referendums) (England) Regulations 2011</p> <p>Local Authorities (Conduct of Referendums) (England) Regulations 2012</p>
Chief Executive	<p>On the recommendation of relevant member of Leadership Board to amend fees and charges within a year from that agreed by Full Council's Charging Policy but only where:</p> <ul style="list-style-type: none"> Such arrangements follow the principles set out in the approved Charging Policy; Any proposed changes are approved in line with the Council's Virement Rules (where financial thresholds are met). 	Full Council delegation

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Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> It is subject to consultation with the Portfolio Holder for the relevant service area. 	
	SECTION 151 OFFICER / CHIEF FINANCE OFFICER	
Section 151 Officer / Chief Finance Officer	<p>Carry out the responsibilities and powers of the Chief Finance Officer, including:</p> <ul style="list-style-type: none"> Making recommendations to the Council on: <ul style="list-style-type: none"> Council Tax requirements; The Council Tax base; Managing generally all matters relating to Council Tax and Non-Domestic Rates including (where required and/or permitted by law) 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. Maintaining the Council's Financial Procedure Rules, subject to consultation with the Monitoring Officer, as part of the Council's Constitution. 	<p>Section 151, Local Government Act 1972 (PO), Local Government Finance Act 1988, Local Government and Housing Act 1989, Local Government Act 2003</p> <p>Accounts and Audit Regulations 2015</p>
Section 151 Officer / Chief Finance Officer	<p>Ensure, and provide assurance, that public money is safeguarded, and used economically, efficiently and effectively, in line with the authority's Best Value duties. This includes:</p>	Local Government Act 1999 (CF)

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Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> • The determination of financial management and accounting procedures and the form and extent of financial records; • The production and distribution of financial management information; • The maintenance of the Council's Financial Procedure Rules and Contract Procedure Rules, in conjunction with the Monitoring Officer. 	
Section 151 Officer / Chief Finance Officer	<p>Undertake duties relating to operational financial management including but not limited to:</p> <ul style="list-style-type: none"> • Action on behalf of the Council in respect of financial arrangements and obligations with external bodies (including management of grant funding where the Council is the Accountable Body); • Virement (ie the transfer of sums approved for a specified purpose), in accordance with the Finance Procedure Rules; • Virement in cases of urgency, where not otherwise covered by delegated authority, subject to member consultation; • Approval of individual items of expenditure from the Council's reserves; • Maintenance of a "carry-forward" scheme for underspends; 	

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Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> • Approve supplementary capital votes subject to the limitations set out in the Financial Rules • Management of arrangements for supplementary revenue for items which are unavoidable (ie arise from externally-imposed legal/contractual requirements, and the obligation to deliver a balanced budget) and not inconsistent with approved budgetary policy. <p>The above, and connected, tasks to give effect to Council's votes on budget and finance matters, and Cabinet agreement, as appropriate.</p>	
Section 151 Officer / Chief Finance Officer	<p>Undertake duties relating to effective treasury management and asset management, including but not limited to:</p> <ul style="list-style-type: none"> • The operation of banking arrangements; • The payment of salaries, allowances and invoices, and payments of pensions, gratuities, grants etc; • Support to the Council's function to administer and operate the Pension Fund, including acting as Scheme Administrator for the Shropshire County Pension Fund; and to exercise the Council's voting rights as a member of the National Association of Pension Fund Investment Protection 	<p>Local Government Finance Act 1988, Local Government Finance Act 1992</p> <p>Superannuation Acts (and Regulations)</p>

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Power held by...	Brief description of power	Source of the power
	<p>Committee subject to consultation with the chair of Pension Committee if appropriate</p> <ul style="list-style-type: none"> • To collect coordinate control and administer income and monies due to the Council, and to exercise discretion conferred on the Council and administer and determine claims in respect of Council Tax, national non-domestic rates (business rates), and Housing Benefit; • Write off court costs in respect of national non domestic rates and council tax • Write off irrecoverable income if the amount owed is £100,000 or less; • The safeguarding of assets; • Maintenance of insurance arrangements. 	
Section 151 Officer / Chief Finance Officer	Make accounts available for inspection by councillors	Section 228(3), Local Government Act 1972 (PO)
Section 151 Officer / Chief Finance Officer	Make Chief Finance Officer reports	Proceeds of Crime 2002 (PO)
Section 151 Officer / Chief Finance Officer	Act as the Council's Senior Information Risk Owner (SIRO)	General Data Protection Regulation
	MONITORING OFFICER	

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Power held by...	Brief description of power	Source of the power
	(SERVICE DIRECTOR, LEGAL AND GOVERNANCE)	
Monitoring Officer	Exercise the powers and responsibilities as Monitoring Officer, and submitting reports to Council in that capacity	Section 5, Local Government and Housing Act 1989 (PO)
Monitoring Officer	Make or authorise payment or provision of other benefits in the cases of maladministration as set out in Schedule 1 of the Functions Regulations	Local Government Act 2000
Monitoring Officer	<p>Undertake duties relating to the representation of the Council on legal matters, including:</p> <ul style="list-style-type: none"> • To take steps or undertake legal proceedings to secure compliance with any notice served or injunction granted to the Council by the courts; • To institute, defend, act (or authorise others to act) in relation to any legal proceedings instituted by, or against, the Council and where the interests of the Council require that it should be legally represented; • To settle such proceedings where doing so meets the best interests of the Council, in consultation with the s151 officer where there are financial implications ; • To take steps to enable or effect compliance with any Council, Cabinet or Committee 	<p>Section 222, 223, Local Government Act 1972 (PO)</p> <p>Section 60, County Courts Act 1984 (PO)</p> <p>Local Authorities (Contracts) Act 1997 (FC, EF depending on the contract)</p> <p>Regulation of Investigatory Powers Act 2000</p>

