

PART 3

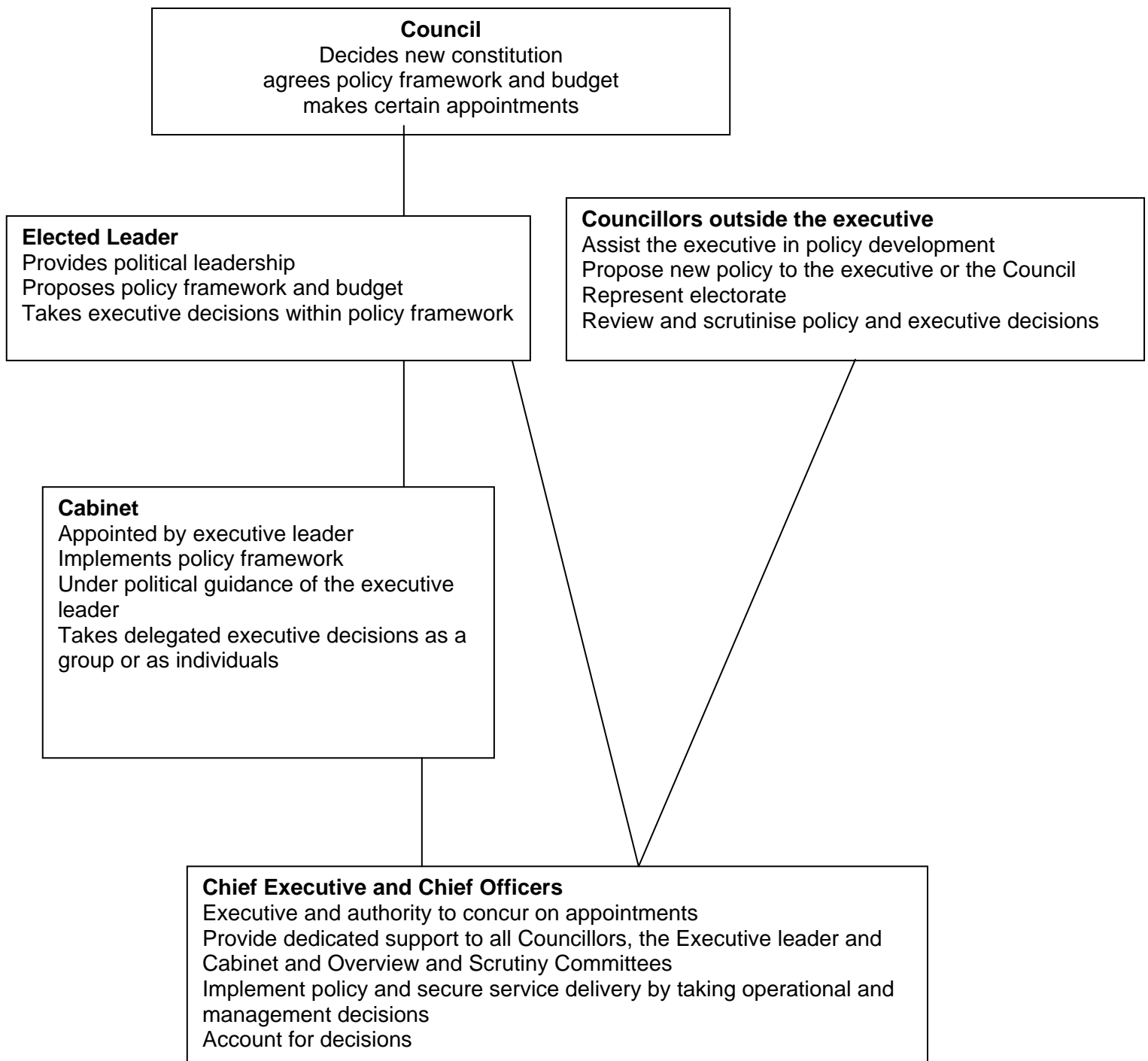
RESPONSIBILITY FOR FUNCTIONS

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RESPONSIBILITY FOR FUNCTIONS

