PART 3

RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS
OFFICER SCHEME OF DELEGATIONS

The purpose of this part of the Constitution is to bring together delegations to officers and roles and responsibilities of officers. Officers may be delegated to make decisions in respect of executive and non-executive matters.
TABLE 1

GENERAL DELEGATIONS TO ALL CHIEF OFFICERS

32. The Chief Officers referred to in this scheme of delegations are those set out in Article 6 of the Constitution.

33. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 7 of the Constitution.

34. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

35. In exercising their delegated powers Chief Officers may:

35.1 incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council;

35.2 in consultation, where appropriate, with the relevant Cabinet Portfolio Holder, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval;

35.3 deal with the following employment issues in accordance with the Council's procedures:
   35.3.1 engage, suspend, dismiss and deploy staff up to and including Head of Service level;
   35.3.2 take disciplinary action against staff up to but excluding appeals against dismissal;
   35.3.3 apply conditions of service in accordance with the Council's policies;
   35.3.4 permanently regrade posts up to and including Head of Service level with the approval of the Chief Executive;
   35.3.5 make establishment changes up to and including Head of Service level;
   35.3.6 deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter;

35.4 deploy other resources within their control;

35.5 within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules;

35.6 terminate contractual and other commissioning arrangements;

35.7 serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council;

35.8 exercise virement within the financial limits contained in the Financial Procedure Rules;

35.9 provide services to other local authorities and organisations;

35.10 respond to consultations from Government departments and other public bodies;

35.11 request the Monitoring Officer to enforce any bye-laws relevant to their service area.
36. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.

37. In exercising their delegated powers the Chief Officers will:
   37.1 consult the relevant Cabinet Portfolio Holder as appropriate;
   37.2 consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision;
   37.3 keep a formal record of the exercise of the delegated power and of the consultation undertaken in accordance with guidance issued by the Monitoring Officer;
   37.4 make the record available on request to:

   (a) the public, provided this does not mean the release of confidential or exempt information;
   (b) any member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled; and
   (c) the Chief Executive, S151 Officer and Monitoring Officer.

38. Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972:

   38.1 to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act);
   38.2 to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).

39. Chief Officers may authorise officers within their Service area to exercise powers delegated to them. Chief Officers must maintain proper records of such authorisation. The Chief Officer shall remain accountable for any action or decisions taken under that authority.

40. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken there under shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.

41. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Service Manager so far as permitted by law.

42. Where this Constitution permits the exercise of delegated powers by Service Managers, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.

43. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Cabinet or some other Council body.

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44. In consultation with the Chairman of the Audit and Governance Committee, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended) as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>£1,500</td>
</tr>
<tr>
<td>Directors</td>
<td>£1,000</td>
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<td>Finance Director</td>
<td>£500</td>
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<tr>
<td>Monitoring Officer</td>
<td>£250</td>
</tr>
<tr>
<td>Heads of Service</td>
<td>£500</td>
</tr>
</tbody>
</table>
TABLE 3

DELEGATIONS TO THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

(Please also see paragraphs 7-12 of Table 2)

1. **Executive Functions**

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Development and Environment is authorised to discharge any function of the Cabinet in relation to:

- 1.1 Economic Policy and Programmes;
- 1.2 Regeneration;
- 1.3 Transport Strategy;
- 1.4 Local Transport Planning;
- 1.5 Tourism;
- 1.6 Conservation, Landscape, Ecology and Biodiversity, Renewable Energy and Sustainability;
- 1.7 Clean Neighbourhoods and Environment;
- 1.8 Open Spaces, Parks and Recreation Grounds;
- 1.9 Public Health and Pest Control;
- 1.10 Street Cleansing;
- 1.11 Waste and Recycling;
- 1.12 Animal Welfare/Infectious Disease Control;
- 1.13 Burial and Cremation;
- 1.14 Land Charges;
- 1.15 Management of the Council’s Land and Property Assets.
- 1.16 Community Right to Bid
- 1.17 Markets
- 1.18 Community Safety

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Holder and will refer to the Cabinet for consideration and decision those matters directed by the said member.

2. **Specific and Non-Executive Delegations**

- 2.1 To review decisions made by the Head of Economic Development relating to the list of assets of community value.

- 2.2 To exercise all of the Council’s functions including registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the 2000 Regulations:
  - 2.2.1 performances of hypnotism;
  - 2.2.2 premises for acupuncture, tattooing, ear piercing and electrolysis;
  - 2.2.3 pleasure boats and pleasure vessels;
  - 2.2.5 night cafes and take-away food shops;
  - 2.2.6 sale of non-medicinal poisons;
  - 2.2.7 premises for the preparation of food including registration;
  - 2.2.8 scrap yards;
  - 2.2.9 pet shops and the breeding and boarding of dogs or other animals;
  - 2.2.10 animal trainers;
  - 2.2.11 knackers’ yards;
  - 2.2.12 charitable collections;

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2.2.13 operation of loudspeakers;
2.2.14 street works licences;
2.2.15 movement and sale of cattle and pigs;
2.2.16 storage of celluloid;
2.2.17 meat, fish, dairy and egg product establishments and butchers’ shops;
2.2.18 motor salvage operations;
2.2.19 health and safety at work;
2.2.20 smoke-free premises;
2.2.21 caravan and camping sites and moveable dwellings.