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Power held by...	Brief description of power	Source of the power
	<p>resolution, including signing any relevant documentation;</p> <ul style="list-style-type: none"> • To represent the Council on proceedings before the Courts in relation to authorisations for the use of investigatory powers, and to act as SRO in respect of RIPA codes of practice; • To sign contract certificates; • To authorise and instruct Counsel and external solicitors; 	
Monitoring Officer	<p>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.</p> <p>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.</p>	Various
Monitoring Officer	Deposit of documents further to standing orders of either House of Parliament	Section 225(1), Local Government Act 1972 (PO)
Monitoring Officer	Certify photographic copies of documents, authentication of documents	Section 229(5), section 234(1), Local Government Act 1972 (PO)

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Power held by...	Brief description of power	Source of the power
Monitoring Officer	Sign the summons to council meetings, and take notice of councillors' preferred address for summonses where not their place of residence	Section 99, Schedule 12, Local Government Act 1972 (PO)
Monitoring Officer	Manage the system for receiving and registering councillors' declarations of interest, including handling sensitive interests and dispensations from restrictions	Sections 29-33, Localism Act 2011
Monitoring Officer	<p>Carry out functions relating to Political Groups, including:</p> <ul style="list-style-type: none"> • Receipt of notice of changes to Groups, including notice of cessation of membership of Groups; • Take representations from Groups in respect of proportionality, and notify Groups of allocations; • Take receipt of notice (in writing) that a Councillor wishes to forego part of any entitlement or allowance. 	<p>Sections 15 et seq, Local Government and Housing Act 1989</p> <p>Regulation 9 et seq, Local Government (Political Groups) Regulations 1990</p>
Monitoring Officer	Certify byelaws, and send confirmed byelaws to the proper officer of parish / community councils to which they apply	Section 236, 238, Local Government Act 1972 (PO)
Monitoring Officer	Manage the formal records of the Council including:	Schedule 12A, s100B et seq, Local Government Act 1972 (PO)

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> • Exclusion of formal reports from inspection • Supply of documents to the press • Providing a written summary where minutes would disclose exempt information • Compilation of lists of background papers • Exclusion from production to Councillors of documents disclosing exempt information (unless they are entitled to information by virtue of the “need to know” or Regulations) 	
Monitoring Officer	Certification of copies of resolutions, minutes and other documents	
Monitoring Officer	Authenticate and serve statutory notices	Various sources
Monitoring Officer	Serve notices requiring particulars of ownership	Section 16, Local Government (Miscellaneous Provisions) Act 1976
Monitoring Officer	Undertake duties in relation to the Council’s compliance with legislation on information management, including transacting “s36” reviews on the use of the exemption to the requirement to provide information on the ground that it would be prejudicial to the effective conduct of public affairs	Freedom of Information Act 2000, General Data Protection Regulations

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Monitoring Officer	Maintain the Council's Constitution to include making routine revisions providing clarity where necessary and by replacing references to any repealed, amended, consolidated or replacement primary or secondary legislation, and replacing references to job titles referred to where they are changed or restructured	Power conferred by the Constitution (FC)
Monitoring Officer	In conjunction with the s151 Officer to maintain the Council's Contract Procedure Rules	
	DIRECTOR OF ADULT SOCIAL SERVICES	
Director of Adult Social Services	Carry out the functions of Director of Adult Services, including making arrangements for the appointment of a deputy statutory officer in the absence of, incapacity of, or vacancy in, the post	Section 6, Local Authority Services Act 1970 (PO)
Director of Adult Social Services	Terminate contracts funded from agreed budgets for the provision by third parties of services for adults (in consultation with the Monitoring Officer)	
Director of Adult Social Services	Power to authorise officer to undertake duties as the nominated individual by the Council to undertake regulated activities	Regulation 6, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (PO)

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	DIRECTOR OF CHILDREN'S SERVICES	
Director of Children's Services	Carry out the statutory duties relating to the Director of Children's Services	Section 18, Children Act 2004
Director of Children's Services	Carry out the Council's education functions as a local authority (except those excluded by law)	
Director of Children's Services	Carry out the Council's functions relating to children's social services within the meaning of the Local Authorities	
Director of Children's Services	Approve the convening of a secure accommodation panel	
Director of Children's Services	Approve the placement of a child or young person out of county	Care Planning, Placement and Case Review (England) Regulations 2010
Director of Children's Services	<p>Actions in relation to children looked after, including:</p> <ul style="list-style-type: none"> • Approval of a request for a LAC to join the Armed Forces • Deciding to cease looking after a 16 or 17 year old person looked after by virtue of a Care Order 	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> • Notification to Ofsted and the Secretary of State following the death of a child looked after / serious harm to a child looked after in a children's home or foster care • Notification to Ofsted of a serious case review • Placement of a child with an (interim) care order with parents or persons with parental responsibility • Agreement of any stay with parent(s) for more than 24 hours • Approval of short or long term external residential placements • Approval of unregulated provision • Agreement to authorise absence from education • Agreement that a child can remain in residential placement on attainment of the age of 18 • Carry out assessments and pathway plans in respect of care leavers 	
Director of Children's Services	Provide financial assessment to children in need in the area	Section 17, Children Act 1989
Director of Children's Services		Section 444, Education Act 1996

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	Authorise statutory penalty notices for court proceedings in respect of non-attendance at school	
	DIRECTOR OF PUBLIC HEALTH	
Director of Public Health	Hold the statutory role for the Council as person appointed as the Director of Public Health	Section 73A, National Health Service Act 2006
Director of Public Health	<p>In relation to the above, develop and direct the Council's work with regard to:</p> <ul style="list-style-type: none"> • Public health intelligence • Health improvement • Health protection including emergency planning for public health • Wider determinants of health • Public health commissioning • Provision of advice to the NHS 	
Director of Public Health	Certify resolutions applying or disapplying provisions under the Public Health Acts	Schedule 14 Para 25, Local Government Act 1972 (PO)
	Carry out duties relating to notifiable diseases:	Public Health (Control of Diseases) Act 1984 (PO)