1. The following pages set out the functions which may or may not be the responsibility of the Council's executive, in this case the Leader, the Cabinet and its members. These functions are contained in Schedules 1, 2, 3 and 4 of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000, as amended.
2. Schedule 1 sets out functions which cannot be the Cabinet's responsibility and which will be carried out by Full Council or a body or person to whom it delegates or refers power. The bodies concerned are set out in the schedule. Powers delegated to officers are referred to below.
3. Schedule 2 lists a series of functions which may be the responsibility of the executive, depending on the Council's wishes. The Council's decisions on which body should be allocated responsibility are shown in the schedule.
4. There are some functions which the Cabinet cannot deal with on its own. These are listed in paragraph 1 of Article 4 (Policy Framework). Insofar as it is permitted, these functions will be discharged by the Cabinet. It is Cabinet's responsibility to recommend policies within the Policy and Financial Framework to Council, having first consulted Overview and Scrutiny Committee and any other person it believes should be consulted. Once Council has adopted these policies, Cabinet will take decisions on day-to-day matters in accordance with those policies.
5. Schedule 3 deals with the main functions of the Cabinet. Figure 1 illustrates how the Council's Executive arrangements operate.
6. Schedule 4 of the Constitution sets out the Officer Scheme of Delegations. Delegated and Referred powers relating to executive functions and to functions exercised by bodies of the Council are contained in the relevant Articles set out in Part 2.
7. The schedules identified in paragraphs 2 to 6 above will be amended from time to time to reflect legislative and administrative changes. Such changes will be reported to Council by the Monitoring Officer for approval.

Schedule 3 - Figure 1



FUNCTIONS WHICH ARE NOT THE RESPONSIBILITY OF THE COUNCIL'S EXECUTIVE

The responsibility for the discharge of these functions is set out in the Articles to the Constitution and the Scheme of Delegation in Schedule 4

(1) Function	(2) Provision of Act or Statutory Instrument	(3) Council Body Responsible
A. Functions relating to town and country planning and development control		
Powers and duties relating to local development documents which are development plan documents	Sections 20 to 23 and 25,26 and 28 of the Planning and Compulsory Purchase Act 2004	Full Council
Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Act 2004, a local planning authority	Section 29 of the Planning and Compulsory Purchase Act 2004	Full Council
Power to agree to confer additional functions on a joint committee	Section 30 of the Planning and Compulsory Purchase Act 2004	Full Council
Power to request the dissolution of a joint committee	Section 31 of the Planning and Compulsory Act 2004	Full Council
1 Power to determine application for planning permission	Sections 70(1)(a) and (b) of the Town and Country Planning Act 1990 (c.8)	Development Control Committee
2 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and county Planning Act 1990	Development Control Committee
3 Power to grant planning permission for development already carried out	Section 73(A) of the Town and Country Planning Act 1990	Development Control Committee
4 Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990 (a)	Development Control Committee
5 Duties relating to the making of determinations of planning applications	Sections 69,79 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder	Development Control Committee
6 Power to determine application for planning permission made by a local authority, along or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the town and country Planning General Regulations 1992 (S.I. 1992/1492) (b)	Development Control Committee

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A. Functions relating to town and country planning and development control (cont'd)		
7 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)	Development Control Committee
8 Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990	Development Control Committee
9 Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990 I	Development Control Committee
10 Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Development Control Committee
11 Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (d)	Development Control Committee
12 Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990 (e)	Development Control Committee
13 Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990 (f)	Development Control Committee
14 Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990 (f)	Development Control Committee
15 Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990 (g)	Development Control Committee
16 Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990 (h)	Development Control Committee
17 Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)	Development Control Committee
18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.	Development Control Committee
19 Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	Development Control Committee

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A. Functions relating to town and country planning and development control (cont'd)		
20 Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)	Development Control Committee
21 Power to determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act (a)	Development Control Committee
22 Duties relating to applications for listed building consent and conservation area consent	Section 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97	Development Control Committee
23 Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	Development Control Committee
24 Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	Development Control Committee
25 Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	Development Control Committee
26 Powers to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (b)	Development Control Committee
27 Power to execute urgent works	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	Development Control Committee

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B. Licensing and registrations functions (in so far as not covered by any other paragraph of this Schedule)		
1 Power to issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan sites and Control of Development Act 1960 (c.62)	Licensing & Orders Committee
2 Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936 (c.49)	Licensing & Orders Committee
3 Power to license hackney carriages and private hire vehicles	a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing & Orders Committee
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing & Orders Committee
5. Power to license operators of hackney carriages and private hire vehicles	Licensing & Orders Committee	Licensing & Orders Committee
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2) ©	Licensing & Orders Committee
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 (d)	Licensing & Orders Committee
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 (e)	Licensing & Orders Committee
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 (c. 65) (a)	Licensing & Orders Committee
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32) (b).	Licensing & Orders Committee

