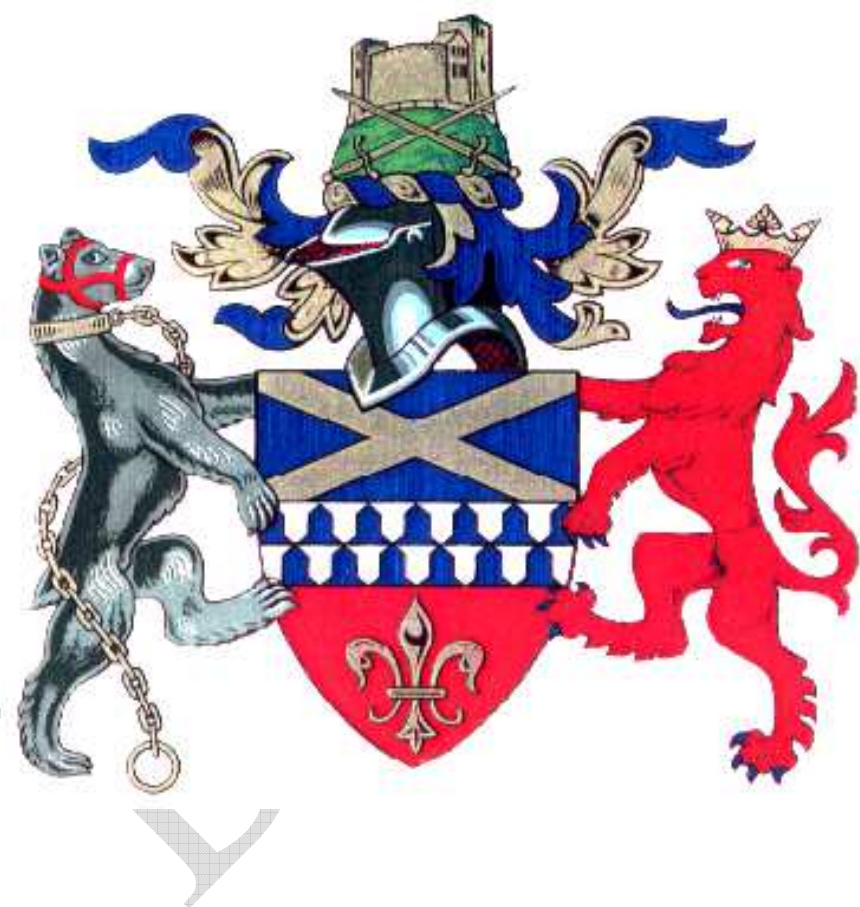


TAMWORTH BOROUGH COUNCIL



SCHEME OF DELEGATION TO OFFICERS

SCHEME OF DELEGATION TO OFFICERS

1. Introduction

- 1.1 In accordance with Article 13 of the Constitution this Scheme forms part of Part 3 of the Council's Constitution.
- 1.2 This Scheme is approved by the Council in respect of those functions which by virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended or replaced) are not the responsibility of the Cabinet and which in accordance with Section 101 of the Local Government Act 1972 and all other powers enabling such delegation are delegated by the Council to officers.
- 1.3 This scheme is approved by the Leader of the Council in respect of those functions which under the Council's executive arrangements are the responsibility of the Cabinet as the executive and which in accordance with Section 14-9ED of the Local Government Act 2000 are delegated by the Leader of the Council to officers.
- 1.4 This Scheme is adopted with the intent that it should lead to a streamlining and simplification of the decision-making processes of the Council, and accordingly it should be interpreted widely rather than narrowly.
- 1.5 This Scheme delegates to Directors and other Authorised Officers the powers and duties necessary for the discharge of the Council's functions within the broad functional description set out, together with the specific delegations therein, and should be taken to include powers and duties within those descriptions under all present and future legislation, and all powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972, including the power to affix the Common Seal of the Council.
- 1.6 An Officer may decline to exercise delegated powers and instead report to the Cabinet or appropriate Committee.
- 1.7 For the purpose of this Scheme:
- (a) "the estimates" means the revenue estimates approved by the Council.
 - (b) "the establishment" means the staff establishment of the Council for which funds have been provided in the estimates.
 - (c) "the Council" includes any committee or officer of the Council acting within delegated powers and acting as agent for another body or person.
 - (d) "Authorised Officer" means an Officer who is specified under this Scheme as having the authority to exercise delegated powers and duties on behalf of the Council. This includes the Chief Executive (or Deputy Chief Executive???) in his absence), ~~Corporate Executive~~ Director ~~Community~~ ~~Corporate~~ Services, ~~Corporate Director Resources, Assistant Chief Executive~~ ~~Director Transformation & Corporate Performance~~, the Solicitor to the Council & Monitoring Officer, ~~Deputy~~ Director Communities, Planning and Partnerships, ~~Deputy~~ Director Assets and Environment, ~~Deputy~~ Director Housing & Health, ~~Deputy~~ Director of Finance ~~Exchequer & Revenues~~, ~~Assistant~~ Director ~~Business Processes~~ ~~Technology & Corporate Programmes~~.

- (e) "function" includes any power or duty
- (f) "legislation" and "statute" includes subordinate legislation and "legislative" and "statutory" shall be construed accordingly
- (g) "proceedings" includes any tribunal, inquiry, arbitration or other legal or quasi-legal proceedings
- (h) "Portfolio Holder" shall be taken to mean a Councillor (including the Leader of the Council if so nominated) nominated in writing to the Proper Officer by the Leader of the Council as a Member of the Cabinet.
- (i) "Leader of the Council" shall mean the person elected to that position at the Annual Council meeting.
- (j) "Proper Officer" shall be taken to mean the Officer appointed by the Council for the purpose of the Scheme, or in default of such appointment the Chief Executive of the Council.
- (k) "Statutory Officer" means:-
- (i) the Head of Paid Service in respect of the manner in which the co-ordination by the Council of the discharge of their different functions is co-ordinated, the number of staff required for the discharge of those functions, the organisation of those staff and the appointment and proper management of those staff;
 - (ii) the Monitoring Officer in respect of any proposal, decision or omission which has given rise to or is likely to give rise to a breach of law or of any statutory code of practice, or maladministration;
 - (iii) the Section 151 Officer in respect of the proper administration of the Council's financial affairs.
- (l) "Ward Member" means a Councillor for any electoral area, which is identified in an Officer's report for a decision as being particularly affected by the proposed decision.

1.8 Where an Authorised Officer designation has ceased to exist eg because of a re-organisation of services the Authorised Officer shall be that person who has taken over responsibility for the function classified in this Scheme.

2. Limitations

2.1 This Scheme does not delegate to Officers:

- (a) any matter reserved by law or by the constitution, Terms of Reference of the Cabinet, Committees and Sub-Committees to the Council, or to a Committee or Sub-Committee of the Council;
- (b) any matter which by law may not be delegated to an officer;
- (c) any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, the Cabinet or a Committee or Sub-Committee.

- 2.2 Officers may only exercise delegated powers in accordance with the:
- (a) Policies, Plans and Programmes approved by or on behalf of the Council;
 - (b) budget and policy framework and executive procedural rules;
 - (c) officer employment procedural rules;
 - (d) Financial Regulations, Contract Standing Orders and Financial Guidance;
 - (e) any statutory restrictions, statutory guidance/circulars or statutory code of practice; and
 - (f) the provisions of the Council's Constitution.
- 2.3 In exercising delegated powers, Officers shall act only within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation thereof which is permitted by the Council's Financial Regulations, Contract Standing Orders and Financial Guidance..

3. Sub-Delegation

- 3.1 This Scheme includes the power for Officers to further delegate any function which has been delegated to them under this Scheme, to another Officer or to other Officers. Every such sub-delegation shall be in writing, setting out the name of the delegate, the terms and conditions upon which that function is to be performed, and accountability for the performance of the sub-delegated function. The Officer making such sub-delegation shall record the sub-delegation in a register maintained for the purpose by the Authorised Officer responsible for the function.
- 3.2 Authorised Officers shall devolve operational responsibilities for day to day service delivery and management to the nearest practicable point to the service user.
- 3.3 The Officer named shall have the power to act for the purposes of these delegated matters as if he/she were the Authorised Officer. Sub-delegated decisions are taken in the name of the Authorised Officer.

4. Delegated Decision-Making – General Principles

- 4.1 In exercising any delegated function, Officers shall have regard to the requirement to comply with the limitations set out in paragraph 2.2 above, and shall be responsible for undertaking any appropriate consultation with the Council's Statutory Officers before taking any decision.
- 4.2 Where any matter involves professional or technical considerations not within the sphere of competence of the Authorised Officer concerned, he shall consult with the appropriate Statutory Officer of the Council before authorising action. Such constraints are kept to the absolute minimum necessary for internal check.
- 4.3 The Officers exercising such powers shall take account of any previous decision of the Council on any relevant policies or procedures.

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- 4.4 All decisions shall be taken in the name of, but not necessarily personally by, the Officer(s) to whom the power is delegated. Arrangements shall be made for the recording of action taken pursuant to these powers.
- 4.5 In any case, where an Officer, exercising a delegated power or duty considers that a new departure in policy, procedure or a significant change in financial practice is likely to be involved, he/she shall consult with the Statutory Officer(s), who shall, if necessary, refer the matter to the appropriate decision-making process.
- 4.6 Where there is a dispute between Authorised Officers, either Officer may refer the matter to the Chief Executive for appropriate action.
- 4.7 The Chief Executive as the Head of Paid Service shall monitor the exercise of delegated powers and duties other than statutory functions for which other Authorised Officers have responsibility. The Chief Executive may require any Officer to cease the exercise of such powers and duties pending a report to the next meeting of the Council, Cabinet or appropriate Committee.
5. **Interpretation**
- 5.1 References in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.
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6. **GENERAL DELEGATIONS OF POWERS AND DUTIES TO AUTHORISED OFFICERS**

Subject to the general principles and requirements of the Scheme, the following powers/duties are exercisable by the Authorised Officer.

A. Employment

1. Subject always to:

- (a) Budget provision;
- (b) The policies and practices adopted by the Council from time to time; and
- (c) Observance of contracts of employment and conditions of service including any discretions incorporated within them.

The Chief Executive and in addition the Authorised Officers shall be fully empowered in the following matters of HR Management as regards their respective Directorates and employees (other than those specifically subject to Appointments and Staffing Committee).

- (i) To re-grade posts, hold posts vacant, amend the titles of posts and to make interim arrangements as necessary (where no budgetary impact)
- (ii) To make minor changes to Job Descriptions to be agreed with the appropriate Chief Officer prior to any changes being made. Changes to Job Descriptions should not include:

additional responsibilities warranting salary increases

not exceeding 25% of the existing job description (Consultation with staff prior to any change)

- (iii) Job Share/Reduced Hours

All posts should be available for job share (as specified in the local policy for job share), with the following exceptions:

Jobs with tied accommodation.

Chief Executive.

Monitoring Officer.

Returning Officer.

Section 151 Officer (~~Executive Corporate~~ Director Corporate Services Resources)

Job share/reduced hours which would disrupt management arrangements (e.g. the reduction in hours meant that the remaining hours were impossible to cover).

Employee contracts, for time limited periods e.g. fixed term contracts.

- (iv) Unpaid leave up to a maximum of 10 days may be granted subject to the demands of the service in the following circumstances:

Extended holidays

For reasons set out in the Employment Rights Act 1996 and 1999 (e.g. parental leave).

Compassionate grounds.

Exceptional circumstances

Religious observance.

NB: Annual leave and flexi leave should be taken into account.

- (v) Secondment to another Service Unit or to an external organisation may be granted in accordance with the Council Policies in effect at the time of the secondment.

NB:

Increase in salary may be available subject to existing budget; otherwise the secondment must be on the basis of a staff loan (this may include budget virement).

- (vi) Training within available budget

All training should be notified to the appropriate Chief Officer, for monitoring purposes and identification as to whether it is to be considered as corporate training. It should be job related and for the purpose of:

Changes to job requirements

To meet an employee's skills gap

Personal development

To meet the business needs of the Service Unit

Succession planning and the future needs of the Council.

Such training will involve:

CPD

Training in-house

External courses/seminars.

NB:

Any other forms of training must be approved by the appropriate Chief Officer and the cost met out of the corporate training budget.

Training expenses and time off for attendance will be in accordance with the appropriate policies and procedures.

Records of all training must be kept by the appropriate Chief Officer.

(vii) **Compassionate Leave**

Compassionate leave may be granted in the following circumstances:

Death/illness of close relative i.e. spouse, co-habitee (same or opposite sex), parent, parent-in-law, son, daughter, child of co-habitee, brother, sister, grandparent, grandchild.

Breakdown in partnerships (includes married couples and co-habitees).

Absence allowable as current policies (Consult Human Resources for advice).

(viii) **To action matters arising from the application of the Council's Human Resource policies and procedures.**

(ix) **To deal with the appointment of staff and disciplinary/grievance proceedings in accordance with the Council's approved scheme. (Dismissal is referred to the Chief Executive, in accordance with Council Policy)**

2. Subject always to budget provision to appoint and instruct when necessary temporary or agency staff provided there is no increase in the Council's permanent establishment, and outside agents or consultants to carry out specific work within the normal terms of reference of the Directorate of the relevant Director and to authorise overtime working for officers; and in consultation with the Chief Executive to authorise planned overtime for officers above the overtime limit..
3. To nominate an officer to deputise in the Director's absence.

B. Finance

Subject to:

- (a) Budget provision;
- (b) Having due regard to the professional advice pertinent to the particular matter;

- (i) All Authorised Officers in respect of financial matters for which they are responsible can authorise expenditure within approved revenue budgets and decisions on works programmes within those budgets except any items reserved by the Council or Cabinet for further approval.
- (ii) Approve expenditure within approved capital budgets and decisions on work programmes within those budgets. Authority to approve additional expenditure in accordance with current financial guidance.
- (iii) Authorise the transfer of funds (virement) between approved revenue budget headings within a service area subject to there being no commitment to recurring expenditure in future years as determined by financial guidance.
- (iv) In consultation with the ~~Corporate Director Resources~~ Executive Director Corporate Services and where necessary the Portfolio Holder, to set unless the charge requires Cabinet approval rent, fee, charges and other income levels unless any changes:-
 - (a) exceed inflation by more than 3% and/or
 - (b) involve a change in policy, or
 - (c) potentially have significant political implications.
- (v) To authorise the write-off of individual sums in line with current financial guidance.
- (vi) Are responsible for the carrying forward from one financial year to another any approved planned expenditure that remains unspent (excluding wages and salaries budgets) provided a decision to approve is taken by Cabinet before the end of June in the new financial year.