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> Supply of forms to doctors, and prepare certificates for Justices of the Peace, for purposes of removal of bodies to mortuaries and burial, and connected purposes Receipt and disclosure of notification of suspected notifiable disease, infection or contamination Power to enter premises Signature / authentication of notices, orders etc 	Heath Protection (Notification) Regulations 2010 (PO)
Director of Public Health	Act as the Caldicott Guardian	Statutory guidance issued under the Health and Social Care (National Data Guardians) Act 2018

F. Leadership Board/Chief Officers

Power held by...	Brief description of power	Source of the power
	ALL MEMBERS OF LEADERSHIP BOARD AND CHIEF OFFICERS (NB: AS INDIVIDUALS IN RESPECT OF THEIR OWN SERVICE, AND NOT COLLECTIVELY)	
All LB Members	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 D10 and D12 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	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	this Constitution including professional and managerial functions relating to his/her service subject to the limitations and reservations of this Scheme	
Chief Officers⁵	<p>In respect of employment matters, and subject to the power held by the Chief Executive as Head of Paid Service:</p> <ul style="list-style-type: none"> • Implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council; • Within the services for which they are responsible appoint staff (and approve changes to the number and distribution of posts, and to grading taking account of job evaluation outcomes subject to the proposed maximum grade being Band 14 or equivalent) within structures and budgets approved by the Council and the Cabinet where Procedure Rules allow and exercise control and discipline and dismissal in accordance with the Council's agreed policies and personnel procedures; • Make agreements with other organisations for placing of staff at the disposal of other organisations, (eg through secondment or joint working arrangements) on advice from the Service Director (Enabling). 	
All LB members	With prejudice to the powers of the Service Director Legal and Governance, the power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, in consultation with the Monitoring Officer.	

⁵ As defined in paragraph D1 above

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
LB members	<p>Recommend to the Chief Executive the amendment of fees and charges within a year from that agreed by Full Council's Charging Policy but only where:</p> <ul style="list-style-type: none"> • Such arrangements follow the principles set out in the approved Charging Policy; • Any proposed changes are approved in line with the Council's Virement Rules (where financial thresholds are met). • It is subject to consultation with the Portfolio Holder for the relevant service area. 	Full Council delegation
Chief Officers	<p>Act on behalf of the Council in respect of the service area for which he /she is responsible and exercise day to day management of services, staff and resources under the control of the relevant Chief Officer subject to the considerations set out in the Introduction above and this scheme of delegation This includes:</p> <ul style="list-style-type: none"> • the acquisition of assets and services necessary for this day to day management performance of the Council's business or fulfilment of any matter authorised by Cabinet for which a budget has been approved. • Maintaining the operation and effectiveness of services; • Implementing decisions (including policy decisions) taken by the Council and Cabinet 	<p>Full Council (subject to the approved budget and policy framework)</p> <p>Executive (subject to the need to resource and implemented Cabinet decisions)</p> <p>Delegation from the Head of Paid Service</p>
Chief Officers	Enter into agreements for the provision of services to third parties and make charges	<p>Full Council, Cabinet (depending on the services in question)</p> <p>Subject to consultation with the</p>

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
		relevant Portfolio Holder and advice from the Monitoring Officer
Chief Officers	Authorise staff to exercise such powers of entry, inspection and survey of land buildings or premises and 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	
Chief Officers	Designate another officer to carry out powers delegated through this Scheme, subject to the law and to separate arrangements for sub-delegation.	
	SERVICE DIRECTOR, STRATEGY	
Strategy	Duties relating to the overall management of their service in line with the principles for officer decision-making.	
	SERVICE DIRECTOR, LEGAL AND GOVERNANCE	
Legal and Governance	Duties relating to the overall management of their service in line with the principles for officer decision-making. (Other duties relating to this Service Director are set out in the table of Chief Officer powers above).	
	Commons/Town and Village Greens	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Legal and Governance	Undertake duties relating to the registration of land as a town or village green as set out: <ul style="list-style-type: none"> a) 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. b) To determine whether an application to register land as a town or village green is duly made in accordance with the relevant regulations. c) To advertise applications to register land as town or village greens that are deemed duly made in accordance with the relevant regulations. 	Section 15, Commons Act 2006
Legal and Governance	To determine applications for the apportionments of rights of common in the Register of Common Land.	Commons Act 2006
	Registrars	
Superint. Registrar	Exercise of registration functions relating to births, marriages and deaths, and carrying on other ceremonies	Births and Deaths Registration Act 1953 Marriage Act 1949 Civil Partnership Act 2004 Registration Act 1836 Registration of Births and Deaths Regulations 1987
	LandCharges	
Legal and Governance	Act as local registrar for land charge matters	Land Registration Act 2002 (PO) Local Land Charges Act 1975 (PO)
	Planning	
Legal and Governance	Determination of all planning matters as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 with the exception of the	Town and Country Planning Act 1990

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<p>following which shall be determined by the relevant committee:</p> <ul style="list-style-type: none"> • 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 or the Policy and Environment Service Manager, • Applications made by the Council, or in relation to land owned by the Council, which are not in-line with statutory functions (this would mean that class room extensions etc were delegated to officers but speculative proposals on council owned land would not be) • Applications accompanied by a Schedule 1 Environmental Statement • Complex or major applications which in the view of the Service Director for Legal and Governance or the Planning Services Manager in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee <p>Member call-in</p> <ul style="list-style-type: none"> • 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 Planning Services Manager or Team Manager (Planning) 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” <p>Parish and Town Councils</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> 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 	<p>Planning (Hazardous Substances) Act 1990</p> <p>Planning (Listed Buildings and Conservation Areas) Act</p> <p>Environment Act 2021</p> <p>Town and Country Planning Act 1971</p> <p>Anti-social Behaviour Act 2003</p>