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B. Licensing and registrations functions (in so far as not covered by any other paragraph of this Schedule)		
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 ©.	Licensing & Orders Committee
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985 (c. 13).	Licensing & Orders Committee
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54) (d)	Licensing & Orders Committee
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).	Licensing & Orders Committee
15. Power to license sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Licensing & Orders Committee
16. Power to license performances of hypnotism	The Hypnotism Act 1952 (c. 46).	Licensing & Orders Committee
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Licensing & Orders Committee
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53) (e)	Licensing & Orders Committee
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x).	Licensing & Orders Committee
20. Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).	Licensing & Orders Committee
21. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53) (f) , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.	Licensing & Orders Committee

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22. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66) (g) .	Licensing & Orders Committee
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).	Licensing & Orders Committee
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).	Licensing & Orders Committee
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).	Licensing & Orders Committee
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c. 52) (a) .	Licensing & Orders Committee
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	Licensing & Orders Committee
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971 (c. 40).	Licensing & Orders Committee
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).	Licensing & Orders Committee
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35) (b) ; section 1 of the Animal Boarding Establishments Act 1963(c. 43) (c) ; the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70) (d) ; section 1 of the Breeding of Dogs Act 1973 (c. 60) (e) , and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing & Orders Committee
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38) (f) .	Licensing & Orders Committee
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37) (g)	Licensing & Orders Committee
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).	

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B. Licensing and registrations functions (in so far as not covered by any other paragraph of this Schedule)		
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	Licensing & Orders Committee
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).	County Council Function
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510) (h)	County Council Function
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	County Council Function
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) (a) .	County Council Function
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44) (b) .	Licensing & Orders Committee
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).	Licensing & Orders Committee
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991 (c. 22).	County Council Function
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16).	Licensing & Orders Committee
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	Licensing & Orders Committee
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing & Orders Committee

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45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing & Orders Committee
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	Licensing & Orders Committee
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980 (c. 66).	County Council Function
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980	County Council Function
49. Power to authorise erection of stiles etc. on footpaths or bridleways	Section 147 of the Highways Act 1980	County Council Function
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980	County Council Function
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980.	County Council Function
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980.	County Council Function
53. Power to restrict the placing of rails, beams etc. over highways	Section 178 of the Highways Act 1980	County Council Function
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980 (c)	County Council Function
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980.	County Council Function
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).	Licensing & Orders Committee
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) (d)	Licensing & Orders Committee
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	Licensing & Orders Committee
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086) (e) .	Licensing & Orders Committee
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).	Licensing & Orders Committee

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<p>B. Licensing and registrations functions (in so far as not covered by any other paragraph of this Schedule)</p>		
<p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p>	<p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763) (a)</p>	<p>Licensing & Orders Committee</p>
<p>62. Power to approve fish products premises</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p>	<p>Licensing & Orders Committee</p>
<p>63. Power to approve dispatch or purification centres</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>Licensing & Orders Committee</p>
<p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>Licensing & Orders Committee</p>
<p>65. Power to approve factory vessels and fishery product establishments</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>Licensing & Orders Committee</p>
<p>66. Power to register auction and wholesale markets.</p>	<p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>Licensing & Orders Committee</p>
<p>67. Duty to keep register of food business premises</p>	<p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).</p>	<p>Licensing & Orders Committee</p>
<p>68. Power to register food business premises.</p>	<p>Regulation 9 of the Food Premises (Registration) Regulations 1991</p>	<p>Licensing & Orders Committee</p>
<p>69 Power to issue near beer licence.</p>	<p>Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of the Act</p>	<p>London Boroughs</p>
<p>Section 28 Power to register premises or stalls for the sale of goods by way of competitive bidding</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)</p>	<p>London Boroughs</p>
<p>C. Functions relating to health and safety at work</p>		
<p>Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer</p>	<p>Part I of the Health and Safety at Work etc. Act 1974 (c. 37) (b)</p>	<p>Full Council</p>

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D. Functions relating to elections		
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983 (c. 2) (c) .	Full Council
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983	Full Council
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.	Full Council
4. Power to dissolve small parish councils	Section 10 of the Local Government Act 1972	Full Council
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	Full Council
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Full Council
7. Duty to provide assistance at European Parliamentary elections	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10) (d)	Full Council
8. Duty to divide constituency into polling districts	Section 18 of the Representation of the People Act 1983	Full Council
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Full Council
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Full Council
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	Full Council
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Full Council
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Full Council
D. Functions relating to elections		
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972	Full Council
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	Full Council
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).	Full Council