C. Contracts

All authorised Officers shall comply with financial guidance in respect of contract tendering and procurement making use of the internal system where appropriate.

To include:

- (a) Hiring of plant and engaging of specialist sub-contractors
- (b) Any special requirements or directions given by the Council, its Committees or the Cabinet.
- (c) To sign all contracts which fall outside the categories set out in Financial Guidance.

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D. Miscellaneous

1. To exercise any power of the Council in relation to the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and the Local Democracy Economic Development and Construction Act 2009 and the Localism Act 2011 ~~2009~~ as appropriate.
2. In consultation with Group Leaders and other Directors as appropriate to respond to consultation papers on matters which are routine or which do not have significant policy or financial implications.
3. Subject to securing independent valuation advice, to sell surplus vehicles, stores, equipment and services. All such sales shall be notified to the ~~Executive Director Corporate Services~~ Corporate Director of Resources before the property is handed over to the purchaser.
4. To exercise the Council's powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (disposal of lost and unconnected property) and to notify the ~~Corporate Director of Resources~~ Executive Director Corporate Services before actual disposal.
5. After consultation with the ~~Assistant Chief Executive~~ Director Transformation & Corporate Performance to authorise the installation, replacement or removal of telephones in Council establishments and in premises occupied by employees.
6. To formulate the requirements for property use and occupation of the services and Directorates for which he is responsible.
7. To authorise the provision of equipment at Council premises.
8. To accept on behalf of the Authority contributions by individuals or bodies towards approved capital or revenue projects subject to the concurrence of the Solicitor to the Council and ~~Corporate Director Resources~~ Executive Director Corporate Services as appropriate and reported to the next meeting of the Cabinet or relevant committee; provided always that any modifications or additions to Council property to be funded by third parties shall be agreed by the Director concerned subject to the advice of the Solicitor to the Council.
9. To issue, sign and serve all statutory notices and orders properly authorised by the Council, any decision-making body or an officer exercising delegated powers under this scheme and not specifically delegated under this Scheme to an Authorised Officer.
10. To liaise with and advise public, private, voluntary and community groups and other stakeholders relating to corporate issues.
11. To provide/contractually receive goods and services to/from adjoining authorities (subject to any requirement for competitive tendering), and (within the powers of the Authority) to supply/receive them to other bodies. (-In accordance with Financial Regulations)

12. To prepare and sign any corporate policies and strategies authorised by the Council as appropriate.
13. In consultation with the relevant portfolio holder, to consultation on behalf of the authority where time prohibits the matter being referred to a Committee for consideration.
14. To assist the Chief Executive in any conflict regarding employment matters.
15. All authorised officers to be responsible for obtaining all relevant grants and awards that may be available to their service area.
16. Subject to the Council's Constitution (Contracts Procedure Rules), within their respective responsibilities for the functions of the Council, to accept a quotation submitted to the Council for the provision of goods, materials, services or works in respect of a relevant function.
17. To attend meetings of professional and local government bodies of which they are members and to authorise the attendance of members of their departments at similar meetings.

18. To formulate responses and respond to any Freedom of Information enquiries.

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SPECIFIC DIRECTORATE DELEGATIONS

Subject to the general principles and requirements of the Scheme the following powers/duties (expressed as functions) are delegated to the specified Authorised Officer.

(A) CHIEF EXECUTIVE

Delegations to the Chief Executive also include to the ~~Deputy Chief Executive~~ Director Corporate Services in his absence-

	FUNCTION	AUTHORISED OFFICER
1.	<p><u>Urgent Action</u></p> <p>To take urgent action to protect the interests of the Council and the inhabitants of the Borough.</p>	Chief Executive in consultation with the Leader of the Council & opposition group leaders so far as is practicable
2.	<p><u>Major Incident/Emergencies</u></p> <p>To incur expenditure and commit resources within or adjoining borough until a meeting of the Council can be called to respond to a major incident/business continuity emergency when the Council's Emergency Plan or Business Continuity Plan is invoked.</p> <p>To designate Assistant Directors/Managers to carry out emergency functions.</p>	Chief Executive in consultation with Corporate Information Security Manager or relevant Chief Officer as far as is practicable
3.	<p><u>Corporate Complaints</u></p> <p>The administration of the Corporate Complaints Procedure.</p>	Chief Executive
4.	<p><u>Local Government Ombudsman</u></p> <p>To respond to the Local Government Ombudsman in respect of complaints of maladministration made against the Council.</p> <p>To authorise payments or other benefits under Section 92 Local Government Act 2000.</p>	Chief Executive in consultation with the appropriate Director and the Monitoring Officer and the Solicitor to the Council.
5.	<p><u>Head of Paid Service</u></p> <p>To carry out the statutory duties as Head of the Council's Paid Service in addition with the following specific powers:</p>	

	FUNCTION	AUTHORISED OFFICER
(a)	Appointment of staff and determination of individual salary points within the approved grading structure (provided that such decisions are not reserved to Appointments and Staffing Committee).	Chief Executive
(b)	Long service awards and the award of increments within salary grades.	Chief Executive
	Authority to execute letters and contracts of appointment	Chief Executive Director Transformation & Corporate Performance Assistant Chief Executive
(c)	The exercise of disciplinary powers over staff (including power immediately to suspend), and to dismiss.	Chief Executive Assistant Chief Executive Director Transformation & Corporate Performance
	Authority to execute letters of dismissal and compromise agreements to terminate employment.	Chief Executive Assistant Chief Executive Director Transformation & Corporate Performance
	Authority to vary contracts of employment (subject to Council Polices and Committee decisions) and to execute such letter and contracts of variation	Chief Executive Assistant Chief Executive Director Transformation & Corporate Performance
	Authority to pay overtime and planned overtime above the overtime limit.	Chief Executive Assistant Chief Executive Director Transformation & Corporate Performance Corporate Directors Deputy Directors Assistant Directors Solicitor to the Council
(d)	The signing of Certificates of opinion to accompany applications for exemption for posts from political restrictions.	Chief Executive

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<p>(e) Honoraria to be paid in accordance with NJC conditions, or any local agreement with the following exceptions:</p> <p>Duties can be shared between more than one Director/Deputy/Assistant Director but payment would therefore be restricted to one to two increments.</p>	<p>Chief Executive</p>
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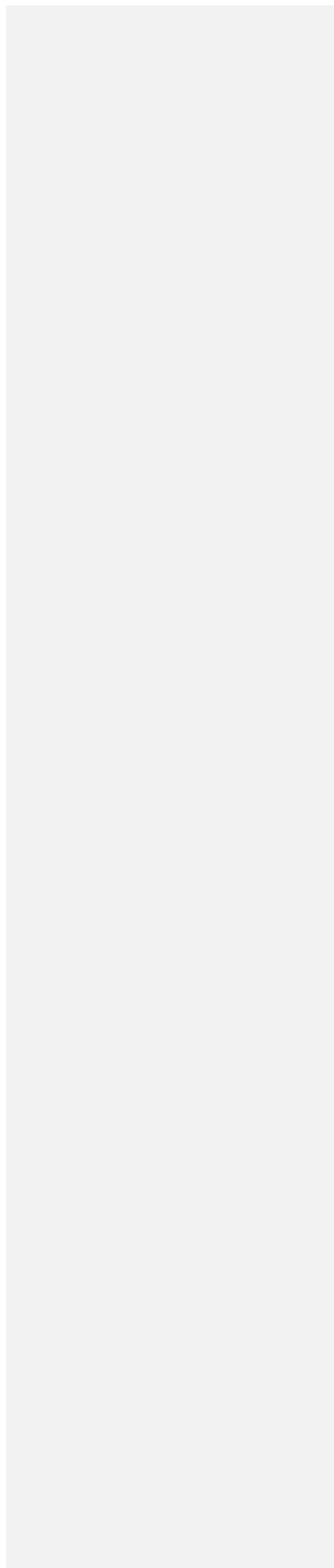
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	FUNCTION	AUTHORISED OFFICER
	(f) To prepare and sign (or send or otherwise authenticate) any notice, order or other document authorised by the Council.	Chief Executive
	(g) To represent the Authority at any conference meeting or enquiry to which the Authority is invited unless the Council has indicated otherwise and to exercise any voting rights conferred by corporate membership of any body.	Chief Executive
	(h) To settle proceedings regarding employment matters in consultation with the Solicitor to the Council & Monitoring Officer	Chief Executive
	(i) To agree accelerated increments.	Chief Executive
	(j) To enter into and execute such agreements on behalf of the Authority as required including but not limited to Partnership and other local area agreements.	Chief Executive
	(k) To chair Director or other multi-disciplinary Groups.	Chief Executive in consultation with appropriate Directors
	(l) To appoint multi-disciplinary teams or engage consultants to undertake projects falling outside the remit of any specific Director.	Chief Executive in consultation with appropriate Directors
	(m) To assume the delegated powers of Directors in specific cases when requested so to do by such Director.	Chief Executive in consultation with appropriate Directors
	(n) To make appropriate arrangements for the resolution of disputes between Directors.	Chief Executive in consultation with appropriate Directors
	(o) On behalf of the Council where necessary and, having consulted the Leader of the Council, to suspend Directors pending the institution of disciplinary procedures.	Chief Executive in consultation with appropriate Directors

	FUNCTION	AUTHORISED OFFICER
	(p) To undertake the duties of Proper Officer in default of a specific appointment by the Council.	Chief Executive in consultation with appropriate Directors
	(q) Ex-Gratia Settlement Settlement of claims in respect of loss or damage to an employee's personal effects	Chief Executive in consultation with Corporate Director Resources Executive Director Corporate Services /Solicitor to the Council
6	<u>Returning Officer</u> (a) To carry out the duties of Acting Returning Officer and Returning Officer for Parliamentary, Local, County and European Elections and Referendums. (b) To designate Polling Places where necessary in exceptional circumstances for Parliamentary, European and Local Elections.	Deputy Chief Executive Director Corporate Services Deputy Chief Executive Director Corporate Services
	(c) To amend from time to time the scale of fees, costs, charges and expenses to be allowed for Borough elections. (Note: the level of remuneration for the Returning Officer personally to be determined by Cabinet).	Deputy Chief Executive Director Corporate Services
7	<u>Electoral Registration Officer</u> To act as the Council's Electoral Registration Officer.	Deputy Chief Executive Director Corporate Services
8	<u>Common Seal</u> (a) To attest the Common Seal of the Borough Council (b) To execute and/or attest any document as required on behalf of the Council.	Chief Executive/Solicitor to the Council Chief Executive/Solicitor to the Council
9	Mayor To provide banking facilities for the Mayor, and to pay the Mayor's annual allowance as may be determined from time to time by the Council.	Chief Executive

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	FUNCTION	AUTHORISED OFFICER
10.	<p><u>Monitoring Officer</u></p> <p>To act as the Council's Monitoring Officer and carry out the statutory duties set out in the Local Government & Housing Act 1989 and the Local Government Act 2000 <u>and the Localism Act 2011</u>.</p>	Solicitor to the Council
11.	<p><u>Local Land Charges</u></p> <p>To reply to requisitions for a search of the Local Land Charges Register and Enquiries of Local Authorities.</p>	Solicitor to the Council
12.	<p><u>Town and Village Greens</u></p> <p>To consider applications for, and where appropriate, register Town and Village Greens under the Commons Registration Act 1965 and the Commons Act 2006.</p>	Solicitor to the Council

	FUNCTION	AUTHORISED OFFICER
	<u>Representation in Court</u>	
13.	To authorise the appearance of persons other than Solicitors pursuant to Section 223 of the Local Government Act 1972.	Solicitor to the Council in consultation with the Deputy Director Assets and Environment
14.	<p><u>Legal Proceedings (Civil)</u></p> <p>(a) To institute, defend, appeal from, settle or abandon legal proceedings whether administrative or civil in any matter in which the Council or its officers may institute or defend proceedings in any court or arbitration or administrative tribunal.</p> <p>(b) To institute proceedings in the Magistrates or Crown Court where there has been a breach of any statutory notice issues/served by the Council or where the Authority has a general power or duty to enforce the law through the criminal courts.</p>	<p>Solicitor to the Council in consultation with the appropriate Director</p> <p>Solicitor to the Council in consultation with the appropriate Director</p>

	FUNCTION	AUTHORISED OFFICER
	<u>Legal Agreements/Public Notices</u>	
15.	To be responsible for: (a) the execution of legal agreements pursuant to the Council's Procedural and Contract Rules. (b) the issue of Public Notices	Solicitor to the Council Solicitor to the Council
16.	To make a charge on a property when an individual enters Part III residential accommodation.	Solicitor to the Council
17.	To enter into Deed of Release and/or Variation in landlord tenant matters.	Solicitor to the Council in consultation with Deputy Director Assets and Environment
18.	To take peaceable re-entry of leasehold property in the event of occupation of property not in agreement with agreed terms.	Solicitor to the Council
19.	To enter into nomination agreements on housing matters.	Solicitor to the Council