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<p>Council has raised material planning issues and that the application should be determined by committee.</p> <p>For the avoidance of doubt the following remain delegated to the Service Director Legal and Governance:</p> <p><u>Consultee Objections</u></p> <ul style="list-style-type: none"> • 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. <p><u>Enforcement</u></p> <ul style="list-style-type: none"> • 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. <p><u>Trees / Hedgerows</u></p> <ul style="list-style-type: none"> • 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 <p><u>Appeals</u></p> <p>To respond to all appeals on planning matters</p> <ul style="list-style-type: none"> • To refuse to determine applications where an appeal for the same development has been refused within the 2 years <p><u>Planning Obligations</u></p> <p>To require planning obligations without referral to committee</p> <ul style="list-style-type: none"> • 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. 	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> To approve release of contribution money to third parties 	
	Building Control	
	<p>Responsible for exercising the Council's Building Control service to include:</p> <ul style="list-style-type: none"> Approval, conditional approval and rejection of applications, notices, commencement of legal proceedings, signing and service of notices and issuing formal cautions, Staffing and supplies of goods and services Authorisation of staff: to serve notices requiring particulars of ownership; to exercise powers of entry to land/property for the purposes of inspection, enforcement, surveying, testing and sampling as provided in the relevant legislation, to swear affidavits in any court proceedings; to determine and negotiate fees and charges for building regulation applications and notices; Hire of plant and specialist sub-contractors Sale of surplus materials, equipment and goods Assess, determine and publish building control fees and charges in conjunction with Section 151 Officer and consultation with Portfolio Holder Provision of fee earning services beyond the scope of Building Regulations, with in Local Government Goods and Services Act Entry into partnerships and determine building regulation applications under the LABC Partnership Scheme Carry out Council building control functions Act as Appointing Officer for determination of Party Wall Act matters Emergency action in respect of dangerous structures 	<p>Building Act 1984 (PO) Building Regulations Local Government Goods and Services Act 1970 Local Government (Miscellaneous Provisions) Acts 1976 and 1982</p> <p>Party Wall Act 1996</p>
	Community Infrastructure Levy	
Legal and Governance	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	Community Infrastructure Levy Community

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	Infrastructure Levy in accordance with the Community Infrastructure Regulations	Infrastructure Regulations 2010
	SERVICE DIRECTOR, COMMISSIONING	
Commissioning	Duties relating to the overall management of their service in line with the principles for officer decision-making.	
Commissioning	Maintenance of cemetery records, including responsibility for the signing of grants relating to cemeteries	Local Authorities Cemetery Order (PO)
	SERVICE DIRECTOR, CHILDREN AND YOUNG PEOPLE	
Children and Young People	Duties relating to the overall management of their service in line with the principles for officer decision-making.	
Children and Young People	Act as or designate responsible individual for carrying on a children's home	Regulation 26, Children's Homes (England) Regulations 2015
Children and Young People	Designate manager for children's home(s)	Regulation 27, Children's Homes (England) Regulations 2015

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Children and Young People	Appointment of Independent Reviewing Officers to children's services files	Children Act 1989
	SERVICE DIRECTOR, CARE AND WELLBEING	
Care and Wellbeing	Duties relating to the overall management of their service in line with the principles for officer decision-making	
Care and Wellbeing	Exercise adult social services functions	
Care and Wellbeing	Take any lawful action on the services to be provided to an individual, or action to be taken in respect of an individual (including decisions on charging and the agreement of individual care packages)	Mental Health Act 1983, Mental Capacity Act 2005, Care Act 2014
Care and Wellbeing	Make applications to the Court of Protection, and to undertake the role of Deputy for property and financial affairs on appointment by the Court, and to sign documents and approve paperwork as appropriate.	Mental Capacity Act 2005
Care and Wellbeing	Exercise the role of appointeeship with the Department for Work and Pensions, and to sign documents and approve paperwork as appropriate.	Social Security (Claims and Payments) Regulations 1987 (PO) Universal Credit, Personal

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
		Independence Payment, JSA and ESA (Claims and Payments) Regulations 2013 (PO)
Care and Wellbeing	Exercise the Council's role as a supervisory body in respect of deprivation of liberty, including the authorisation of a Deprivation of Liberty arrangement.	Mental Capacity Act 2005
Care and Wellbeing	Approval of paperwork for Court of Protection orders	Mental Capacity Act 2005
Care and Wellbeing	Approval and signing of paperwork relating to: <ul style="list-style-type: none"> • Applications for access to bank accounts, private pensions and stocks and shares; • Sale of property and house clearances; • Confirmation of changes in details; • Reports to the Office of the Public Guardian 	Mental Capacity Act 2005 Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007
Care and Wellbeing	Accept a guardianship application and make an associated order for discharge subject to guardianship	Mental Health Act 1983
		The Local Authority Social Services and

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Care and Wellbeing	Deal with complaints arising from the Council's adult social care functions	National Health Service Complaints (England) Regulations 2009
	SERVICE DIRECTOR, INFRASTRUCTURE	
Infrastructure	Duties relating to the overall management of their service in line with the principles for officer decision-making	
	Traffic and Highways	
Infrastructure	Make arrangements for highways management and appointment of Traffic Manager	Traffic Management Act 2004 (PO)
Infrastructure	Management and enforcement in relation to traffic and highways to include signing and serving notices in respect of contraventions	Highways Act 1980, (PO) Traffic Management Act 2004 (PO) New Roads and Street Works Act 1991 (PO)
Infrastructure	To serve notices requiring particulars of ownership	s16 Local Government (Miscellaneous) Provisions Act 1976
Infrastructure	<p>Advertise road traffic orders</p> <p>Make traffic orders or parts of orders where no objections received to the order or part</p> <p>Make traffic orders where objections received but on due consideration they are considered to be frivolous or irrelevant, not of a complex nature and/or of only local significance, the making of other orders being a matter for Cabinet</p>	Road Traffic Regulation Act 1984