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17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	Full Council
E. Functions relating to name and status of areas and individuals		
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	Full Council
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	Full Council
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Full Council
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972.	Full Council
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30) (a) .	Full Council
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972	Full Council
H. Functions relating to pensions etc.		
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11) (b)	County Council
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947 (10 & 11 Geo.6 c. 41) (c)	County Council
I. Miscellaneous functions		
Part I: functions relating to public rights of way		
1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980 (c. 66).	Licensing & Orders Committee
2 Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980	Licensing & Orders Committee
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980.	Licensing & Orders Committee
4 Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980.	Licensing & Orders Committee

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5. Power to determine application for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980.	Licensing & Orders Committee
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Licensing & Orders Committee
7. Power to make special extinguishment order	Section 118B of the Highways Act 1980	Licensing & Orders Committee
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980.	Licensing & Orders Committee
9 Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980	Licensing & Orders Committee
10 Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Licensing & Orders Committee
11 Power to make a special diversion order	Section 119B of the Highways Act 1980	Licensing & Orders Committee
12 Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Licensing & Orders Committee
13 Power to make an SSSI diversion Order	Section 119D of the Highways Act 1980	Licensing & Orders Committee
14 Duty to keep register with respect to applications under section 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	Licensing & Orders Committee
15 Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Licensing & Orders Committee
16 Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Licensing & Orders Committee
17 Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Licensing & Orders Committee
18 Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Licensing & Orders Committee
19 Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Licensing & Orders Committee

Part I: functions relating to public rights of way		
20 Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Licensing & Orders Committee
21 Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Licensing & Orders Committee
22 Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Licensing & Orders Committee
23 Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67)	Licensing & Orders Committee
24 Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981 (c.69)	Licensing & Orders Committee

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25 Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981.	Licensing & Orders Committee
26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Licensing & Orders Committee
27 Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	Licensing & Orders Committee
28 Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Licensing & Orders Committee
29 Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)	Licensing & Orders Committee
30 Power to extinguish public rights of way over land acquired for clearance	Section 294 of the Housing Act 1981 (c.68)	Licensing & Orders Committee
31 Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	Licensing & Orders Committee
32 Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Licensing & Orders Committee
33 Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000 (c.37)	Licensing & Orders Committee
34 Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Licensing & Orders Committee

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Part II: other miscellaneous functions		
35 Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966. (C.38)	Full Council
36 Power to make standing orders	Section 106 of, and paragraph 42 of Schedule as to, the Local Government Act 1972 (c.70)	Full Council
37 Power to appoint staff, and to determine the terms and conditions of which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972	Full Council (save where it is reserved to the HOPS or Committee appointed by Council)
38 Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Full Council
39 Duty to make arrangements for proper administration of financial affairs etc	Section 151 of the Local Government Act 1971	Full Council
40 Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	Full Council
41 Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	Full Council
42 Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30)	Full Council
43 Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989 (c.42)	Full Council
44 Duty to designate officers as the monitoring officer, and to provide staff, etc	Section 5(1) of the Local Government and housing Act 1989	Full Council
45 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I 1996/590)	Accounts and Audit Committee
46 Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I 1997/1160)	Development Control Committee
47 Powers relating to the preservation of trees	Section 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I 1999/1892)	Development Control Committee
48 Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	Full Council

SCHEDULE 2

FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF THE COUNCIL'S EXECUTIVE

(The allocation of these functions is a matter for local choice: this Council's decisions are shown in the right-hand column)

**Note : Some of these functions can also be performed by Officers.
These are set out in the Scheme of Delegation in Schedule 4.**

		Council Decision
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended).	Cabinet
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Licensing & Orders Committee – for matters other than Personnel matters
3.	The making of arrangements under Section 20 (questions on police matters at council meetings) of the Police Act 1996 [57] for enabling questions to be put on the discharge of the functions of a police authority.	Council
4.	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999 [58]	Overview & Scrutiny
5	Any function related to Contaminated Land	Cabinet (Development Control Committee if planning issue)
6	The discharge of any function relating to the control of pollution or the management of air quality	Cabinet (Development Control Committee if planning issue)
7	The service of an abatement notice in respect of a statutory nuisance	Cabinet
8	The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Licensing & Orders Committee