	FUNCTION	AUTHORISED OFFICER
20.	To enter into Highway Bond Agreements under Sections 219 to 220 Highways Act 1980.	Solicitor to the Council
21.	<u>Implementation of Decisions</u> To take all such steps as are in his/her opinion necessary, including the affixing of the Common Seal of the Council and the bringing of legal proceedings and the making of orders to give effect to any decision or action taken properly by the Council, or any duly authorised body or officer acting on its behalf, or to protect the interests of the Council or any person or property to whom or for which the Council has responsibility.	Solicitor to the Council in consultation with the appropriate Director
22.	<u>Compulsory Purchase Orders</u> To make, vary and/or amend Compulsory Purchase Orders.	Solicitor to the Council in consultation with the appropriate Director
23.	<u>Property Management</u> Service of notices under Section 25 of the Landlord & Tenant Act 1954 to enable rents and any other new terms to be negotiated.	Solicitor to the Council in consultation with the Deputy Director Assets and Environment
24.	Arrangement of defective title indemnity cover in respect of land or property being disposed of by the Council up to a premium limit of £6,500 each such costs to be met from sale proceeds.	Solicitor to the Council
25.	<u>Council Halls/Meeting Rooms</u> To determine any applications for the use of Council halls or meeting rooms by extremist organisations other than use required under the Representation of the People Acts.	Solicitor to the Council in consultation with the Leader of the Council
26.	<u>Hire of Civic Accommodation</u> To waive the charges for the hire of Civic meeting rooms to outside organisations where such organisations are of a charitable or non-profit making nature or where there are exceptional circumstances.	Solicitor to the Council

	FUNCTION	AUTHORISED OFFICER
27.	<u>Regulation of Investigatory Powers Act 2000</u> To make any necessary amendments to the Covert Surveillance Policy and Procedural Guidance documentation.	Solicitor to the Council and Monitoring Officer
28.	<u>Data Protection Act 1998</u> To adjust in the light of inflation the figure below which no charge be made for the supply of copies of documents under the Act on a one-off basis.	Deputy Director of Finance Exchequer & Revenues in consultation with Corporate Information Security Manager
29.	To determine arrangements for the inspection of background papers for meetings.	Legal & Democratic Services Manager <u>Solicitor to the Council</u>
30.	<u>Members' Allowances Scheme</u> To consider on its merits and make payment in respect of any claim not received within 4 months of the date of performance of the duty.	Chief Executive Corporate Director Resources <u>Executive Director Corporate Services</u>
31.		
32.	<u>Entertainment of Civic Guests/Hospitality</u> Authority to approve arrangements and expenditure in respect of the entertainment of civic guests within approved budget. To arrange all civic ceremonies and ancillary events in consultation with the Mayor.	Chief Executive/Solicitor to the Council/ Deputy Chief Executive Chief Executive
33.	<u>Courses & Seminars</u> To approve the attendance of Members at courses and seminars.	Legal & Democratic Services Manager in consultation with the <u>Solicitor to the Council -Assistant Chief Executive</u>

(B) LAND AND PROPERTY

1. Subject always to:

- (a) Budget provision;
- (b) Having due regard to the professional advice pertinent to the particular matter.

The ~~Deputy~~ Director Assets and Environment in consultation with the Solicitor to the Council be authorised in respect of the land and property for which he is responsible subject to:

	FUNCTION	AUTHORISED OFFICER
(i)	To authorise the granting, renewal, termination, assignment or sub-letting of leases, tenancies or other interests in land and property.	Deputy Director Assets and Environment
(ii)	To approve variations in rent arising from rent reviews of land and property leased to or by the Council.	Deputy Director Assets and Environment
(iii)	To authorise the acquisition of legal estates or interests in land and property up to the value of £50,000 plus appropriate and reasonable incidental fees and costs in line with the Acquisitions and Disposals Policy.	Deputy Director Assets and Environment
(iv)	To authorise the disposal of legal estates or interests in land and property not required by the Council up to the value of £50,000 set out in the Acquisitions and Disposals Policy plus appropriate and reasonable incidental fees and costs.	Deputy Director Assets and Environment
(v)	To approve the payment of interest on the purchase price of land and property in those cases where entry on to the land is required in advance of completion.	Deputy Director Assets and Environment
(vi)	To authorise the taking, granting, revocation or termination of covenants, easements, wayleaves, licences and other rights or user and to undertake the management of land and property.	Deputy Director Assets and Environment
(vii)	To arrange for payment of appropriate rates, charges and taxes.	Deputy Director Assets and Environment

(viii)	To approve claims for disturbance arising out of compulsory and voluntary acquisitions.	Deputy Director Assets and Environment
(ix)	To commence preliminary negotiations with respect to any land or property to be acquired so as to be able to ascertain questions of willingness to sell and general terms.	Deputy Director Assets and Environment
(x)	To approve modifications or additions to Council land and property funded by third parties.	Deputy Director Assets and Environment
(xi)	To authorise works of improvement or repair to Council land and property.	Deputy Director Assets and Environment
(xii)	To authorise building maintenance work.	Deputy Director Assets and Environment
(xiii)	To authorise the design and execution of building and incidental work.	Deputy Director Assets and Environment
(xiv)	To commission building contracts to be entered into by the Council.	Deputy Director Assets and Environment
(xv)	To commission feasibility studies and value for money appraisals on all capital investments.	Deputy Director Assets and Environment
(xvi)	To authorise persons to apply for liquor and associated licences for use on premises.	Deputy Director Assets and Environment
(xvii)	To proceed with compulsory acquisition of rights over land under the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.	Deputy Director Assets and Environment

(C) RESOURCES

	FUNCTION	AUTHORISED OFFICER
1.	<u>Banking Arrangements and Cheques</u> All necessary arrangements with the Council's bankers and Girobank concerning the Council's banking requirements and to administer the same on a day to day basis including the provision of any necessary indemnity to the Council's bankers, and the authorisation of the signing of cheques and negotiable instruments.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
2.	Arrangements for overdraft facilities as necessary within the limit authorised by the Council.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
3.	The creation, investment, realisation and utilisation of sinking funds, reserves, capital funds and receipts and other special funds.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
4.	To administer and act as Registrar in respect of existing Council bonds, including discretion to make premature payment.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
5.	The raising and management of all loans (except stock) for the purpose and amount for which the Council is authorised to borrow money in accordance with Section 172 and Schedule 13 of the Local Government Act 1972.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
6.	To exercise (as far as may be lawful) the powers of the Council to borrow and invest.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>

	<u>Finance</u>	
7.	Determination of accounting procedures and the form and extent of financial records.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
8.	Production and distribution of financial management information.	
9.	Financial negotiations with external bodies in Consultation with the Chief Executive and Solicitor to the Council & Monitoring officer. Determination of the manner in which the cost of capital schemes is to be defrayed and the application of capital receipts.	Deputy Director of Finance Exchequer and Revenues Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>

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10.	Approval of accounts for payment, having been satisfied that payment is lawful and that property certification procedures have been followed.	CMT Members
11.	Co-ordination, control and supervision of all monies due to the Council.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
12.	Issue of all cheques appropriately signed for: - cheques below £10,000 bearing facsimile signature - cheques in excess of £10,000 bearing the autograph signature of authorised officers.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
13.	Undertaking all borrowing of monies, financial leasing of vehicles, equipment and other assets and the making of all arrangements concerning the investment or utilising of capital monies and other funds.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
14.	Registrar of Council Bonds and Stock Issues.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
15.	Approval of all petty cash floats and imprests to officers.	
16.	Agreeing form in which stores and stock records are kept, and agreement to adjustments to accounts if less than £5,000 in any one year.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
17.	Declarations and Certificates relating to Securities.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
18.	The Corporate Director Resources Executive Director Corporate Services shall be the delegated officer for signing/authorising any statutory, legal, grant documents requiring the signature of a finance officer.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
19.	The payment and reimbursement of monies in respect of Benefit Scheme and Grant Subsidy income.	
20.	The Corporate Director Resources Executive Director Corporate Services to report quarterly to Council on the Councils Financial Position.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u> Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
	27	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u> Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u> Page 687 Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>

21.	To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
22.	<u>National Non Domestic Rates</u> The powers, duties and functions as required/granted under the Local Government Finance Act 1988 <u>as amended</u> .	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
23.	<u>National Non Domestic Rates</u> The issue of demands for void rates in respect of empty properties within such class or classes of hereditaments which the Council shall have determined to be subject to change under Non-Domestic Rating (Unoccupied Property) Regulations 1989 as amended.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
24.	Any action necessary in respect of the recovery of rates including void rates.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
25.	Action on Valuation Officer's proposals for revision of rating assessments.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>
26.	Lodging of proposals by the Council for revision of existing rating assessments.	Corporate Director Resources <u>Executive Director</u> <u>Corporate Services</u>

	FUNCTION	AUTHORISED OFFICER
27.	To deal with the remission of Non-Domestic Rates under statute.	Corporate Director Resources Executive Director Corporate Services
28.	To determine, where necessary, whether or not objection should be made to any proposal for the amendment of the Valuation Lists, and whether or not compromises should be agreed.	Corporate Director Resources Executive Director Corporate Services
29.	To arbitrate claims for discretionary rate relief applications in consultation with the relevant Portfolio Holder.	Corporate Director Resources Executive Director Corporate Services
30.	Making allowances under Section 47 and Section 48 of the Local Government Finance Act 1988.	Corporate Director Resources Executive Director Corporate Services
	<u>Mortgages & Advances</u>	
31.	To determine the rate of interest to be applied to advances on mortgage for house purchase, etc., The Housing (Financial Provisions) Act 1958 and the Section 110 of the Housing Act 1980.	Corporate Director Resources Executive Director Corporate Services and Deputy Director of Finance Exchequer & Revenues
32.	To deal with applications for advances on mortgages for house purchase, etc., under the Housing Act 1980 where no special considerations arise.	Deputy Director of Finance Exchequer & Revenues

	<u>Sundry Income & Miscellaneous Rents</u>	
33.	<p>To collect income of the Council, including:</p> <ul style="list-style-type: none"> - the recovery of unpaid income of the Council by the issue of summonses or otherwise, including proceedings in tribunals and inferior courts - the issue and recovery of penalties (or their waiver and writing off) under the Third Schedule to the Local Government Finance Act 1988 and the Third Schedule to the Local Government Finance Act 1992. - The writing off of Court costs in respect of rates, community charge and council tax. - The payment of sums properly payable from the Collection Fund. - Requests to the Valuation Officer to revise valuation lists by e.g the inclusion of newly completed properties, and appeals against valuations of Council property. - The determination of on-costs and rates of interest in respect of any sums due where such on-cost or interest is properly chargeable. - To set fees in consultation with the Chief Executive, for the provision of personal information protected by the Data Protection legislation and for the provision of information subject to the Freedom of Information legislation. 	<p>Corporate Director Resources Executive Director Corporate Services in conjunction with the appropriate Director.</p>
34.	<p><u>Insurances</u></p> <p>Management of the Council's insurances including the renewal of policies within long term agreements.</p>	<p>Deputy Director of Finance Exchequer & Revenues.</p>

35.	<p>Approval of payments from the insurance fund in respect of claims meeting the criteria and terms of self-insured risks.</p> <p>To deal with all insurance against loss to or liability of the Council including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).</p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p>
36.	<p><u>Car Loans & Allowances</u></p> <p>The day to day grant and administration of car loans, and financial allowances to staff, including the schemes for travelling, subsistence, relocation expenses, telephone and car allowances, including variations to local terms to reflect variation in national agreed schemes or in line with inflation.</p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p>
37.	<p>To regularly review the interest rate charged on car loans and adjust the rate to provide that the true annual interest rate charged on loans should be calculated in line with the Bank of England base rate prevailing at the time the loan is approved subject to a minimum level of 3% (in line with scheme conditions for term rates).</p>	<p>Deputy Director of Finance Exchequer & Revenues</p>

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	FUNCTION	AUTHORISED OFFICER
38.	Determination of eligibility for the amount of loan within approved policy.	Deputy Director of Finance Exchequer & Revenues
39.	Determination of eligibility for car purchase loans within approved policy.	Head of Organisational Development in consultation with appropriate Director
40.	Management of the Council's Car Allowance Scheme in accordance with approved guidelines.	Deputy Director of Finance Exchequer & Revenues in consultation with appropriate Director and Head of Organisational Development
	<u>Remuneration & Organisational Review</u>	
41.	(a) The payment of salaries, allowances and authorised supplementary payments, and the authorised deduction of appropriate sums and payment thereof to any body to whom such payment is due, and including the implementation of national awards in respect of salaries, etc. the payment of superannuation gratuities (following Cabinet/Council resolution).	Deputy Director of Finance Exchequer & Revenues and Head of Organisational Development
	(b) Advance payments of salaries, wages and allowances (excluding Member allowances) to be made in accordance with the Financial Regulations.	Deputy Director of Finance Exchequer & Revenues and Head of Organisational Development

	FUNCTION	AUTHORISED OFFICER
42.	<p><u>Representation of Council in Court</u></p> <p>To authorise appropriate staff to represent the Council in Court in respect of Sundry Income, Council Tax and Non-Domestic Rates debt.</p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services / Head of Revenues/Solicitor to the Council & Monitoring Officer.</p>
43.	<p><u>Government Initiatives</u></p> <p>Management of the Council's involvement In Government training initiatives.</p>	Head of Organisational Development
44.	<p>Determination of revised level of allowance paid to trainees under Government Training Programmes.</p>	Deputy Director of Finance Exchequer & Revenues in consultation with Head of Organisational Development
45.	<p>Authority to determine, the number of trainee places to be offered under Government Programmes within approved budget limits.</p>	Head of Organisational Development in consultation with appropriate Director in whose Directorate(s) trainees are to be placed
46.	<p><u>Health & Safety</u></p> <p>In respect of the Council's own premises and land, authority to instruct contractor(s) to cease work where it may constitute a risk to the health and safety of the public and/or employees or where there is a breach of a contractual requirement or statutory duty.</p>	Deputy Director Assets and Environment in consultation with Chief Executive and the appropriate Director
47.	<p><u>Write-offs</u></p> <p>In respect of all write-off's below £10,000.</p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p>
48.	<p><u>Housing & Council Tax Benefit</u></p> <p>To take all necessary action in the general administration, implementation and enforcement of the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 including the submission of returns, funding arrangements, and other such documents.</p>	Head of Benefits
49.	<p>To apply administration penalties and administer Cautions under current legislation in relation to Housing & Council Tax Benefit</p>	Head of Benefits