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	Make minor modifications to traffic orders before it is made including to address any objections received	
Infrastructure	<p>Receive certificates approving dedication of highways to be maintained at public expense; power to adopt highway by agreement</p> <p>Making certificates available for inspection</p>	Section 37(5), 38, Highways Act (PO)
Infrastructure	Carry out duties in relation to streetworks in private streets, including certification of documents giving details of any amendments to costs, provisional and final apportionment of costs	Section 205, 210 et seq, Highways Act 1980 (PO)
Infrastructure	Agree the execution of streetworks	Section 278, Highways Act 1980 (PO)
Infrastructure	Issue notice requiring owners to remove materials from streets in which works are due to take place	Section 295, Highways Act 1980 (PO)
Infrastructure	Sign and authenticate notices, consents and other documents	Section 321, Highways Act 1980 (PO)
	Land Drainage	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Infrastructure	Carry out duties in respect of Land Drainage to include signing and serving notices in respect of contraventions	Land Drainage Act 1991
	Highways and Environmental Maintenance	
Infrastructure	Carry out duties in respect of highways, environmental maintenance (to include the enforcement of local bylaws) and parking enforcement generally for the areas for which they are responsible to include: <ul style="list-style-type: none"> Discharging the powers, duties and responsibilities of the Council; Appointing, designating and authorising officers; Authorising the institution and defence of proceedings 	
Infrastructure	Civil enforcement of Traffic Contraventions and Blue Badge scheme	Traffic Management Act 2004 Chronically Sick and Disabled Persons Act 1970
Infrastructure	Littering to include fixed penalty notices and dealing with the unauthorised distribution of free printed matter	Sections 87,88, Schedule 3A Environmental Protection Act 1990
Infrastructure	Abandoned Vehicles/Fly-Tipping: Abandoned motor vehicles, and related items, unauthorised/harmful depositing of waste, transportation of controlled waste without registering, to include removal of such waste, and issue of fixed penalty notices for contraventions	Refuse Disposal (Amenity) Act 1978 Environmental Protection Act 1990 Control of Pollution (Amendment) Act 1989
Infrastructure	Fly-Posting/Graffiti: displaying advertisements in contravention of regulations obliterating traffic signs including signposts erected or placed along a footpath, bridleway, restricted byway or byway painting or otherwise inscribing or affixing marks on the surface of or on any structures in or on the highway Section 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 to include issuing penalty notices for relevant offences relating to graffiti and fly-posting	Town and Country Planning Act 1990 – s224 Highways Act 1980 s131, s132 Criminal Damage Act 1971 Anti-Social Behaviour Act 2003 – s44
Infrastructure	Nuisance parking; Exposing vehicles for sale on a road Repairing vehicles on a road, Nuisance parking	Clean Neighbourhoods and Environment Act 2005

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	To include issuing fixed penalty notice	
Infrastructure	Pavement permits: administration and enforcement of permission to use the highway - insofar as it relates to the use of the highway where no pavement permit has been sought or granted	Highways Act 1980
Infrastructure	Waste: making and retention of controlled waste related documents and the furnishing of documents fixed penalty notices for offences relating to EPA 1990 Sections 34 (5) and (6), 46, 47, 47ZA provision of adequate receptacles for waste (household, commercial, industrial)	Environmental Protection Act 1990
Infrastructure	Anti-social behaviour and community protection including administration and enforcement of Community Protection Notices, and Public Space Protection Orders	Anti-Social Behaviour Act 2003 (PO) Anti-Social Behaviour, Crime and Policing Act 2014 (PO)
	Countryside and Rights of Way	
Infrastructure	Perform duties relating to access to the countryside	Countryside and Rights of Way Act 2000
Infrastructure	Determine all rights of way matters as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 save for those matters which in the discretion of the Service Director Infrastructure should be referred to the relevant Planning Committee. The Local Member has the right, after consultation with the Service Director Infrastructure 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 in writing within 10 days of the Local Member being notified of matters to which there have been objections.	Highways Act 1980 Wildlife and Countryside Act 1981 Countryside and Rights of Way Act 1980