9	The inspection of the Authority's area to detect any statutory nuisance	Cabinet
10	The investigation of any complaint as to the existence of a statutory nuisance	Cabinet
11	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Development Control Committee
12	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet
13	The appointment of an individual – (a) to any office other than an office in which he is employed by the authority; (b) to any body other than – (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body	Full Council
14	The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Cabinet

SCHEDULE 3

FUNCTIONS OF THE CABINET

1. Functions

1.1 To be responsible for all Cabinet functions which are not specifically the responsibility of any other Council body under the Articles of this Constitution or Schedules 1 and 2 above. This includes but is not limited to:-

- Proposing the Policy Framework and any changes to it
- Proposing the Council's budget and any changes to it
- Overseeing the implementation and delivery of services in line with the agreed Policy and Financial Framework
- Functions relating to Health & Safety at Work discharged in the Council's capacity as employer
- Proposing changes to the Council's Constitution following a report from the Political Management Panel

To be responsible for:

- Preparation of supplementary planning documents
- Designation of conservation areas and areas of Archaeological interest and Nature reserves
- Article 4 Directions (Removal of permitted development rights)
- Making compulsory purchase orders
- All housing functions
- Management of the Council's Physical assets

1.2 To receive reports from Overview and Scrutiny bodies on their findings of the Best Value Service reviews undertaken or their recommendations in relation to policy development

1.3 To set and amend fees and charges relating to Cabinet functions.

1.4 The responsibilities given to Cabinet in the Financial regulations in part 4 of the Constitution.

1.5 To take in year decisions on resource priorities

1.6 To authorise the institution of or defence of any legal proceedings relating to Cabinet functions whether or not the power to authorise such proceedings has been delegated to Officers under the Scheme of Delegation

1.7 To administer grants and rates relief for organisations operating across the District

2. Portfolio Holders

Portfolio Holders have the authority to make any Executive decision within the areas covered by their portfolios.

3. Officers

Officers of the Council have delegated authority to make certain Executive decisions on the Council's behalf. These delegations are included in the Scheme of Delegation in Schedule 4 below.

4. Planning and Economic Development

Dealing with economic development, tourism and rural regeneration. Recommending Planning Policy, including the Local Development Framework.

SCHEDULE 4

OFFICER SCHEME OF DELEGATION		Page
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Delegation Number	GENERAL DELEGATIONS	
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3.	All General Managers	3.26
4.	Monitoring Officer	3.28
5.	Section Managers and Team Leaders	3.28
6.	Building Control Team Leader	3.32
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15.	Operations Manager	3.46
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18.	Policy Manager (Rural Economy)	3.51
19.	Revenues Manager	3.51

OFFICER SCHEME OF DELEGATION

1. General interpretation and delegations
 - i. Where reference is made in the Scheme of Delegations (“the Scheme”) to an exercise of a power under specific legislation, delegation shall continue to apply where the legislation is amended or replaced, provided that the nature of the function remains the same.
 - ii. Unless the context otherwise requires, references to the Council in these delegations include the Cabinet, joint committees, committees, sub-committees and working parties.
 - iii. Any officer with delegated power may nominate any other officer(s) to exercise any of his or her powers. Unless expressly stated any such nomination shall be deemed to be for all decisions within the delegated power and for a period of one year. Any nomination may be cancelled in writing at any time.
 - iv. Unless otherwise expressly provided, reference in the Scheme of Delegations to specific primary legislation shall be deemed to include any secondary legislation (including regulations, orders and directions) made thereunder.
 - v. Any nomination or cancellation pursuant to iii above shall only take effect once it has been notified in writing to and recorded by the Monitoring Officer.
 - vi. Any officer to whom a power has been delegated (whether pursuant to this scheme of delegations or by nomination) can decide that it is not appropriate for him or her to exercise their delegation and can refer the decision to be made to another officer or Council body also possessing the power to make the decision.
 - vii. Unless otherwise expressly provided for in the scheme of delegations, any addition to or removal of a power from the Scheme of Delegations shall only be made by the Cabinet or Council (as appropriate).
 - viii. Where a power is delegated to more than one officer, then all officers to whom that power is delegated shall be able to exercise that power independently unless the delegation otherwise expressly so provides.