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	FUNCTION	AUTHORISED OFFICER
	<u>Council Tax</u>	
50.	Lodging of proposals by the Council for revision of existing bandings.	Corporate Director Resources Executive Director Corporate Services
51.	Determination of grant of rate rebates on non-Council properties.	
52.	(a) To discharge any of the functions imposed upon and capable of delegation to an Officer by the Borough Council, as a billing authority, by virtue of the Local Government Finance Act 1992 (as amended) in connection with the administration, billing collection and recovery of the Council Tax including: <ul style="list-style-type: none"> To give due notice of the agreed Council Tax in the manner provided by Section 38(2) of the 1992 Act. To apply when necessary for a summons against any Council Tax payer or non-domestic ratepayer on whom an account for the said tax or rate and arrears has been duly served and who has failed to pay the amounts due to take all subsequent necessary action to recover them promptly. To collect (and disperse from the relevant accounts) the Council Tax and National Non-Domestic Rate. 	Corporate Director Resources Executive Director Corporate Services Corporate Director Resources Executive Director Corporate Services Corporate Director Resources Executive Director Corporate Services
	(b) To impose or revoke penalties under the provisions of Schedule 3 of the Local Government Finance Act 1992 (as amended).	Corporate Director Resources Executive Director Corporate Services

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	FUNCTION	AUTHORISED OFFICER
	<p>(c) Arrangements for Officers to agree with any Council Tax payer an alternative payment to the standard scheme where it is considered that it is in the best interests of the Authority.</p> <p>(d) To determine applications for awards of Local Council Tax discount in cases of hardship and subject to a maximum award of the equivalent of 6 months Council Tax Payable. Appeals against awards to be determined by a Member Appeals Panel. <u>To consider any referenda received from persons regarding increases in Council Tax as provided in the Local Government Finance Act 1992 as amended</u></p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p> <p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p> <p><u>Executive Director Corporate Services</u></p>
53.	<p>To consider any grievances received from persons regarding:-</p> <p>(i) Any decision of the Authority that a dwelling is a chargeable dwelling or that he/she is a liable person in respect of such dwelling; or</p> <p>(ii) Any calculation made by the authority of an amount he/she is liable to pay in respect of the Council Tax.</p>	<p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p> <p>Corporate Director Resources<u>Executive Director</u> Corporate Services</p>

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(D) HOUSING AND HEALTH

	FUNCTION	AUTHORISED OFFICER
1.	<p><u>Consultation</u></p> <p>To consult and promote participation of tenants in service development.</p>	<p>Deputy Director Housing and Health Director Housing and Health</p>
2.	<p><u>Government Returns</u></p> <p>Complete H.I.P. returns annually in line with the agreed capital programme and strategy.</p>	<p>Deputy Director Housing and Health Director Housing and Health</p>
3.	<p><u>Tenants' Improvements</u></p> <p>Approval or refusal of applications from tenants to carry out external or internal improvements to Council accommodation subject to the Housing Act 1985 and subject to compliance with building regulations and planning requirements.</p>	<p>Deputy Director Housing and Health Director Housing and Health/ Deputy Director Assets and Environment</p>
4.	<p><u>Improvements to Sold Council Dwellings</u></p> <p>Approval or refusal of applications from owners of sold Council dwellings:-</p> <p>(a) To carry out internal improvements or external improvements not involving significant additions to the existing building.</p> <p>(b) To carry out significant external improvements.</p>	<p>Deputy Director Assets and Environment</p> <p>Deputy Director Housing and Health Director Housing and Health/ Deputy Director Assets and Environment</p> <p>Deputy Director Housing and Health Director Housing and Health/ Deputy Director Assets and Environment</p>

	FUNCTION	AUTHORISED OFFICER
	<u>Rents & Management Matters</u>	
5.	(a) Fixing of rents for properties on Council housing estates used for special purposes.	Corporate Director Resources Executive Director Corporate Services and Deputy Director Housing and Health Director Housing and Health
	(b) Payment of sums as approved to tenants in respect of their transfer from under-occupied housing of any type to smaller properties.	Head of Landlord Services Housing Operations Manager
	(c) To deal with tenant consultation in accordance with the Council's policy and current legislation.	Deputy Director Housing and Health Director Housing and Health
	(d) Payment of reasonable removal and reconnection of appliance expenses and a disturbance allowance (not exceeding the maximum approved from time to time), in appropriate cases to tenants who are requested to move by the Council, and where there is a management advantage to the Council in their moving.	Deputy Director Housing and Health Director Housing and Health
	(e) Service of Notice of Variation of Rent.	Deputy Director Housing and Health Director Housing and Health
	(f) Amendments to tenancy terms in accordance with the Council's policy.	Deputy Director Housing and Health Director Housing and Health in consultation with Solicitor to the Council
	(g) Fixing of standard charges for rechargeable repairs.	Housing Operations Manager Head of Landlord Services / Repairs Manager
	(h) Approval of applications for "three room scheme" of internal redecoration.	Housing Operations Manager Head of Landlord Services / Repairs Manager
	(i) Authorisation of refunds of undue expenditure, rent refunds and similar items (not the fault of the tenants) in appropriate circumstances; waiver of rents and charges in respect of temporary disruption of occupation or services; authority to waive or reduce the standard charge for bed and breakfast accommodation in cases of hardship.	Housing Operations Manager Head of Landlord Services

	(j) Authority to act on behalf of the Council in respect of the provisions of the Housing Act 1985 (amended), including powers to serve notice, powers of entry and inspection, survey and examination under sections 197, 395, 319 (1), 337 (1), 340(1) and elsewhere within the Act.	Housing Operations Manager <u>Head of Landlord Services</u>
	(k) Ordering of works of alteration within budget provision to Council properties to meet the needs of disabled persons.	Housing Operations Manager <u>Head of Landlord Services</u>
	(l) Issue of distress warrants for rent arrears.	Housing Operations Manager <u>Head of Landlord Services</u>
6.	<u>Homelessness</u> (a) To consider and deal with cases of permanent re-housing arising from the implementation of Part 7 of the 1996 Housing Act. as amended. (b) Determination of appeals against decisions in homelessness cases in accordance with approved policy guidelines. (c) Authorisation to give rent guarantees as part of the duty to provide advice and assistance and the prevention of homelessness. (d) To deal with the leasing of private sector properties in accordance with the Council's approved scheme.	Housing Advice Manager <u>Head of Housing Advice</u> Deputy Director Housing and Health Director Housing and Health/ Housing Advice Manager <u>Head of Housing Advice</u> Housing Advice Manager <u>Head of Housing Advice</u> Housing Advice Manager <u>Head of Housing Advice</u>

	FUNCTION	AUTHORISED OFFICER
7.	<p><u>Allocation Scheme</u></p> <p>(a) To deal with all matters in connection with (i) the allocation of housing accommodation in accordance with current legislation and the schemes of allocation adopted by the Council and (ii) applications for transfer and exchanges of accommodation.</p> <p>(b) To deal with all applications from tenants of the Council for alternative accommodation on non-housing needs grounds.</p> <p>(c) Re-housing of the tenants and their families in cases where Closing, Demolition and Clearance Orders are made.</p> <p>(d) Acceptance of service authorities' certificates of cessation of entitlement to occupy a service quarter in lieu of Court Order.</p> <p>(e) To amend or vary the designation as elderly persons dwellings, bed-sit bungalows and one bedroom flats which are not part of a sheltered complex.</p> <p>(f) Appeals on those matters referred to in (a) and (b) above.</p> <p>(g) To transfer tenants on management grounds.</p>	<p>Housing Operations Manager<u>Head of Landlord Services/Housing Advice</u> Manager<u>Head of Housing Advice</u></p> <p>Housing Operations Manager<u>Head of Landlord Services/Housing Advice</u> Manager<u>Head of Housing Advice</u></p> <p>Housing Operations Manager<u>Head of Landlord Services/Housing Advice</u> Manager<u>Head of Housing Advice</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Deputy Director Housing and Health<u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health<u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health<u>Director Housing and Health</u></p>
8.	<p><u>Provision of Council Housing in Special Cases</u></p> <p>(a) Within established policy deal with applications for priority housing on medical grounds, non-housing need grounds and emergency housing accommodation from persons who are homeless or threatened with eviction from their present accommodation.</p> <p>(b) Appeals on those matters referred to in 11 (a) above.</p>	<p>Housing Operations Manager<u>Head of Landlord Services/Housing Advice</u> Manager<u>Head of Housing Advice</u></p> <p>Deputy Director Housing and Health<u>Director Housing and Health</u></p>

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	FUNCTION	AUTHORISED OFFICER
9.	<p><u>Management of Council Housing</u></p> <p>To deal with:-</p> <p>(a) Applications for succession of tenancy within statutory right where the property is not under-occupied.</p> <p>(b) Applications for second succession or succession leading to under-occupation.</p> <p>(c) Applications for assignment of a tenancy.</p> <p>(d) Applications to sublet or part with possession of part of a property.</p> <p>(e) Application under the “right to approve”.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health <u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health <u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health <u>Director Housing and Health</u></p> <p>Deputy Director Housing and Health <u>Director Housing and Health</u></p>
<p>N.B. Appeals against the Officer decisions referred to in 11 and 12(i), (iii), (iv) and (v) shall be considered initially by the Deputy Director Housing and Health<u>Director Housing and Health</u>. There may be a further appeal to the Appeals Sub-Committee on referral by Officers or at the request of 3 Members.</p>		
10.	<p><u>Termination, Possession & Legal Proceedings</u></p> <p>(a) To sign and serve Notices of Seeking Possession for tenancy conditions.</p> <p>(b) To serve Notice to quit for unauthorised occupation or abandonment of tenancy and recover possession.</p> <p>(c) To authorise possession proceedings.</p> <p>(d) To authorise eviction proceedings.</p> <p>(e) Recovery of Court costs and associated fees from Possession Proceedings, and other legal action for breach of Tenancy Conditions.</p> <p>(f) Waiver of or partial claim for Court costs where reasonable.</p>	<p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p> <p>Housing Operations Manager<u>Head of Landlord Services</u></p>
	<u>Squatting</u>	

11.	To authorise recovery under the Criminal Law Act 1977.	Housing Operations Manager <u>Head of Landlord Services</u>
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	FUNCTION	AUTHORISED OFFICER
	<u>Sales of Housing</u>	
12.	Signature of TP1 and Right to Buy (RTB) forms in connection with Housing Act 1985.	Legal and Democratic Services Manager <u>Solicitor to the Council</u>
13.	In respect of sales under the Housing Act 1985, the Housing & Building Control Act 1984 and any voluntary sales scheme to:-	
	(a) Seek determination from the Secretary of State – appropriate cases, to serve Admission of the Right to Buy, authorise cases in pursuance of Sections 4(2) and 15(2) of the Housing Act 1985 and acceptance of statutory declarations;	Legal and Democratic Services Manager <u>Solicitor to the Council</u>
	(b) Approve and exercise discretions permitted in the Acts covering mortgages;	Legal and Democratic Services Manager <u>Solicitor to the Council</u>
	(c) Determine the parameters in respect of mortgage offers to be made in cases where a tenant has served a Notice requesting a shared equity lease;	Legal and Democratic Services Manager <u>Solicitor to the Council</u>
	(d) Grant of extension of time limits as permitted;	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
	(e) (i) Determine service charges in respect of leasehold sales and refunds in accordance with current legislation;	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
	(ii) To authorise refunds of undue expenditure on service charges and similar items (not the fault of leaseholders) in appropriate circumstances;	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
	(iii) To waive charges in respect of temporary disruption of occupation or services.	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
	(f) Carry out structural surveys as required.	Deputy Director Assets and Environment

	(g) Determine applications for the purchase of amenity areas and off-site garages by Right to Buy purchasers;	Deputy Director Assets and Environment
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	FUNCTION	AUTHORISED OFFICER
	<p>(h) To decide on applications for the Right to Buy from tenants of designated elderly persons' dwellings, in accordance with the legislation currently in force, ensuring that as far as possible the properties concerned are retained in the Council's housing stock;</p> <p>(i) Appeal against discretionary determinations.</p>	<p>Legal and Democratic Services Manager Solicitor to the Council</p> <p>Solicitor to the Council</p>
14.	<p><u>Tenants' Right to Repair</u></p> <p>(a) Authority to operate statutory schemes under Right to Repair legislation.</p> <p>(b) Authority to pay compensation for failure of the Council to carry out repairs in accordance with the Tenancy Agreement and current Landlord and Tenant legislation.</p>	<p>Housing Operations ManagerHead of Landlord Services</p> <p>Housing Operations ManagerHead of Landlord Services</p>
15.	<p><u>Harassment</u></p> <p>Investigation of complaints or alleged offences, under Landlord & Tenant Act 1962 and under the Protection from Eviction Act 1977.</p>	<p>Housing Operations ManagerHead of Landlord Services and Housing Advice ManagerHead of Housing Advice</p>
16.	<p>To determine applications for transfer from tenants suffering from harassment.</p>	<p>Housing Operations ManagerHead of Landlord Services</p>