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	NB. For the avoidance of doubt this procedure does not apply to order applications based on evidence under the Wildlife and Countryside Act 1981.	
Infrastructure	Authorise holding of trials between motor vehicles on public paths	S 33 Road Traffic Act 1988
Infrastructure	Authorise temporary stopping up of highways for mineral workings	S261 Town and Country Planning Act 1990
Infrastructure	Actions in respect of the diversion of public paths arising from the grant of planning approval	Town and Country Planning Act 1990
Infrastructure	To serve notices requiring particulars of ownership	s16 Local Government (Miscellaneous) Provisions Act 1976
Infrastructure	Discharge functions relating to stray dogs	Section 149, Environmental Protection Act 1990 (PO)
	SERVICE DIRECTOR, ENABLING	
Enabling	Duties relating to the overall management of their service in line with the principles for officer decision-making.	
	HR/Personnel	
Enabling	Receipt of notification to deal with objections by the Executive to appointments or dismissals of Chief Officers or their deputies	Local Authorities (Standing Orders) (England) Regulations 2001 (PO)
Enabling	Approve minor variations to existing corporate personnel policies, and recommend substantial changes to the Chief Executive	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Enabling	Agree additional increments to individual employees based on exceptional contribution (on the recommendation of Chief Officers and subject to budgetary provision)	
Enabling	Approve requests for approval of outside interests or employment made by employees (in consultation with the Monitoring Officer)	
Enabling	Authorise the payment of honoraria to employees (excluding staff in schools and colleges)	
Enabling	Approve travel / subsistence arrangements where they are in excess of existing rules, where this is unavoidable	
Enabling	Introduce and maintain employee benefit arrangements (other than the provision of cars)	
Enabling	Review and implement conditions of service for employees further to NJC, and other, agreements, including recruitment and retention incentives	
Enabling	Convene panels of members for hearing employee appeals on discipline, dismissal and grading, and on other matters where a member appeal panel may exceptionally be required	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Enabling	Exercise any employer pension discretions, in consultation with the s151 officer	
	Property and Estates	
Enabling	Authorise repairs, appointment of agents and applications for planning permission, in connection with the sale of surplus property	Cabinet
Enabling	Agree rating assessments for Council property, and make proposals and objections to the Valuation Court	
Enabling	Exercise day-to-day control over the Council's land and premises and serve all necessary notices and counter-notices	Full Council
Enabling	Declare surplus and authorise terms for the acquisition or sale of property not exceeding £500,000 in value (with property of a greater value requiring Cabinet decision)	Cabinet
Enabling	Approve allowances to tenants for expenditure incurred by them for repairs, drainage rates and the like.	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Enabling	Settle dilapidation claims and compensation payments on the termination or surrender of hirings or lettings in accordance with relevant statutory provisions	
Enabling	<p>Take all necessary steps to recover possession of land or property, save that where such property or land is occupied by travellers, not to take such action without:</p> <ul style="list-style-type: none"> • giving prior consideration to the educational health and welfare needs of those involved • consulting with the Local Member or if they cannot be contacted, with the relevant Portfolio Holder. 	Human Rights Act 1998, Children Act 1989, Housing Act 1985
Enabling	Authorise the granting of leases and licences whether as a Landlord or Tenant, and up to a value of £500,000 capitalised over the term or £50,000 in rental value (with leases and licenses of a greater value requiring Cabinet decision). Where the value is above this and the Chief Executive is not involved, Cabinet to decide	Cabinet
Enabling	Approve the terms for the surrender of leases and licences and any pre-existing terms up to a maximum of £500,000 (with leases and licenses of a greater value requiring Cabinet decision). Where the value is above this and the Chief Executive is not involved, Cabinet to decide.	Cabinet

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Enabling	Submit planning applications on behalf of the Council	Council, as owner of property
Enabling	Enter into party wall agreements with adjoining owners to Council property	Council, as owner of property
Enabling	Managment of industrial and commercial premises including lease renewals and rent reviews.	
Enabling	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.	
Enabling	Approve the review of rents reserved by existing leases and tenancy agreements of Council land and property at current market rental levels	
Enabling	Approve assignments of the residue of leases and tenancy agreements and underleases thereof subject to the receipt of satisfactory references.	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Enabling	Approve (where appropriate at the market value thereof) the modification or release of covenants contained in existing conveyances, leases, agreements and licences subject to compliance with the Council's planning or other policies and to approve the terms of any such modification or release.	
Enabling	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.	
Enabling	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	
Enabling	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.	
Enabling	Authority to let and manage shops, buildings and land held under the Housing Revenue Account (including granting/refusal of wayleaves/easements/restrictive	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	covenants; renewal of leases, and serving Notices to Quit for breach of covenant).	
Enabling	Determine whether assets are listed or not as assets of community value.	Localism Act 2011 The Assets of Community Value (England) Regulations 2012
Enabling	Determine whether compensation is payable to an owner in respect of the community right to bid	Localism Act 2011
	SERVICE DIRECTOR, COMMUNITIES AND CUSTOMER	
	Licensing	
Communities and Customer	<p>Exercise licensing functions including:</p> <ul style="list-style-type: none"> • regulation of activities involving animals (excluding dangerous wild animals and those in zoos) – excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of activities involving dangerous wild animals excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of caravan sites, moveable dwellings and camping sites (including arrangements for site managers to be fit and proper persons) excluding final approval of LA 	Dangerous Wild Animals Act 1976 Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<p>policy statement and fee setting which are matters for Strategic Licensing Committee</p> <ul style="list-style-type: none"> • regulation of Mobile Homes - arrangements for site managers to be fit and proper persons excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of the distribution of free printed material, save for: <ul style="list-style-type: none"> - Designation by Order of land for the purposes of Schedule 3A of the EPA 1990 and revocation of any such order which is a matter for Strategic Licensing Committee; and Final approval of the Litter Authority Policy Statement which is a matter for Cabinet • regulation of licensing for storing explosives, save for: <ul style="list-style-type: none"> - Final approval of the Local Authority Policy Statement which is a matter for Cabinet; - Fee setting which is matter for Strategic Licensing Committee; - Applications for Local Authority Assent where representations received and not withdrawn; which are matters for Licensing and Safety Sub-committee - Decisions to vary or revoke licences, where representations received and not withdrawn which are matters matter for Licensing and Safety Sub-committee; - Decisions to refuse, renew or transfer licences where representations received and not withdrawn which are matters matter for Licensing and Safety Sub-committee; • licensing of premises for gambling save for: <ul style="list-style-type: none"> - Final approval of the Licensing Authority Policy Statement which is a matter for Council; - Policy not to permit casinos and fee setting which are matters for Cabinet; 	<p>Caravan Sites and Control of Development Act 1960</p> <p>Public Health Act 1936</p> <p>Mobile Homes Act 2013</p> <p>The Mobile Homes (Site Licensing) (England) Regulations 2014</p> <p>Environmental Protection Act 1990</p> <p>The Explosives Regulations 2014</p> <p>Fireworks Regulations 2014</p> <p>Gambling Act 2005</p> <p>Town Police Clauses Act 1847</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p>