2.3 To exercise the Council’s functions in relation to:
2.3.1 the control of pollution and the management of air quality;
2.3.2 statutory nuisances, as referred to in Schedule 2 to the 2000 Regulations;
2.3.3 contaminated land;
2.3.4 the determination of applications for approval of drainage systems submitted pursuant to Schedule 3 of the Flood and Water Management Act 2010.

3. To exercise, in consultation with the Monitoring Officer the Council’s enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 1 to this Table and all relevant statutory provisions, as amended from time to time.

4. To authorise suitably qualified and competent staff and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 1 to this Table.

5. In consultation with the Monitoring Officer to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.

6. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 1 to this Table and in accordance with PACE and the Home Office Guidance.

7. To discharge the regulatory and enforcement functions of the Council under the legislation set out in Appendix 1 to the Table.

DELEGATIONS TO HEAD OF PLANNING

The following matters below are delegated to the Head of Planning:

8. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, Localism Act 2011 or under any related principal or secondary legislation, except the following:

8.1 those applications or notifications that any member of the Council requests be determined by the Planning Committee and on the grounds on which it warrants discussing consideration by the Planning Committee (Requests such must be made in writing to the Head of Planning Services specifying the material planning grounds on which the request is made and be received within 21 days of the publication of the weekly list whichever is the latter);
8.2 any application made by a member or officer of the Planning Department or relative or partner of such persons, or person who has been a member or officer of the Planning Department in the three years prior to making the application;

8.3 proposals recommended for approval (but not including applications for Reserved Matters, or variation of conditions, on a major application including material and amendments or applications for a non-material amendment) comprising:

(a) twenty or more dwellings (detailed and outline applications) except where the application is for a substitution of house types on a scheme already benefiting from an extant planning permission;

(b) commercial floor space of 52000 m² or more comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution);

8.4 applications which would otherwise be delegated but which the Head of Planning Services considers should come before the Committee;

8.5 those applications or notifications where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State;

8.6 any proposal involving the Borough Council either as applicant or landowner, either on its own or jointly with another individual or body.

9. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned above.

10. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008

11. To authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015

12. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements

13. To carry out all functions related to the enforcement of the planning legislation listed in Schedule 1 below except that the issue of all formal notices and requisitions for information must be jointly authorised by the Head of Legal Partnership/Monitoring Officer

14. To authorise the taking of prosecution action and the making of applications for injunctions and to instruct the Monitoring Officer, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning

15. To authorise the taking of default action under Sections 178, 215 & 219 of the Town and Country Planning Act 1990
To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.

9.1.15.1 To authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

9.2.15.2 To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements.


9.4.15.3 Authorise the taking of prosecution action applications for injunctions and to instruct the Monitoring Officer, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning.

9.5.15.4 Authorise the taking of default action under Sections 178, 215 & 219 of the Town and Country Planning Act 1990.

10. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 & Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.

11. Authorise the making, confirmation, revocation and variations of Tree Preservations Order (including emergency orders).

12. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).

13. Authorise individual named officers to exercise powers of entry contained in the following:

13.3. Planning (Hazardous Substances) Act 1990;
13.4. Building Act 1984;
13.5. Fire Safety and Safety of Places of Sport Act 1987;
13.9. Planning and Compensation Act 2004 (so far as is relevant);
14. or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.

14. To act under and in respect of:

14.1. Sections 16, 18 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
14.2. Sections 71 to 73 and 77 to 83, Building Act 1984;
14.3. Building Regulation 14 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings Issue 1 65 12 May 2010;

January 2015
15.21. **To accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with Part III, Fire Safety and Safety of Places of Sport Act 1987.**

16.22. **To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.**

17.23. **To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.**

18.24. **To obtain information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.**

**Schedule 1**

All functions concerning the Council’s role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder -