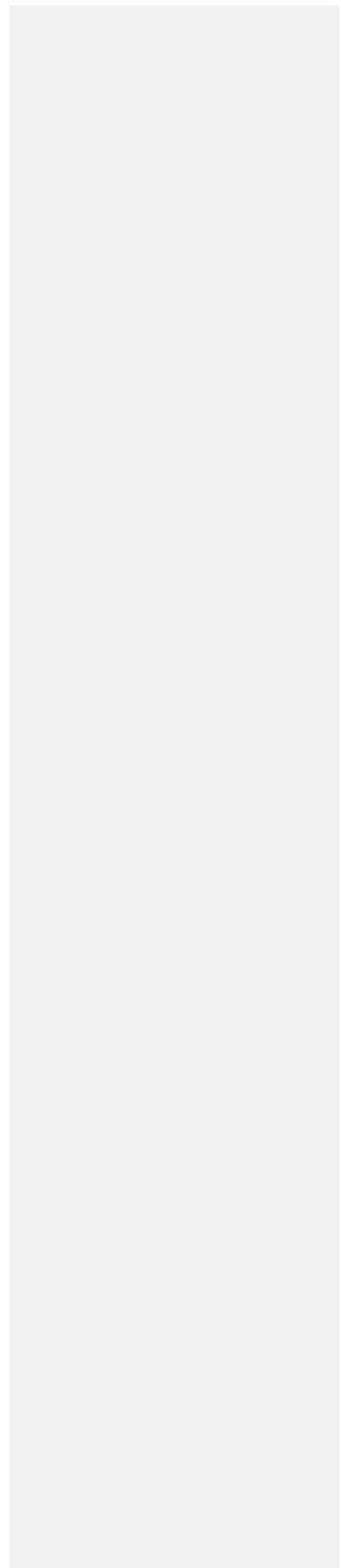
	FUNCTION	AUTHORISED OFFICER
17.	<p><u>Private Tenants – Restoration of Services Local Government (Miscellaneous Provisions) Act 1976/1982</u></p> <p>Section 33 (Assistance to private tenants in restoration or continuation of supply of water, gas or electricity).</p>	<p>Housing Advice Manager <u>Head of Housing Advice</u></p>
18.	<p><u>Private Sector Housing</u></p> <p>(a) To exercise all of the Council's powers and duties under the housing/public health statutes set out in Appendix 1 and any Regulations and Orders made thereunder:-</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u></p>
	<p>(b) To authorise suitably qualified Officers to exercise the various powers of entry for the purposes of inspection, survey etc. as provided for by the above-mentioned statutes.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u></p>
19.	<p><u>Authorised Signatories for Affordable Housing Funded Schemes</u></p> <p>(a) Authority to sign Local Authority Social Housing Grant applications, subject to available Capital Funding.</p> <p>(b) Authority to sign Housing Association Grants claims.</p> <p>(c) Authority to sign scheme work certifications.</p>	<p>Housing Strategy Manager <u>Head of Housing & Health Strategy</u></p> <p>Housing Strategy Manager <u>Head of Housing & Health Strategy</u></p> <p>Housing Strategy Manager <u>Head of Housing & Health Strategy</u></p>
20.	<p><u>Infill Housing Sites on Council Housing Estates</u></p> <p>Authority to approve sites before proceeding further.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u> and Deputy Director Assets and Environment</p>
21.	<p>Authority to dispose of surplus sites to Registered Social Landlords for provision of new affordable housing.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u> and Deputy Director Assets and Environment</p>

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	FUNCTION	AUTHORISED OFFICER
22.	<p><u>Demolition of Unfit Properties/Garage Sites</u></p> <p>Following completion of Compulsory Purchase Order to arrange for demolition of unfit housing or garage site in the interests of public safety and health and to seek to recover any expenditure as appropriate.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u> and Deputy Director Assets and Environment in consultation with Solicitor to the Council</p>
	<p>Public Health - Public Health Act 1936</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u> and Deputy Director Assets and Environment</p>
23.	<p>Incurring of expenditure in premises requiring emergency cleansing on a discretionary basis.</p>	<p>Deputy Director Housing & Health</p>
24.	<p>To set charges for individual alarm units that cover the actual cost of purchase by the Council.</p>	<p>Deputy Director Housing and Health <u>Director Housing and Health</u></p>

	FUNCTION	AUTHORISED OFFICER
25.	To waive the connection charge for individual alarm units provided by third parties and to vary this charge in response to market conditions for other subscribers.	Deputy Director Housing and Health Director Housing and Health

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(E) COMMUNITIES, PLANNING AND PARTNERSHIPS

<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p><u>Building Control</u></p> <p>Notices and action under Sections 16 and 18 of the Building Act 1984.</p> <p>Directions under Sections 8, 10, 15, 19, 20, 21, 24, 25, 30, 32, 33, 35, 36, 47, 72, 77, 78, 79, 80, 81, 95, 96 and 107 of the Building Act 1984.</p> <p>Notices and action under the Building Regulations 2000 and subsequent amendments thereto.</p> <p>To determine the scheme of charges to recover the costs in connection with the performance of the functions relating to building regulations as provided by the Building (Local authority Charges) Regulations 2010 and subsequent amendments thereto.</p>	<p>Deputy Director Communities Planning and Partnerships , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council <u>and South Staffordshire Council</u></p> <p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council</p> <p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council</p> <p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council in consultation with Deputy Director <u>of Finance</u> Exchequer & Revenues</p>
<p>5.</p>	<p><u>Clean Air – Height of Chimney</u></p> <p>Notices and action under Section 10 of the Clean Air Act 1956 (Height of Chimneys – for development control purposes).</p>	<p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager</p>
<p>6.</p>	<p><u>Scaffolding & Hoarding</u></p> <p>Issue of licences and appropriate actions under Section 169, 171 and 172 of the Highways Act 1980.</p>	<p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning &</u></p>

		<u>Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council
7.	<u>Party Wall Act 1996</u> Appointment of “third” surveyor under Section 10 of the Party Wall Act 1996.	Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager through Partnership Agreement with Lichfield District Council

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	FUNCTION	AUTHORISED OFFICER
8.	<p><u>Protection of Buildings during Demolition</u></p> <p>Action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager through Partnership Agreement with Lichfield District Council</p>
9.	<p><u>Uninspected Work</u></p> <p>Laying open uninspected work under Regulation 15 of the Building Regulations 2000.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager through Partnership Agreement with Lichfield District Council</p>
10.	<p><u>Development Control Functions</u></p> <p>The Development Control Functions set out in the Appendix 2 hereto.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>
11.	<p><u>Emergency Tree Works</u></p> <p>Action under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 in cases of emergency (including the institution of legal proceedings and prosecutions).</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>
12.	<p>The making and confirmation of orders under Sections 198 and 201 of the Town & Country Planning Act 1990 for the preservation of trees in the Borough (where no objections have been received) and issue of consents to the felling, topping, lopping, etc. of individual trees.</p>	<p>Head of Strategic Planning Head of Planning & Regeneration and Development/Development Control Manager</p>
13.	<p><u>Cable Television</u></p> <p>Response to consultations between The Cable Corporation and the Local Planning Authority regarding the proposed installation of cable television apparatus except for proposals relating to installations within conservation areas or affecting listed buildings or where it is considered an</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>

objection should be raised.

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	FUNCTION	AUTHORISED OFFICER
14.	<p><u>Advertising Boards</u></p> <p>Determination of applications for advertisement consent made in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in consultation with the Borough Secretary and Solicitor the powers in these Regulations relating to the discontinuance of deemed consent.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>
15.	<p><u>Demolition</u></p> <p>To determine whether the approval of the Council will be required to the method of the proposed demolition and any proposed restoration of the site.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>
16.	<p>To determine whether to approve the submission of subsequent details of demolition/restoration.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>
17.	<p><u>Town & Country Planning Act 1990 (as amended)</u></p> <p>(a) To issue & serve planning contravention notices under Section 171C of the Act and to consider any representations subsequently received.</p>	<p>Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager</p>

<p>(b) To authorise the issue and service of an Enforcement Notice, Stop Notice and Temporary Stop Notice under the Town & Country Planning Act 1990 where urgent action is required to protect the amenities of local residents and the surrounding area.</p>	<p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager</p>
<p>© To authorise the issue and service of an enforcement notice where operational development (i.e. building, engineering, mining or other operations) or an unauthorised change of use has occurred.</p>	<p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager</p>
<p>(d) To authorise the issue and service of a notice requiring the proper maintenance of land under Section 215 of the Town and Country Planning Act 1990.</p>	<p>Deputy Director Communities Planning and Partnerships <u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning <u>Head of Planning & Regeneration</u> and Development Control Manager</p>

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	FUNCTION	AUTHORISED OFFICER
	<p>(e) To authorise the raising and issuing of notices under the provisions of S.330 and S. 172 of the Town and Country Planning Act 1990 and/or S.16 of the Local Government (Miscellaneous) (Provisions) Act 1976 and the Local Government and Planning (Amendment) Act 1981 and Planning Contravention Notices under S.171c and 171d of the Town & Country Planning Act 1990.</p> <p>(f) Not to take enforcement action in those cases where it would be in expedient.</p>	<p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p> <p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p>
18.	<p><u>Planning & Compensation Act 1991</u></p> <p>To decide to decline to determine applications if he/she is satisfied that they fall within all provisions of Section 17 of the Act.</p>	<p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p>
19.	<p><u>Listed Buildings</u></p> <p>To take urgent action in respect of Listed Buildings and Conservation Areas under the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.</p>	<p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p>
20.	<p><u>Planning Briefs</u></p> <p>Approval of planning briefs in accordance with planning policy.</p>	<p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p>
	Street Naming and Numbering	
21.	<p>Towns Improvement Clauses Act 1847, Public Health Acts Amendment Act 1907 and Public Health Act 1925</p> <p>Numbering and re-numbering of premises in streets.</p>	<p>Deputy Director Communities Planning and Partnerships<u>Director Communities, Planning & Partnerships</u> , Head of Strategic Planning<u>Head of Planning & Regeneration</u> and Development Control Manager</p>

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	FUNCTION	AUTHORISED OFFICER
22.	Allocation of new street names <u>Planning Act 2008</u> <u>Community Infrastructure Levy-</u>	Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships , Head of Strategic Planning Head of Planning & Regeneration and Development Control Manager

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(F) ASSETS AND ENVIRONMENT

	<u>FUNCTION</u>	<u>AUTHORISED OFFICER</u>
	<u>Highways & Transportation Services – Regulatory Functions</u>	
1	The Highway & Transportation functions set out in <u>Appendix 3</u> .	Deputy Director Assets and Environment
2	To enforce the provisions of the Highways Act 1980 that relate to enviro-crime, nuisance parking and nuisance where applicable to the Borough Council.	Deputy Director Assets and Environment

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	FUNCTION	AUTHORISED OFFICER
3.	Authority to remove and/or obliterate all unauthorised signs and free standing advertisement boards on or projecting over highway or Council land; charge for their return and following warning to the owners, destroy any signs not collected within 21 days and instigate legal proceedings against persistent offenders as necessary. [Sections 224 and 225 Town and Country Planning Act 1990]	Deputy Director Assets and Environment
4.	Position of litter bins.	Deputy Director Assets & Environment Director Assets & Environment
5.	Selection of sites for and planting of street trees within approved estimates.	Deputy Director Assets & Environment Director Assets & Environment
	<u>Permits</u>	
6.	Issue of permits for vehicles to enter the High Street in accordance with the terms of the Traffic Order(s).	Deputy Director Assets & Environment Director Assets & Environment
7.	To exercise the Council's powers under the Road Traffic Regulations (Special Events) Act 1994 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a relevant event where the Solicitor to the Council considers an order under the Town Police Clauses Act 1847 is inappropriate.	The relevant Director in consultation with the Solicitor to the Council.
	<u>Hackney Carriages & Private Hire Vehicles</u>	
8.	(a) Substitution of vehicles under existing Hackney Carriages and Private Hire Licences.	Deputy Director Assets & Environment Director Assets & Environment
	(b) Transfer of ownership of Hackney Carriages and Private Hire Vehicles.	

	FUNCTION	AUTHORISED OFFICER
	(c) The grant or renewal of Hackney Carriage Drivers and Private Hire Vehicles, Operators and Driver's Licences (except when drivers have convictions) in accordance with guidelines laid down.	

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	<u>Allotments</u>	
9j.	Decisions on requests from allotment associations for permission to erect additional storage accommodation at their own expense for member's use, subject to compliance with planning legislation.	Deputy Director Assets and Environment
1p.	Routine management of allotment plots in accordance with Smallholdings and Allotments Act 1908 and Allotments Act 1922.	Deputy Director Assets and Environment
	<u>Cemetery & Crematorium</u>	
11.	Management of the Cemetery and Crematorium in accordance with Cemetery and Crematorium Rules and appropriate statutory provisions.	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
	<u>Commercial Transport</u>	
12.	Appointed Licence holder for any commercial transport for the Council	Deputy Director Assets & Environment <u>Director Assets & Environment</u>

(G) MISCELLANEOUS

1.	<u>Emergency Planning</u> All matters relating to the preparation, production, maintenance and implementation of the Council's Emergency Peacetime and Civil Defence Plans.	Corporate Information Security Manager
2.	<u>Public Transport</u> To exercise the power of the Council under Section 7 of the Transport Act 1985 to request the Traffic Commission to make, vary or revoke Traffic Regulation conditions affecting local services or to hold an inquiry prior to determination of such conditions.	Deputy Director Assets & Environment Director Assets & Environment Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships
3.	To enter into public transport service subsidy agreements under the Transport Act 1985 where they are exempted from the tendering requirements in that Act.	Deputy Director Assets & Environment Director Assets & Environment Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships
4.	To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges thereof, where it is anticipated that extra Council expenditure would result, and to pursue objections before the Transport Users Consultative Committee.	Deputy Director Assets & Environment Director Assets & Environment Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships
5.	To serve a 42 day Notice of Deregulation	
6.	<u>Stopping Up</u> To exercise the powers of the Highway Authority to stop up or divert the highway or private access to the highway under the Highways Act 1980 and the Town and Country Planning Act 1990 (if applicable) and to undertake all necessary legal procedures in connection therewith.	Deputy Director Assets & Environment Director Assets & Environment Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships
7.	<u>Traffic Regulation Orders</u> To consider objections to proposed Traffic Regulation Orders and formal notices to other traffic management matters including traffic calming measures and Public Rights of Way and to authorise the making of the necessary orders with or without modification or to refer	Deputy Director Assets & Environment Director Assets & Environment Deputy Director Communities Planning and Partnerships Director Communities, Planning & Partnerships

	to the Cabinet as appropriate.	
8.	<p><u>Formal Cautions</u></p> <p>To issue formal cautions with respect to Environmental Health, Community Safety, Licensing and Registration functions (to meet current Home Office requirements) on behalf of the Council. To delegate authority to suitably qualified officers to issue cautions.</p>	<p>Deputy Director Assets & Environment <u>Director Assets & Environment</u>/ Deputy Director Communities, Planning & Partnerships or as appropriate and/or Deputy Director Housing and Health <u>Director Housing and Health</u></p>
9.	<p><u>Public Health Acts (Amendment) Act 1907</u></p> <p>Authority to act on behalf of the Council in respect of the provisions of the Public Health Acts (Amendment) Act 1907.</p>	Appropriate Director
10.	Wildlife and Countryside Act 1981	Appropriate Director
11.	Guard Dogs Act 1975 (as amended)	Appropriate Director
12.	Authority to act on behalf of the Council in respect of the provisions of Section 2 of the Local Government Act 2000 (the Wellbeing Power).	Appropriate Director
13.	<p><u>Information and Communication Technology</u></p> <p>To enter into contracts for the provision of information technology systems</p>	Appropriate Director in consultation with the Assistant Director <u>Business Processes Technology & Corporate Programmes</u>