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- ix. For the avoidance of doubt, reference in the Scheme of Delegations to power to “undertake all action” includes, without prejudice to the generality of the term, as necessary, the undertaking of investigations, the giving of authority, the making of any determinations and the preparation, issuing and serving of any documentation (including notices, licenses, permits, consents, approval, certificates and other documents), which in the opinion of the officer exercising the delegation, is necessary to give effect to matter in respect of which action is being undertaken (including the imposition of any conditions, restrictions or other limitations in respect thereof).

DELEGATIONS TO ALL OFFICERS

- i To act as a witness:
 - (a) on behalf of the Council in any proceeding in which the Council is directly involved; or
 - (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; or
 - (c) in any other circumstance with the prior written approval of the Legal Services Manager.

GENERAL DELEGATION

1. CHIEF EXECUTIVE

- i. To deal with the appointment, discipline and dismissal of staff at or below the level of Deputy Chief Officers. This power can also be carried out by General Managers or the Monitoring Officer or Section 151 officers in respect of staff under their control, or when nominated by the Chief executive.
- ii. To be the Head of Paid Service as specified by section 4 of the Local Government and Housing Act 1989 and in that capacity, to manage the staff of the Council in accordance with statute, statutory regulations and any relevant Council policy or procedure.
- iii. The Chief Executive may decide that any Executive or non-Executive function, question or matter within the powers or duties of the Cabinet, the Council or any Committee or Sub-Committee is urgent and :
 - (a) a decision must be made before the next scheduled meeting of the cabinet, Council or of the appropriate Committee or Sub-Committee ; or
 - (b) a recommendation to the Cabinet, Council or within the terms of reference of a Committee or Sub-Committee should be implemented prior to the next scheduled meeting of the Cabinet, Council, Committee or Sub-Committee by which it could be approved;

and, in either case, if the Chief Executive is satisfied that it is not expedient, practicable or necessary in the circumstances to convene a special meeting of the Cabinet, Council or a special meeting or urgent business sub-committee meeting of the Committee or Sub-Committee in question then paragraph iv shall apply.

- iv. The Chief Executive shall have the power (or may designate a General Manager who will then have the power) to determine the question or matter or to implement the recommendation (as the case may be) in the name of and without further reference to the Cabinet, Council or to the appropriate Committee or Sub-Committee.
- v. The exercise by the Chief Executive and General Manager (or other officers authorized under paragraph vi below) of any powers under this Urgent Matters delegation shall be subject to the following conditions:
 - (a) that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
 - (b) the Chief Executive or designated General Manager before making a decision under paragraph iv shall consult with the Leader;
 - (c) the Chief Executive or designate General Manager before making a decision under paragraph iv shall consult with the Solicitor to the Council and Financial Services Manager or their nominated deputies;
 - (d) a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs v(b) and (c) shall be recorded and maintained by the Solicitor to the Council; and
 - (e) any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet, Council, Committee or Sub-Committee, which would otherwise have dealt with the question or matter.
- vi. The Solicitor to the Council or the Financial Services Manager may each exercise the powers of the Chief Executive or General Managers in the event of his/her/their incapacity, absence or unavailability.
- vii. To act as "Proper Officer" for all functions detailed in:
 - (a) the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000;
 - (b) any other legislative provision; and
 - (c) the Constitution not otherwise specifically delegated to another Officer,

including in all cases the power to nominate in writing any other Officer to act as a Proper Officer.

- viii. To undertake all action (including any determinations necessary in respect thereof) in connection with the arrangement of civic and ceremonial functions.
- ix. To undertake all action (including any determinations necessary in respect thereof) in connection with Emergency Planning.
- x. To undertake all action (including any determinations necessary in respect thereof) in connection with requests for radio, television or other coverage of meetings of the Council.
- xi. To resolve a complaint, including the approval of compensation, which is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in existing budget levels being exceeded;
- xii. To undertake all actions and determinations in connection with the settlement of any claim or prospective claim in any court or tribunal, made by or against the Council so long as any expenditure incurred is within existing budget levels.
- xiii. To approve extra remuneration to an officer for the future performance of temporary duties additional to any within the officers job description. Such expenditure must be within existing budget levels (after any relevant virement) and the Financial Services Manager should be notified of any such arrangement in advance.
- xiv. To summon a meeting of the Council, provided the circumstances necessitating the calling of the meeting are identified on the agenda/summons for that meeting.
- xv. For the purpose of surveillance operations to which the Regulation of Investigatory Powers Act 2000 apply, the power to authorize a surveillance operation, provided that the Chief Executive may not nominate any other Officer to exercise such a power unless that Officer has the responsibility for the management of investigations.
- xvi. To appoint any Officer to be a Disclosure Officer for the purposes of the Criminal Procedure and Investigations Act 1996.