- PUBLIC HEALTH ACT 1925
- AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) ACT 1953
- TOWN AND COUNTRY PLANNING ACT 1959
- CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
- LAND COMPENSATION ACT 1961
- EUROPEAN COMMUNITIES ACT 1972
- ANCIENT MONUMENTS AND ARCHEOLOGICAL AREAS ACT 1979
- LOCAL GOVERNMENT PLANNING AND LAND ACT 1980
- COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981
- BUILDING ACT 1984
- PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
- PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
- TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
- PLANNING AND COMPENSATION ACT 1991
- ECCLESIASTICAL EXEMPTION (LISTED BUILDINGS AND CONSERVATION AREAS) ORDER 1994
- THE ENVIRONMENT ACT 1995
- HEDGEROWS REGULATIONS 1997
And the power contained in s.111 Local Government Act 1972 and s.2 of the Local Government Act 2000, so far as the use of such powers is incidental to the exercise of the functions of a Local Planning Authority under all the legislation listed above, subject to prevailing common law and statutory duties and obligations concerning the use of those powers (advice on this point can be obtained from the Head of Legal Partnership/Monitoring Officer).
<table>
<thead>
<tr>
<th>Act</th>
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<tr>
<td>Acquisition of Land Act 1981</td>
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<tr>
<td>Administration of Justice Act 1970</td>
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<td>Agriculture Act 1970</td>
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<td>Agriculture (Miscellaneous Provisions) Act 1968</td>
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<td>Agricultural Produce (Grading and Marking) Acts 1928 and 1931</td>
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<td>Animal Boarding Act 1963</td>
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<td>Animal Health Act 1981</td>
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<td>Animal Welfare Act 2006</td>
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<td>Anti-Social Behaviour Act 2003</td>
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<td>Breeding of Dogs Act 1971</td>
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<td>Breeding of Dogs Act 1991</td>
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<td>Breeding and Sale of Dogs (Welfare) Act 1999</td>
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<td>Building Act 1984</td>
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<td>Business Names Act 1985</td>
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<td>Burial Act 1853 and 1857</td>
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<td>Caravan Sites and Control of Development Act 1960</td>
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<td>Caravan Sites Act 1968</td>
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<td>Children and Young Persons (Protection from Tobacco) Acts 1933 and 1991</td>
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<td>Civic Amenities Act 1967</td>
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<td>Clean Air Act 1993</td>
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<td>Clean Neighbourhoods and Environment Act 2005</td>
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<td>Contaminants in Food (England) Regulations 2003</td>
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<td>Companies Act 1985</td>
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<td>Consumer Credit Act 1974</td>
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<td>Consumer Protection Act 1987</td>
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<td>Control of Pollution (Amendment) Act 1989</td>
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<td>Control of Pollution Act 1974</td>
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<td>Countryside and Rights of Way Act 2000</td>
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<td>Copyright, Design and Patents Act 1988</td>
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<td>Criminal Damage Act 1971</td>
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<td>Criminal Justice and Police Act 2001</td>
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<td>Criminal Justice and Public Order Act 1994</td>
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<td>Crime and Disorder Act 1998</td>
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<td>Dangerous Dogs Act 1991</td>
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<td>Dangerous Wild Animals Act 1976</td>
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<td>Development of Tourism Act 1969</td>
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<td>Directives and Regulations Dogs (Fouling of Land) Act 1996</td>
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<td>Education Reform Act 1988</td>
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<td>Electricity at Work Act 1989</td>
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<td>Employment of Women, Young Persons and Children Act 1920</td>
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<td>Energy Act 1976</td>
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<td>Environmental Protection Act 1990 and all associated EU Directives and Regulations</td>
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<td>Estate Agents Act 1979 European Communities Act 1972</td>
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<td>European Communities Act 1972</td>
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<tr>
<td>Farm and Garden Chemicals Act 1967</td>
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<td>Food Act 1984</td>
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Food Hygiene (England) Regulations 2006
Food and Environment Protection Act 1985
Food Safety Act 1990
Gambling Act 2005
Gas Safety (Installation and Use) Regulations 1998
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Highways Act 1980
Home Energy Conservation Act 1997
Home Safety Act 1961
Household Waste and Recycling Act 2003
House to House Collections Act 1939
Housing Act 2004
Inclosure Act 1857
Insurance Brokers (Registration) Act 1977
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Imported Food Regulations 1997
Land Compensation Act 1961
Land Drainage Act 1976
Land Drainage Act 1991
Land Drainage Act 1994
Licensing Act 2003
Litter Act 1983
Local Authorities Cemeteries Order 1977
Local Government Act 1972 and 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Transport Act 2008
Localism Act 2011
Medicines Act 1968
Mock Auctions Act 1961
Motor Vehicle Salvage Operators Regulations 2002
National Assistance Act 1948
New Roads and Street Works Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
Performing Animals (Regulation) Act 1925
Pesticides Act 1995
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951 and Amendment Act 1983
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning and Compensation Act 1991
Poisons Act 1972
Police, Factories, etc. (Miscellaneous Provisions) Act 1916
Police Reform Act 2002
Police Reform and Social Responsibility Act 2011
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975

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Products of Animal Origin (Import and Export) Regulations 1996, as amended
Property Misdescriptions Act 1991
Protection of Animals Act 1911 (as amended)
Public Health Act 1925 – Street Naming and Numbering Functions
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Railway Clauses Consolidation Act 1985
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic Offenders Act 1988
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Regulation Act 1984
Rights of Way Act 1991
Scrap Metal Dealers Act 1964 and 2013
Shops (early Closing Day) Act 1995
Slaughter of Poultry Act 1967
Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991
Slaughterhouse Licence (Forms and Records) Regulations 1959
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847 – Street Naming and Numbering Functions
Town Police Clauses Act 1847
Trade Descriptions Acts 1968 and 1972
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1958 and 1972
Trading Stamps Act 1964
Traffic Management Act 2004
Transport Act 1985, 2000 and 2006
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Warm Houses and Energy Conservation Act 2003
Waste Minimisation Act 1998
Water Industries Act 1991
Weights and Measures Act 1985
Wildlife and Countryside Act 1981
Young Persons (Employment) Acts 1938 and 1964
Zoo Licensing Act 1987

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