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> - Applications for premises license, to vary, or transfer licenses, applications for a Provisional Statement, where representations are received and not withdrawn; Review of a premises licence, Application for club gaming/club machine permits where objections are made and not withdrawn, Cancellation of club /club machine permits, Decision to give a counter notice to a temporary use notice which are matters for Licensing Act Sub-Committee. • licensing of Hackney Carriage and private hire drivers, operators and vehicles save for final approval of the Local Policy Statement and Fee setting which are matters for Strategic Licensing Committee • licensing of house-to-house collections save for final approval of the LA Policy statement which is a matter for Strategic Licensing Committee • licensing of personal and premises licenses (including licensing of temporary events and power to appoint a sub-committee of 3 Members from the membership of the Strategic Licensing Committee for the purposes of determining the applications under the Licensing Act 2003) , save for: <ul style="list-style-type: none"> -final approval of the Licensing authority policy statement which is matter for Council; -Fee setting which is a matter for Cabinet; -Matters for Licensing Act sub-committee as follows: <ul style="list-style-type: none"> ➤ Personal licence with no convictions or spent convictions if a police objection is made, ➤ Personal Licence with unspent convictions, ➤ Application for Premises Licence/Club Premises Certificate if relevant representation is made and not withdrawn, 	<p>The Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022</p> <p>The House to House Collections Act 1939</p> <p>House Collections Regulations 1947</p> <p>Licensing Act 2003</p> <p>The Business and Planning Act 2020</p> <p>Scrap Metal Dealers Act 2013</p> <p>Local Government (Miscellaneous Provisions) Act 1982</p> <p>Policing and Crime Act 2009</p> <p>Charities Act 1992</p> <p>Police, Factories &c (Miscellaneous Provisions) Act 1916</p> <p>Zoo Licensing Act 1981</p>

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> ➤ Application for a provisional statement if a relevant representation is made and not withdrawn, ➤ Application to vary a premises licence/club premises certificate if a relevant representation is made and not withdrawn, ➤ Application to vary designated premises supervisor if a police objection is made, ➤ Application for transfer of premises licence if a police objection is made, ➤ Application for interim authority if a police objection is made, ➤ Application to review premises licence/club premises certificate, ➤ Decision to object when Licensing Authority is consultee only, ➤ Determination of objections to temporary event notice, ➤ Determination of application to vary premises licence at community premises to include alternative licence condition if a police objection is made, ➤ Revocation of personal licence under s124 LA 2003 if police, or Secretary of State (immigration) objection notice is made and not withdrawn, ➤ Revocation and suspension of personal licence under s132A Licensing Act 2003, <ul style="list-style-type: none"> • pavement licensing save for final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • licensing for scrap metal (collection and sites) save for final approval of LA policy statement which is a matter for Cabinet and fee setting which is a matter for Strategic Licensing Committee • licensing of sex establishments save for <ul style="list-style-type: none"> - Applications for new, renewal or transfer of sex establishment licence where observations and /or objections are received and not withdrawn, 	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> - final approval of the LA policy statement, fee setting and prescribing standard conditions on a sex establishment licence which are matters for Strategic Licensing Committee, - revoking an existing sex establishment licence and applications to waive the requirement of a sex establishment licence which are matters for Licensing and Safety Sub-committee <ul style="list-style-type: none"> • registration of persons and premises to carry out skin piercing and other temporary / semi-permanent cosmetic procedures (Acupuncture, Tattooing, Semi-permanent skin colouring, Cosmetic Piercing and Electrolysis) save for final approval of LA policy statement and fees setting which are matters for Strategic Licensing Committee. • licensing of street collections save for 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 which is a matter for Strategic Licensing Committee • licensing of street trading save for; <ul style="list-style-type: none"> - final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee - applications for new or renewal of licence, specifying principle and subsidiary terms of the licence, and revocation of a licence, where representations are made and not withdrawn which are matters for Licensing and Safety Sub-Committee • licensing of zoos save for <ul style="list-style-type: none"> - final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee - Application for new licences where representations are received and not withdrawn which is a matter for Licensing and Safety Sub-committee 	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	Environmental Health, Trading Standards, Ecology, Animal Health and welfare, Enforcement	
Communities and Customer	Discharge regulatory powers, duties and responsibilities in respect of Environmental Health (including housing), Trading Standards (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare	
Communities and Customer	Authenticate documents, issue of notices (including abatement notices) , institute proceedings, enter premises, apply for warrants of entry, works in default relating to various statutory provisions	Public Health Acts, Control of Pollution Act 1974, Housing Acts 1957 and 1988, Local Government Act 1989, Local Government (Miscellaneous Provisions) Act 1976, Prevention of Damage by Pests Act 1949, Food Safety Act 1990, Building Act 1984, Environmental Protection Act 1990 (all PO)
Communities and Customer	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 (including Road Traffic and Weight Restrictions), Licensing, Burials, Cremations, Ecology and Animal Health and Welfare matters	
Communities and Customer	To authorise the institution and defence of proceedings brought: (i) under the legislation concerning Environmental Health (including housing), Trading Standards, (including Road Traffic and Weight Restrictions), Consumer Protection, Licensing, Burials, Cremations, Ecology and Animal Health and Welfare matters. (ii) for any offence under any legislation whatsoever or any offence contrary to common law where proceedings for such offence concern or arise from	

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	(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 where proceedings for such an offence for which permission by the Chief Officer with responsibility for that function has been granted	
Trading Standards and Parking Enforcement Team Manager⁶	Act as the Chief Inspector of Weights and Measures [if holding a certificate of qualification] Including authorising officers to act as inspectors of weights and measures and instituting proceedings	Section 73, Weights and Measures Act 1985 (PO)
Communities and Customer	Act on food safety matters	Section 5, Food Safety Act 1990 (PO)
Communities and Customer	Nominate a public analyst	Section 27, Food Safety Act 1990 (PO)
Communities and Customer	Appoint agriculture inspectors and an agricultural analyst	Section 67, Agriculture Act 1970 (PO)
	Enforcement in respect of the following areas to include: <ul style="list-style-type: none"> • Discharging the powers, duties and responsibilities of the Council; • Appointing, designating and authorising officers; • Authorising the institution and defence of proceedings 	
Communities and Customer	Civil enforcement of Traffic Contraventions and Blue Badge scheme	Traffic Management Act 2004