APPENDIX 1

HOUSING & PUBLIC HEALTH

PRIVATE SECTOR HOUSING FUNCTIONS

The power and duties of the Council contained in the following Acts of Parliament are delegated to the ~~Deputy Director Housing and Health~~ Director Housing and Health to the extent set out in the right-hand column:-

<u>ACT</u>	<u>EXTENT OF DELEGATION (Parts or Sections)</u>
<u>Housing Act 1985 (as amended)</u>	Part VIII Area Improvement (except declaration of Neighbourhood Renewal Area) Part IX Slum Clearance (except declaration of Clearance Area).
<u>Housing Grants, Construction & Regeneration Act 1996</u>	Mandatory Grants to help with disabled facilities.
The Regulatory Reform (Housing Assistance) Order 2002	Policy for grants etc. for renewal of Private Sector Housing and Provision of discretionary disabled facilities grants. DFG's and HRA grants are carried out by property services who are under the Deputy Director Assets and Environment. Private Sector Housing undertake empty property grants so will need these delegations but they must also be put in appendix 3.
<u>Public Health Act 1936</u>	Sections 45, 50, 83, 84, 268 and 269
<u>Prevention of Damage by Pests Act 1949</u>	Sections 4, 5, 6 & 7
<u>Caravan Site & Control of Development Act 1960</u>	Conditional licensing of caravan sites, subject to current planning permission, including approval to transfer licences and stationing of caravans.
<u>Public Health Act 1961 (as amended)</u>	Sections 17 and 34.

ACT	EXTENT OF DELEGATION (Parts or Sections)
<u>Housing Act 2004</u>	Part I – Enforcement of housing conditions Part II – Licensing of houses in Multiple Occupation Part III – Selective licensing of other residential accommodation Part IV – Additional control provisions in relation to residential accommodation (interim and final management orders in HMOs and empty dwellings), Overcrowding and supplementary provisions. Part VI other provisions about housing – secure tenancies /rights to buy, mobile homes, overcrowding and other provisions. Part VII – supplementary and final provisions.
<u>Local Government (Miscellaneous Provisions) Act 1976</u>	Section 16, 29 & 35
<u>Local Government (Miscellaneous Provisions) Act 1982</u>	Sections 27, 29, 30 31 & 32.
<u>Building Act 1984</u>	Sections 59, 60, 64, 76, 79.
<u>Environmental Protection Act 1990</u>	Part III Statutory Notices

APPENDIX 2

DEVELOPMENT CONTROL FUNCTIONS

The following functions are delegated to the Director Communities, Planning & Partnerships/Head of Planning Head of Strategic Planning and Regeneration Planning and Development/Deputy Director Community Partnership Development Control Manager -and-Planning subject to any conditions set out below:-

1. Power to determine applications for certificates under Section whether planning permission is needed under Section 64 191 and 192 of the Town and Country Planning Act 1990 Planning & Compensation Act 1991.
2. Directions requiring further details, information, evidence or particulars in respect of an application for planning permission pursuant to Article 34(2) of the Town & Country Planning General (Development Management Procedure) (England) Order 2010.
3. Decisions under the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 as to:-
 - (a) whether or not an environmental impact assessment is needed;

aAnd

 - (b) the main effects of a development which an Environmental Statement should cover
4. Determination of all applications for planning permission, listed buildings, conservation area and advertisement consents -(except for major developments ++) under the relevant Acts within the constraints set out below:-
 - (a) Approval of applications which comply with existing approved statutory statements of policy and substantially comply with non-statutory policy guidelines.
 - (b) Refusal of applications which do not comply with existing approved statutory and non-statutory statements of policy.

[++ defined as

 - 1 Development of 10 or more dwellings (0.5 hectare where no numbers are given)
 - 2 Development of buildings of 1,000 square metres floorspace or development on sites of 1 hectare or more
5. Power to decline to determine retrospective applications for planning permission under section 70C of the Town and Country Planning Act 1990.
6. In consultation with the Solicitor to the Council, authority to enter into planning agreement obligations s-under Section 106 of the Town & Country Planning Act 1990 in cases where in all other respects the application falls within this Scheme of Delegation.

67. To deal with the administration of all aspects of development control matters including:
- (a) consultation with appropriate bodies and persons in accordance with national legislation and council policy
 - (b) the wording of planning ~~obligat~~conditions, planning obligations, policy reasons for approval and reasons for refusal
 - (c) preparation and signature of decision notices in respect of planning applications, listed building, conservation and advertisement consents
 - (d) the approval of or refusal to accept minor variations to submitted plans, Planning permissions, listed building consents, conservation area consents and advertisement consents
 - (e) preparation and presentation of the Councils case in the event that a planning decision made by the Council, either by the Planning Committee or through the use of delegated powers is challenged by means of an appeal
87. Determination of applications deferred by the Planning Committee which are subsequently amended such that they comply with the provisions of 44(a) above, unless the Committee specifically reserves the determination to itself.
9. Determination of applications for variation of conditions under Section 73 of the Town & Country Planning Act 1990.
10. Determination of applications or discharge of conditions under Section 30 of the Town & Country Planning (Development Management Procedure) (England) Order 2010.
118. Determination of applications to extend the time limits on Planning Permissions made in accordance with the Town and Country Planning (General Development) Procedure (Amendment No 3) (England) Order 2009.
129. Determination of applications made pursuant to Section 96A of the Town and Country Planning for non material changes to planning permission in accordance with the Town and Country Planning (General Development) Procedure (Amendment No 3) (England) Order 2009.
103. Determination of applications for prior notification relating to agricultural development pursuant to Part 6 of Schedule 2 of the Town and Country Planning General Development Order 1995.
144. Determination of applications for prior notification relating to telecommunications development pursuant to Part 24 of Schedule 2 of the Town and Country Planning General Development Order 1995.
125. Determination of applications for the prior notification relating to the demolition of buildings pursuant to Part 31 of Schedule 2 of the Town and Country Planning General Development Order 1995

136. To make and confirm Tree Preservation Orders.

147. Determination of applications for the felling, lopping or other works to trees within a Conservation Area or any trees which are subject to a Tree Preservation Order.

158. Determination of applications under the Anti Social Behaviour Act 2003 on respect of high hedges.

169. Determination of application for Hedgerow Removal Notices and Hedgerow Retention Notices under the Hedgerow Act 1997.

1720. In consultation with the Solicitor to the Council to issue.

- (a) stop notices and enforcement notices
- (b) building preservation notices
- (c) discontinuance notices in respect of advertisements
- (d) breach of condition notices
- (e) planning contravention notices
- (f) Section 215 notices in respect of untidy land and buildings
- (g) determine applications for Certificates of Lawful Use or development of Certificates of Lawfulness of Proposed Use or Development

1821. To withdraw or amend a Stop Notice, Enforcement Notice, Building Preservation Notice, Breach of Condition Notice, Planning Contravention Notice or Section 215 Notice when there has been a change in circumstances.

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1922. Preparation and approval of conservation area character assessments.

203. Matters of mutual interest referred to the Council by adjoining authorities or the County Council when the proposed development has no adverse affect on the planning policies operating within the Borough.

214. To comment on

- (a) proposals for the stopping up, diversion or creation of public footpaths
- (b) changes to existing overhead power lines
- (c) proposals for electricity sub stations
- (d) proposals to remove public payphones
- (e) proposals being carried out within the public highway by the Highway

225. Naming (and renaming) and numbering (and renumbering) of streets and all necessary consultation with the residents and statutory bodies in respect of this duty.

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| 236. To carry out relevant duties and functions imposed on the Council by the Crime & Disorder Act 1998 and to apply the requirements of sections 5-7 and 17 with reference to abandoned motor vehicles and any other matters relevant to the functions of Customer & Environmental Services.

Following the 2006 Act,

- The remit of the CDRP includes anti-social behaviour and the misuse of alcohol and other substances in addition to drugs
- Minimum standards have been introduced for CDRPs
- New provisions have been brought in to strengthen information sharing

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Conditions

Ward Members

The Head of ~~Strategic~~ Planning and ~~Regeneration/Development~~/Development Control Manager shall refer applications under Paragraph 14(a) and 14(b) above to the Planning Committee for determination ~~provided where~~ any Ward Member in which the Application Site is situated has:-

- (i) set out in writing to the Planning Case Officer the detailed planning issues/concerns which s/he has in respect of the Application ~~and~~
- (ii) s/he has had an official and formal discussion on such planning issues/concerns with the Development Control Manager and the issues/concerns remain unresolved. The Ward Member will be informed of the date of the meeting so that s/he can attend and speak in support of the referral.

Objections

The Head of ~~Strategic~~ Planning and ~~Regeneration/Development~~/Development ~~e~~Control Manager shall refer applications under Paragraph 4(a) and 4(b) above to the Planning Committee for determination in the event that ~~they consider that the application raises issues of considerable public interest a material planning objection has been received against the proposal and the objector has expressed a desire to make a verbal presentation to the Planning Committee.~~

Council Applications

In the case of Applications made by the Council paragraphs 14(a), ~~8, 9, 10, 14 and 16~~ shall apply unless ~~an objection has been substantive written objection has been received on material planning grounds received~~ against the proposal and if so the Application shall be referred to the Planning Committee for determination

Petitions

Petitions submitted in respect of Planning Applications shall be copied to the relevant Ward Members and normally dealt with by the Head of ~~Strategic~~ Planning and ~~Regeneration/Development~~/Development Control Manager and the ~~Governance Officer/Democratic Services~~ in accordance with ~~the Public Participation Scheme/Council Policy.~~

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Comment [m1]: Jane, not sure what the public participation scheme is?
What constitutes a petition?
Do we need this or can we remove?

APPENDIX 3

ENVIRONMENTAL HEALTH,

COMMUNITY SAFETY, LICENSING AND REGISTRATION FUNCTIONS.

The powers and duties of the Council contained in the following Acts of Parliament are delegated to the ~~Deputy Director Assets & Environment~~ Director Assets & Environment and to the extent set out in the right hand column.

<u>ACT</u>	<u>EXTENT OF DELEGATION</u> <u>(Parts or Sections)</u>
1. <u>Local Government (Miscellaneous Provisions) Acts 1976 and 1982:-</u>	<p>Powers under the following sections of the Local Government (Miscellaneous Provisions) Acts 1976 and 1982)</p> <ul style="list-style-type: none">(a) Securing of unoccupied premises against unauthorised entry or likely to be a danger to public health, as per Sections 29 and 30 of the Local Government (Miscellaneous Provisions) Act 1982.(b) Section 20 (Notice requiring provision of sanitary appliances at places of public entertainment) Local Government (Miscellaneous Provisions) Act 1976.(c) Section 35 (Power by notice to require removal of obstructions from private sewers) Local Government (Miscellaneous Provisions) Act 1976. <p>Service of notices requiring works to be carried out, carrying out of works in default and recovery of costs and expenses in connection therewith under Local Government (Miscellaneous Provisions) Act 1976 and 1982.</p>
2. <u>Registration and Licensing – Various Acts</u>	<p>Registration of persons and premises in respect of acupuncture, tattooing and electrolysis in accordance with sections 14 and 15 of the Local (Miscellaneous Provisions) Act 1982.</p> <p>Enforcement of Parts III and V of the Food Act 1984.</p> <p>Entry into premises where it is suspected that an offence is being committed in accordance with Section 17 of the Local Government (Miscellaneous) Provisions Act 1982.</p>

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<u>Act</u>	<u>Extent of Delegation</u>
3. <u>Licensing Act 2003</u>	<p>All powers under the Licensing Act 2003 which can be delegated to an officer relating to</p> <ul style="list-style-type: none"> (a) The determination of an application for a premises licence (b) The determination of an application for a provisional statement (c) The determination of an application to vary a premises licence (d) The determination of an application to vary a premises licence so as to specify a new premises supervisor (e) The determination of an application to transfer a premises licence (f) The determination of an application for review of premises licence (g) The determination of whether a club is established and conducted in good faith (h) The determination of an application for club premises certificate (i) The determination of an application to vary club premises certificate (j) The determination of an application for review of club premises certificate (k) The determination of an application by temporary event notice for a permitted temporary activity (l) The determination of an application for grant or renewal of personal licence (m) The authorisation of an officer as an "authorised person" for the purposes off the Act (n) The authorisation of an officer as an "authorised officer" for the purposes of the Act
4. <u>Gambling Act 2005</u>	<p>All powers under the Gambling Act are to be delegated to an officer relating to:</p> <ul style="list-style-type: none"> (a) The setting of fees (b) The determination of applications for a premises licence (c) The determination of an application to vary a premises licence (d) The determination of an application for a transfer of a premises licence (e) The determination of the Pre-Instatement of a premises licence (f) The determination of an application for a provisional statement (g) The determination of a Notification of Charge of a premises licence (h) The determination of an application for a club gaming/club machine permit (i) The determination of all other notifications and permits under the Act (j) The determination of an application for the registration of a Non Commercial Society Lottery (k) Cancellation of licensed premises gaming machine permits

<u>Act</u>	<u>Extent of Delegation</u>
	(l) Consideration of temporary and occasional use Notices (m) To exercise the role of Licensing Authority as the Responsible Authority under Part 8 of the Act, and when otherwise necessary
5. <u>Sex Establishment Licences - (Local Government (Miscellaneous Provisions) Act 1982)</u>	The Whole Act
6. <u>Street trading consent (except the fixing of fees for consents and the designation of consent or prohibited streets) (Local Government (Miscellaneous Provisions) Act 1982)</u>	The Whole Act
7. <u>Zoo Premises - (Zoo Licensing Act 1981)</u>	The Whole Act
8. <u>Riding Establishments - (Riding Establishments Acts 1964, 1970)</u>	The Whole Act
9. <u>Breeding of Dogs - (Breeding of Dogs Act 1973)</u>	The Whole Act
10. <u>House to House Collections - (House to House Collections Act 1939)</u>	The Whole Act
11. <u>Dangerous Wild Animals - (Dangerous Wild Animals Act 1976)</u>	The Whole Act
12. <u>Scrap Metal Dealers - (Scrap Metal Dealers Act 1964)</u>	The Whole Act
13. <u>Pets Shops Act 1951</u>	The Whole Act
14. <u>Motor Salvage Operators – (The Motor Salvage Operators Regulations 2002 and Vehicle (Crime) Act 2001)</u>	To accept and determine applications for registration as a Motor Salvage Operator
15. <u>Acupuncture, tattooing, Ear-Piercing, and Electrolysis – (Local Government Miscellaneous Provisions) Act 1982 as amended by The Local Government Act 2003</u>	To accept and determine applications for registrations as for Acupuncture, Tattooing, Ear-Piercing and Electrolysis
16. <u>Public Health Act 1936</u>	Section 42 (Alteration to drainage systems of premises) Section 45 (Notice to repair water closets) Section 48 (Power to examine & test drains believed to be defective.) Section 50 (Overflowing or leaking Cesspools)

<u>Act</u>	<u>Extent of Delegation</u>
	<p>Section 78 (Scavenging of common courts and passages)</p> <p>Section 79 (power to remove noxious matter)</p> <p>Section 83 (As amended) (Cleansing of filthy and/or verminous premises)</p> <p>Section 84 (Cleansing or destruction of filthy or verminous articles)</p> <p>Section 141 (Powers to deal with wells, tanks, cisterns etc.)</p> <p>Sections 259, 260 (Powers to deal with nuisances from ponds, pools ditches and watercourses etc)</p> <p>Section 268 (Powers to deal with nuisances from tents, vans etc.)</p>
17. <u>Public Health Act 1961</u>	<p>Section 17 (Drainage) as amended by Section 27 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>Section 34 (Accumulation of rubbish)</p> <p>Section 74 (Pigeons)</p>
18. <u>Public Health (Control Of Disease) Act 1984</u>	<p>Section 23 (Exclusion of children from places of entertainment)</p> <p>Section 24 (Control of infected articles)</p> <p>Section 25 (Library books)</p> <p>Section 26 (Infectious matter in dustbins)</p> <p>Section 28 (Prohibition of work on premises where notifiable diseases exist)</p> <p>Section 30 (Giving of notice to owners and occupiers of houses after the recent case of notifiable disease)</p> <p>Section 34 (Disinfection of public conveyance)</p> <p>Section 41 and 42 (Common lodging houses - notifiable disease)</p> <p>Section 46 (Burial and Cremation)</p> <p>Section 51 (Canal Boats)</p>

<u>Act</u>	<u>Extent of Delegation</u>
19. <u>Provisions of the Public Health (Infectious Disease) Regulations 1968, 1974 and 1976 and subsequent regulations made.</u>	The Whole Acts
20. <u>Prevention of Damage by Pests Act 1949</u>	Service of Notices, carrying out of works in default, recovery of reasonable expenses and exercise of powers relating to entry onto premises in accordance with Sections 4, 5, 6, 7 and 22.
21. <u>Building Act 1984</u>	<p>Section 59 (Drainage of buildings)</p> <p>Section 60 (Ventilation of soil pipes)</p> <p>Section 64 (Closets in buildings)</p> <p>Section 65 (Sanitary conveniences in workplaces)</p> <p>Section 70 (Food storage accommodation)</p> <p>Section 76 (Defective Premises)</p> <p>Section 79 Ruinous and dilapidated buildings and neglected sites.</p>
22. <u>Refuse Disposal (Amenity) Act 1978</u>	The Whole Act
23. <u>Performing Animals (Regulation) Act 1925</u>	The Whole Act
24. <u>Food Safety Act 1990</u>	The Whole Act
25. <u>Health and Safety Legislation</u>	Authority to act on behalf of the Council in respect of the provisions of the Health and Safety at Work etc Act 1974, the Offices, Shops and Railway Premises Act 1963 and relevant codes of practice, regulations and guidance made under these acts.

<u>Act</u>	<u>Extent of Delegation</u>
<p>26. <u>Public Health Act 1961 – Section 73</u></p> <p>27. <u>Petroleum (Regulation) Acts 1928 and 1936</u></p> <p>28. <u>Petroleum (Consolidation) Act 1928</u></p> <p>29. <u>Petroleum (Transfer of Licences) Act 1936</u></p> <p>30. <u>Sunday Trading Act 1994</u></p> <p>31. <u>Safety of Sports Grounds Act 1975</u></p> <p>32. <u>Hypnotism Act 1952</u></p> <p>33. <u>Animal Welfare Legislation</u></p>	<p>Under the Health and Safety at Work etc Act 1974 Authority to issue instruments in writing to suitably qualified persons to act as 'Inspector' Sections 20(2), 21, 22, 25 and 39.</p> <p>Under Section 19 of the above act, authority to issue instruments in writing to suitably qualified persons to act as 'inspector' for the purposes of the Health and Safety at Work etc Act 1974 and thus the Petroleum (Regulations) Acts 1928 and 1936, Petroleum Consolidation Act 1928 and appropriate associated legislation.</p> <p>Authority to serve notice under section 73 to require the occupier of a premise on which a fixed tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose 'to take all such steps as may be reasonably necessary to prevent danger from that container'.</p> <p>Authority to appoint and/or authorise a suitably qualified officer for the purposes of Section 73 (2), (3), (4).</p> <p>Authority to act on behalf of the Council in respect of the provisions of the Petroleum (Regulation) Acts 1928 and 1936.</p> <p>Sections 1 & 2 - Authority to issue or refuse licences, with appropriate conditions for the keeping of petroleum spirit.</p> <p>Authority to transfer licences for the keeping of petroleum spirit, by endorsement of the licence or otherwise.</p> <p>The Whole Act</p> <p>The Whole Act</p> <p>The Whole Act</p> <p>The powers and functions of the Council in connection with the receipt and determination of applications and consideration of reports by Veterinary Surgeons and Practitioners, relating to the issue of licences and to approve arrangements for the retention of Veterinary Surgeons or practitioners under:-</p> <p>The Riding Establishments Act 1964 and 1970</p>

<u>Act</u>	<u>Extent of Delegation</u>
	<p>The Pet Animals Act 1951 The Animal Boarding Establishments Act 1963 The Breeding of Dogs Act 1973 The Dangerous Wild Animals Act 1976 The Zoo Licensing Act 1981.</p> <p>The negotiation and agreement in respect of fees under the Animal Welfare Acts (subject to fees proposed, not exceeding those recommended by the British Veterinary Association or prescribed by DEFRA).</p>
34. <u>Water Act 1989, Water Industry Act 1991</u>	Authority to act on behalf of the Council in relation to the controls and duties over public and private water supplies under the terms of the above acts.
35. <u>Caravan Sites & Control Of Development Act 1960</u>	The Whole Act
36. <u>Scrap Metal Dealers Act 1964</u>	<p>(i) The powers and duties of the Council under Section 3 regarding the issue of Exemption Orders (where no special considerations arise).</p> <p>(ii) Authorisation to enter land and ascertain if the premises are being used contrary to the Scrap Metal Dealers Act 1964.</p>
37. <u>Control of Asbestos Regulations 2006</u>	Authority to determine notifications received under Regulation 9 of the Control of Asbestos Regulations 2006 and to agree the commencement of work before the end of the 14-day notification period.
38. <u>Environmental Protection Act 1990</u>	<p>The powers and duties of the Council under Parts I, II, IIa, III, IV, VIII, IX of the Environmental Protection Act 1990.</p> <p>Authority to serve relevant notices under the provisions of part IIa of the Act in respect of contaminated land and the declaration of land as contaminated.</p> <p>Authority to appoint suitably qualified persons to act as authorised Officers/Inspectors for the purposes of the provisions of parts I, II, IIa, III, IV, VIII, IX.</p> <p>Compliance with the Council's Duty of Care in respect of waste (Section 34).</p> <p>Compliance with the Council's Duty to keep land and highways clear of litter etc. (Section 89).</p> <p>Compliance with the Council's duties under section 45 and 48 in respect of collection and disposal of household waste.</p>
39. <u>Food & Environment Protection Act 1985 (Part III) and the Control of Pesticides Regulations 1986</u>	To enforce relevant provisions of the above legislation.
40. <u>Environment Act 1995</u>	<p>To exercise the functions and duties of the Council in respect of air quality management and contaminated land management.</p> <p>Authority to appoint and/or authorise suitably qualified persons in writing to exercise the powers</p>

<u>Act</u>	<u>Extent of Delegation</u>
	under Section 108 – Powers of enforcing authorities and persons authorised by them and Section 109 – Power to deal with imminent danger of serious pollution etc.
41. <u>Dangerous Dogs Act 1991</u>	The Whole Act.
42. <u>Noise & Statutory Nuisance Act 1993</u>	To carry out relevant statutory functions for the purposes of this Act, in respect of vehicles, machinery and equipment noise on the highway.
43. <u>Control of Pollution Act 1974</u>	Parts III and V of the Act
44. <u>Clean Air Act 1993</u>	The Whole Act
45. <u>Dogs (Fouling on Land) Act 1996</u>	The Whole Act
46. <u>Noise Act 1996</u>	The Whole Act
47. <u>Transport Act 1968</u>	Part V – to make representation on behalf of the Council to the licensing authorities in connection with the revocation, suspension or curtailment of operation licences in appropriate circumstances.
48. <u>Animal Health</u> Dogs Act 1906 Protection of Animals Act 1911 Dogs (Amendment) Act 1928 Protection of Animals (Amendment) Act 1954 Protection of Animals (Anaesthetics) Act 1954 Abandonment of Animals Act 1960 Agriculture (Miscellaneous Provisions) Act 1968 Animal Health Act 1981 Animal Health and Welfare Act 1984 Protection of Animals (Penalties) Act 1987 Protection of Animals (Amendment) Act 1988 Protection Against Cruel Tethering Act 1988 Dangerous Dogs Act 1989 Welfare of Animals at Slaughter Act 1991 Animal Health Act 2002 Animal Welfare Act 2006	As applicable to Borough Council

<u>Act</u>	<u>Extent of Delegation</u>
<p>49. <u>Company Law</u></p> <p>Companies Act 1985 & 2006 Companies Consolidation (Consequential Provisions) Act 1985 Business Names Act 1985 Insolvency Act 1986 Company Directors Disqualification Act 1986</p> <p>50. <u>Consumer Credit</u></p> <p>Administration of Justice Act 1970 Consumer Credit Act 1974 & 2006 Law of Property (Miscellaneous Provisions) Act 1989</p> <p>51. <u>Consumer Protection</u></p> <p>Consumer Protection Act 1987 Motor Vehicles (Safety Equipment for Children) Act 1991</p> <p>52. <u>Control of Pollution</u></p> <p>Control of Pollution Act 1974 Environmental Protection Act 1990 Clean Air Act 1993</p> <p>53. <u>Copyright</u></p> <p>Registered Designs Act 1949 Patents, Designs and Marks Act 1986 Copyright, Designs and Patents Act 1988 Broadcasting Act 1990 Trade Marks Act 1994 Olympic Symbol etc (Protection) Act 1995 Copyright, Designs, Patents and Trade Marks Act 2002 Patents Act 2004</p> <p>54. <u>Explosives</u></p> <p>Explosives Act 1875 Explosives Act 1923 Fireworks Act 1951 Fireworks Act 1964 Explosives (Age of Purchase) Act 1976 Fireworks (Safety) Regulations 1987 Package Travel, Package Holiday and Package Tours Regulations 1992 Fireworks Act 2003 Fireworks Regulations 2004 Firework (Safety) (amendment) Regulations 2004 Manufacture and storage of Explosive Regulations 2005</p>	<p>As applicable to Borough Council</p>

<u>Act</u>	<u>Extent of Delegation</u>
55. <u>Food and Environmental Protection</u> Food and Environment Protection Act 1985 Pesticides (Fees and Enforcement) Act 1989 Scotch Whiskey Act 1988 Food Safety Act 1990 Food Labelling Regulations 1996 (as amended)	As applicable to Borough Council
56. <u>Hallmarking</u> Hallmarking Act 1973	
57. <u>Health and Safety</u> Health and Safety at Work etc Act 1974	
58. <u>Insurance Brokers</u> Insurance Brokers (Registration) Act 1977 Insurance Companies Act 1982	
59. <u>Medicines</u> Medicines Act 1968	
60. <u>Other Enforcement Legislation</u> Children and Young Persons Act 1933 Timeshare Act 1992 Violent Crimes Reduction Act 1984 Telecommunications Act 1984 National Lottery Act 1993 & 2006 Offensive Weapons Act 1996 Children & Young Persons (Protection from Tobacco) Act 1991 Tobacco Advertising & Promotion Act 2002 Customs & Excise Management Act 1979 Sale of Goods Act 1979 (as amended) Development of Tourism Act 1969 Licensing Acts 1964 & 2003 Cancer Act 1939 Accommodation Agencies Act 1953 Trading Representations (Disabled Persons) Act 1958 Theft Act 1968 Trading Representations (Disabled Persons) Act 1972 Employment Agencies Act 1973	
61. <u>Road Traffic</u> Vehicles (Excise) Act 1971 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic (Consequential Provisions) Act 1988 Road Traffic Act 1988 Road Traffic Offenders Act 1988 Road Traffic Act 1991	As applicable to Borough Council

<u>Act</u>	<u>Extent of Delegation</u>
62. <u>Telecommunications</u> Telecommunications Act 1984	
63. <u>Trade Descriptions</u> Trade Descriptions Act 1968 Property Misdescriptions Act 1991	
64. <u>Unsolicited Goods and Services</u> Unsolicited Goods and Services Act 1971 Unsolicited Goods and Services (Amendment) Act 1975	
65. <u>Video Recordings</u> Video Recording Act 1984 Video Recordings Act 1993	
66. <u>Weights and Measures</u> Weights and Measures etc. Act 1976 Merchant Shipping Act 1979 Weights and Measures Act 1985	
67. <u>Nationality, Immigration and Asylum Act 2002</u>	Performance and Management of Citizenship Ceremonies
68. <u>Refuse Disposal (Amenity) Act 1987 and the Vehicle Excise and Registration Act 1994</u>	To authorise the removal of untaxed vehicles on an adopted highway under the devolved powers scheme of the Driver and Vehicle Licensing Agency.
69. <u>Pollution Prevention Control Act 1999</u>	To carry out the relevant functions of the Council with respect to a Part A(2) Installation or mobile plant for the purpose of achieving a high level of protection of the environment by reducing emissions into the air, water and land. Authority to appoint suitable officers to exercise any such functions and conferring powers (such as those specified in Section 108 (4) of the Environment Act 1995) on persons so appointed.
70. <u>Anti-Social Behaviour Act 2003</u>	Authority to authorise an environmental health officer for the purpose of exercising a statutory function in relation to pollution of the environment of harm to human health under Section 40 – closure of noisy premises. Authority to authorise suitable officers in writing to issue fixed penalty notices for graffiti and flyposting under Section 43.
71. <u>Clean Neighbourhoods and Environment Act 2005</u>	Authority to authorise suitable officers for the purpose of exercising a statutory function with respect to Environmental Health, Community Safety, Licensing and Registration.