⁶ See paragraph D10 above

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
		Chronically Sick and Disabled Persons Act 1970
Communities and Customer	Enforcement in respect of littering to include fixed penalty notices and dealing with the unauthorised distribution of free printed matter	Sections 87,88, Schedule 3A Environmental Protection Act 1990
Communities and Customer	Enforcement in respect of Abandoned Vehicles/Fly-Tipping: Abandoned motor vehicles, and related items, unauthorised/harmful depositing of waste, transportation of controlled waste without registering, to include removal of such waste, and issue of fixed penalty notices for contraventions	Refuse Disposal (Amenity) Act 1978 Environmental Protection Act 1990 Control of Pollution (Amendment) Act 1989
Communities and Customer	Enforcement in respect of Fly-Posting/Graffiti: Displaying advertisements in contravention of regulations, Obliterating traffic signs including signposts erected or placed along a footpath, bridleway, restricted byway or byway, Painting or otherwise inscribing or affixing marks on the surface of or on any structures in or on the highway, 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, to include issuing penalty notices for relevant offences relating to graffiti and fly-posting	Town and Country Planning Act 1990 – s224 Highways Act 1980 s131, s132 Criminal Damage Act 1971 Anti-Social Behaviour Act 2003 – s44
Communities and Customer	Enforcement in respect of nuisance parking; Exposing vehicles for sale on a road, Repairing vehicles on a road, Nuisance parking, To include issuing fixed penalty notice,	Clean Neighbourhoods and Environment Act 2005
Communities and Customer	Enforcement in respect of pavement permits: Administration and enforcement of permission to use the highway - insofar as it relates to the use of the highway where no pavement permit has been sought or granted	Highways Act 1980
Communities and Customer	Enforcement in respect of waste: Making and retention of controlled waste related documents and the furnishing of documents,	Environmental Protection Act 1990

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	Fixed penalty notices for offences relating to EPA 1990 Sections 34 (5) and (6), 46, 47, 47ZA Provision of adequate receptacles for waste (household, commercial, industrial)	
Communities and Customer	Exercise functions relating to anti-social behaviour and community protection including administration and enforcement of Community Protection Notices, and Public Space Protection Orders	Anti-Social Behaviour Act 2003 (PO) Anti-Social Behaviour, Crime and Policing Act 2014 (PO)
	Housing	
Communities and Customer	Appoint Rent Officers under scheme, and certify provision of suitable alternative accommodation	Section 63, Rent Act 1977 (PO) Schedule 15, Part IV, Para 7 (PO)
Communities and Customer	Assess and enforce housing standards, including improvement notices, prohibition orders, hazard awareness notices, emergency remedial action, emergency prohibition orders, making demolition orders, prosecutions, overcrowding notices, notices for production of documents and information, closing orders, clearance areas, licenses for excess numbers, abatement of overcrowding, grant of assistance to occupants of defective housing, enforcing powers of entry	Housing Act 2004, Housing Act 1985
Communities and Customer	Declare a Renewal Area including powers of entry	Section 89, Local Government and Housing Act 1989
Communities and Customer	Part 1 Determination of applications for Disabled Facilities Grants	Housing Grants, Construction and Regeneration Act 1996
Communities and Customer	Determination of applications for financial assistance made under the Council's Private Sector Housing Assistance Policy	The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002
Communities and Customer	Notices to obtain particulars of persons interested in land	Local Government Misc. Provisions) Act 1976 (as amended)

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
Communities and Customer	Restore or continue the supply of water, gas or electricity.	Local Government Misc. Provisions) Act 1976 (as amended)
Communities and Customer	All actions to gain possession of property occupied as a consequence of the duty to house under Housing Act 1996	Housing statutes and common law
Communities and Customer	Powers in relation to inquiries, decisions and actions relating to homeless or threatened with homelessness applicants, and reviews in relation to homelessness decisions	Housing Act 1996
Communities and Customer	Signing Acknowledgment of Party Structure Notices	Party Wall Act 1996
Communities and Customer	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	Crime and Disorder Act 1998 suppl. By Anti Social Behaviour Act 2003
Communities and Customer	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	Housing Act 1985 as amended by the Housing Acts 1988 & 1996
Communities and Customer	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	Housing Act 1985
Communities and Customer	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) he 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	Land Compensation Act 1973 - s29
Communities and Customer	Authority: a) to approve the sales of Council Dwellings;	Housing Act 1985 (as amended)

PART 8 – SHROPSHIRE SCHEME FOR OFFICER DECISION-MAKING

Power held by...	Brief description of power	Source of the power
	<ul style="list-style-type: none"> b) to deny the Right to Buy where the terms and conditions of c) paragraph 11 are not met; d) to enter into deeds of rectification for houses sold under the Right to Buy; e) to apply service charges to leasehold properties sold under the Right to Buy 	
Communities and Customer	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.	Housing Act 1985 as amended by the Localism Act 2011
Communities and Customer	Authority: <ul style="list-style-type: none"> a) to make decisions on the option of re-purchasing properties which are offered back to the Council; b) to decide whether the full amount of discount on the sale of a Council house within the 5 year period should be repaid 	Housing Act 2004 (as amended)
Communities and Customer	Authority to: <ul style="list-style-type: none"> a) grant an Introductory Tenancy; b) extend the trial period in relation to an Introductory Tenancy c) conduct a review of a decision to extend the trial period of an Introductory Tenancy; d) seek possession of a dwelling where there is a breach of an e) Introductory Tenancy 	Housing Act 1996 as amended by Housing Act 2004
	Assets of Community Value	
Communities and Customer	Determine reviews against the listing of an asset of community value Determine reviews against the payment or not of compensation by the owner in respect of assets of community value	Localism Act 2011 The Assets of Community Value (England) Regulations 2012