<u>Act</u>	<u>Extent of Delegation</u>
72. <u>Control of Pollution (Amendment) Act 1989</u>	Authority to authorise suitable officers to demand that a person produce his, or his employer's authority for transporting waste and to search any vehicle that is being, or has been used for transporting waste and to carry out tests on anything found and to take samples away for testing.
73. <u>Housing Grants, Construction & Regeneration Act 1996</u>	Mandatory Grants to help with disabled facilities.
74. <u>The Regulatory Reform (Housing Assistance) Order 2002</u>	<p>Policy for grants etc. for renewal of Private Sector Housing and Provision of discretionary disabled facilities grants.</p> <p>DFG's and HRA grants are carried out by property services who are under the Deputy-Director Assets and Environment. Private Sector Housing undertake empty property grants so will need these delegations but they must also be put in appendix 3.</p>
75. <u>Byelaws for Pleasure Grounds, Public Walks and Open Spaces 2004</u>	Full Byelaws
76. <u>Byelaws for Good Rule and Government 2004</u>	Full Byelaws

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APPENDIX 4

MISCELLANEOUS

The following functions are delegated to the Officer(s) named in the Authorised Officer column subject to any conditions set out below.

	FUNCTION	AUTHORISED OFFICER
	Public space for Events	Deputy Director Communities, Planning & Partnerships/ Sports Facilities Officer
1.	<u>Town Hall</u> Bookings of the Town Hall.	Democratic & Elections Services Adviser Head of Customer Services
2.	To determine appeals following the refusal of a booking of the Town Hall.	Appropriate Director
3.	<u>Opening Hours</u> Fixing of opening and closing dates of public buildings within control of the Council including bank and public holiday periods.	Appropriate Director
4.	<u>Museums and Archives</u> To determine the policy on the materials and records to be held in any archives maintained by the Council, other than those maintained for statutory or similar purposes.	Deputy Director Communities, Planning & Partnerships and Community & Leisure Manager/Heritage Service Manager
5.	<u>Lettings of Public Buildings and Parks</u> Arrangements for letting of public buildings/parks within control of Council to local and voluntary organisations for occasional use, in accordance with approved scales of charges and Council's general policies.	Appropriate Director
6.	General management of and authority to authorise bookings for non core activities.	Appropriate Director
7.	<u>Concessionary Charges for Public Buildings/Parks</u> Determination of applications for concessionary charges for use of public buildings/parks within control of Council. Within established policy.	Appropriate Director

	FUNCTION	AUTHORISED OFFICER
8.	<u>Child Protection</u> To exercise the functions of the Council in relation to its duties as necessary to decide whether action should be taken to safeguard or promote the welfare of vulnerable adults.	Solicitor to the Council and Deputy Director Communities, Planning and Partnerships

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PROPER OFFICER APPOINTMENTS

Various Acts of Parliament require certain statutory functions to be performed by an Officer specified by the council. It is open to each Council to decide which of its Officers should be designated as the “Proper Officer” for the particular function in question.

Where functions are delegated to specific named officers, the same powers and duties shall be exercised by any subsequent post which incorporates the relevant powers and duties of the post detailed below.

1. **ALL DIRECTORS**

<u>Act</u>	<u>Function</u>	<u>Deputy</u>
Local Government Act 1972 – Section 225(1)	Deposit of Documents	Appropriate Assistant Director.
Local Government (Access to Information) Act 1985, Section 100D(1)(a)	Compilation of lists of background papers in reports produced by them and production of the papers themselves.	Appropriate Assistant Director.

2. **CHIEF EXECUTIVE**

- (a) any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council;
- (b) any reference in any local statutory provision to the Clerk of a specified Council or the Town Clerk of a specified Borough which is to be construed as a reference to the Proper Officer of the Council;
- (c) any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the Council remains under a duty to perform the same or similar tasks;
- (d) the following provisions;
- (e) where a “Proper Officer” function has not been specified by the Council to an Officer then in default of such appointment the Chief Executive shall be deemed to be the “Proper Officer”.

In the Local Government Act 1972:

<u>Section</u>	<u>Function</u>	<u>Authorised Officer</u>
83	Witness and receipt of declarations of acceptance of office within 2 months of the day of election.	Chief Executive
84	Receipt of Resignation of Office.	Chief Executive
88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chair.	Chief Executive
89(1)(b)	Receipt of Notice of casual vacancy from two Local Government Electors.	Chief Executive
100 B (2)	Exclusion of confidential reports from copies of reports made open to inspection by public.	Chief Executive
100 B (2)	Circulation of reports and agenda.	Chief Executive
100 B (7)	Supply of papers to the Press.	Chief Executive
100 C (2)	Production of record of confidential proceedings (Minutes)	Chief Executive
100 F	Members' Right to Papers	Chief Executive
248	Keeping of Roll of Honorary Freemen	Chief Executive
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to the Proper Officer.	Chief Executive
Section 234 (1) and (2)	Authentication of documents	Chief Executive /Solicitor to the Council
Schedule 12, Paragraph 4(2)(b)	Signature of summonses to attend Council meetings.	Chief Executive

The Health and Safety at Work Act 1974

<u>Section</u>	<u>Function</u>	<u>Officer</u>
The Whole Act	Council Operations	Chief Executive

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In the Representation of the People Act 1983 and 1985

<u>Section</u>	<u>Function</u>	<u>Officer</u>
The Whole Act	To act as an Electoral Registration Officer	Deputy Chief Executive <u>Executive Director Corporate Services</u>
35	Returning Officer, Acting Returning Officer and Deputy Acting Returning Officer for Parliamentary, European, County, Borough & Parish Elections and National Referenda..	Deputy Chief Executive <u>Executive Director Corporate Services</u>
81	Receipt & Deposit of Election Expenses	Election Officer
82	Declarations as to Expenses	Election Officer
Schedule 2 Rule 50 Local Elections (Principal Areas)(England & Wales) Rules 2006	Receipt of Notice of Persons Elected	Election Officer
Schedule 2 Rules 52 & 54 Local Election (Principal Areas) (England & Wales) Rules 2006	Receipt, retention and disposal of election documents.	Election Officer

3. **SOLICITOR TO THE COUNCIL**

In the Local Government Act 1972:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
229(5)	Certification of photographic copies of documents in legal proceedings.	Solicitor to the Council
236(9)	Sending of copies of Bye-Laws as required	Solicitor to the Council
238	Certification of Bye-Laws.	Solicitor to the Council
Schedule 14 Para. 25(7)	Certification of Resolution for Legal Proceedings.	Solicitor to the Council

In the Local Land Charges Act 1975:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
The Whole Act	To act on Local Land Charges Register	Solicitor to the Council

4. **CORPORATE DIRECTOR RESOURCE EXECUTIVE DIRECTOR CORPORATE SERVICES**

- (a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972, to the Treasurer of a Council or the borough Treasurer of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council;
- (b) Any reference in any local statutory provision to the Treasurer of a specified Council or the Borough Treasurer of a specified Borough which is to be construed as a reference to the Proper Officer of the Council;
- (c) Any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the Council remains under a duty to perform the same or similar tasks.
- (d) The following provisions, namely:-

In the Local Government Act 1972:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
115 (2)	Receipt of money due from Officers	Corporate Director Resources Executive Director Corporate Services
146(1)(a) & (b)	Declaration and Certificates with regard to securities.	Corporate Director Resources Executive Director Corporate Services
151	Administration of the Council's financial affairs.	Corporate Director Resources Executive Director Corporate Services

In the Local Government Finance Act 1988:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
6	Officer responsible for financial administration of certain authorities.	Corporate Director Resources Executive Director Corporate Services
114	Reports on financial administration.	Corporate Director Resources Executive Director Corporate Services

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5. ASSISTANT DIRECTORS/HEADS OF SERVICE

In the Local Government Act 1972:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
8	<u>Relaxation</u>	Head of Strategic Planning and Development
10	Relaxation (Advertisement)	Head of Strategic Planning and Development
18	Passing Plans—Building over Sewers	Head of Strategic Planning and Development
32	Lapse of deposit of plans	Head of Strategic Planning and Development
36(1)	Removal or alteration of work in order to comply with Building Regulations	Head of Strategic Planning and Development
77	Dangerous Buildings & Structures.	Head of Strategic Planning and Development
78	Dangerous buildings and structures—Emergency measures.	Head of Strategic Planning and Development
191	Functions with respect to ordnance survey	Deputy Director Assets & Environment
Schedule 16- Para. 18	Receipt or deposit of lists of Protected Buildings	Head of Strategic Planning and Development

56. DEPUTY DIRECTOR ASSETS AND ENVIRONMENT

- (a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972, to the Chief Public Health Inspector of a Council or the Chief Public Health Inspector of a Borough which by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
- (b) Any reference in any local statutory provision to the Chief Public Health Inspector of a specified Council or the Chief Public Health Inspector of a specified Borough which is to be construed as a reference to the Proper Officer of the Council.
- (c) Any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the council remains under a duty to perform the same or similar tasks.
- (d) The following provisions, namely:

In the Public Health Act 1936:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
79	Power to require removal of noxious matter	Deputy Director Assets and Environment
84	Cleansing of disinfection of filthy or verminous articles.	Deputy Director Assets and Environment
85	Cleansing of verminous persons and their clothing.	Deputy Director Assets and Environment
343(1)	Definition – authorisation of officers of the local authority.	Deputy Director Assets and Environment

In the Public Health Act 1961:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
S. 17 (as amended by S.27 of the Local Government (Miscellaneous Provisions) Act 1982	Power to remedy stopped-up drains.	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
37	Prohibition of sale of verminous articles.	Deputy Director Assets & Environment <u>Director Assets & Environment</u>

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In the Public Health (Control of Diseases) Act 1984:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
11	Cases of notifiable disease and food poisoning to be reported.	Environmental Health Officer
18	Information to be furnished by occupier in case of notifiable disease or food poisoning.	Environmental Health Officer
20	Stopping work to prevent spread of disease.	Environmental Health Officer
21	Exclusion from school	Environmental Health Officer
22	Exclusion of children from places of entertainment or assembly.	Environmental Health Officer
24	Infected articles	Environmental Health Officer
29	Letting of house or room	Environmental Health Officer
31	Disinfection of premises.	Environmental Health Officer
32	Removal of person from infected house	Environmental Health Officer
59	Authentication of documents	Environmental Health Officer

In the Rent Act 1977:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
The Whole Act	<u>Exercise of functions under Part IV</u>	Deputy Director Housing and Health <u>Director Housing and Health</u>

In the Small Holdings & Allotments Act 1908:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
28	Making of rules for the regulation of allotments	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
30	Recovery of rent and possession of allotments	Deputy Director Assets & Environment <u>Director Assets & Environment</u>
1	Determination of tenancies of allotments	Deputy Director Assets & Environment <u>Director Assets & Environment</u>

In the Housing Act 1957:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
Part V	Service of Notices to Quit where rent is more than four weeks in arrears	Housing Operations Manager <u>Head of Landlord Services</u>

In the Caravan Sites Act 1968:

<u>Section</u>	<u>Function</u>	<u>Officer</u>
2	Service of Notices to Quit	Housing Operations Manager <u>Head of Landlord Services</u>

76. OTHER STATUTORY APPOINTMENTS

In the Local Government & Housing Act 1989:

<u>Section</u>	<u>Function</u>	<u>Designation</u>	<u>Deputy</u>
4	Head of Paid Service	Chief Executive	
5	Monitoring Officer	Solicitor to the Council	Deputy Chief Executive

In the Representation of the People Acts 1983 & 1985:

<u>Section</u>	<u>Function</u>	<u>Designation</u>	<u>Deputy</u>
35	Returning Officer	Deputy Chief Executive Executive Director Corporate Services	Chief Executive Solicitor to the Council (as appropriate)

In the Regulation of Investigatory Powers Act 2000

<u>Section</u>	<u>Function</u>	<u>Designation</u>	<u>Administrator</u>
28 & 29	Authorisation of covert surveillance and/or the use of covert human intelligence source <u>including applications for judicial approval where required</u>	Chief Executive/Deputy Chief Executive/Corporate Director Resources Executive Director Corporate Services/ Deputy Director Assets & Environment Director Communities, Planning & Partnerships	Solicitor to the Council

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