2. CHIEF EXECUTIVE AND GENERAL MANAGERS

- i. To purchase items necessary for the undertaking of their functions within the provision of the annual revenue estimates/capital programme.

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- ii. Subject to prior consultation with the Legal Services Manager, to settle any claim made by or against the Council in a sum not exceeding £15,000 including power to approve a payment in to court.
- iii. To manage the employees for whom they are responsible in accordance with approved policies, practices and procedures.
- iv. To approve the waiving of the Contract Management Regulations relating to contracts in appropriate circumstances after consultation with the Finance Manager and the Legal Services Manager.
- v. To attest the Council seal and sign any document necessary to give effect to:
 - (a) a resolution of the Council; and /or
 - (b) the exercise of a power delegated by the Council.
- vi. To authorise any Officer:
 - (a) to carry out inspections and exercise related powers of entry;
 - (b) to carry out of such further actions arising out of any inspection as are determined necessary by the person carrying out the inspection (including without prejudice to the generality of the foregoing the exercise of any relevant powers of sampling, detention, seizure and destruction);
 - (c) to issue fixed penalty notices; and
 - (d) to seek a warrant;for such purposes as the authorising Officer considers appropriate.

3. GENERAL MANAGERS

- i. To exercise all the powers of:
 - (c) the Chief Executive; and
 - (d) any other officer,where the Chief Executive or other officer is either absent or otherwise unavailable.
- ii. In accordance with the Financial Regulations and:
 - (a) after notification to the Financial Services Manager, to approve virements between revenue budgets within the General Manager's control of up to £5,000 on any one budget head;

- (b) subject to the prior approval of the Financial Services Manager, to approve virements between revenue budgets within the General Manager's control of up to £20,000;
 - (c) subject to the prior notification of the Financial Services Manager, to approve virements up to £10,000 within the capital programme.; and
 - (d) subject to the prior approval of the Financial Services Manager, and in consultation with the Finance Portfolio Holder to approve virements up to £25,000 within the capital programme.
- iii. To undertake the reviews of risks of functions for which the General Manager is responsible.
- iv. (1) Subject to (2) below, provided the General Manager has had prior nomination from the Chief Executive, and in accordance with any extant approved policies, to authorise an investigation into and take any necessary disciplinary action against, including the suspension and / or the dismissal of any officer, where the need for such investigation and/or action has been identified following an audit investigation, provided further that in the case of the dismissal of:
 - (a) a statutory chief officer as defined in the Local Government and Housing Act 1989; or
 - (b) a non-statutory chief officer as defined in that Act; or
 - (c) a deputy chief officer as defined in that Act; or
 - (d) a person appointed under section 9 of that Act,there has first been compliance with the provisions contained in the Local Authorities (Standing Orders) (England) Regulations 2001.
- (2) The power to take disciplinary action against, or dismiss an officer does not include the Chief Executive, Monitoring Officer or s151 officer.
- v. To authorise the disposal and write-off of redundant furniture, fittings, equipment, plant, machinery and stocks provided it accords with any guidance issued by the Financial Services Manager in relation to the same.
- vi. In consultation with the Financial Services Manager, to authorise an adjustment to the accounts if a mistake has been made in raising an invoice.
- vii. In consultation with the Financial Services Manager, to approve debt recovery processes.
- viii. Subject to securing the agreement of the Financial Services Manager, in respect of construction and alterations to buildings and civil engineering works, to approve the systems and procedures to be adopted including,

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without prejudice to the generality of the foregoing, the certification of interim and final payments and the checking, recording and authorising of payments.

- ix. To approve and certify travel and subsistence claims and other allowances.
- x. In consultation with such of the Leader, Cabinet Members and Ward Members as the General Manager deems appropriate, to consider and determine a response to any document that in the opinion of the General Manager does not have policy significance.
- xi. To determine whether Council files or other records should be destroyed.
- xii. Provided that the General Manager has been nominated by the Chief Executive for such a purpose, to recruit, select and appoint any Officer of the level of Section Manager, Team Leader or below.
- xiii. To maintain a register of all leased assets used in connection with any functions for which the General Manager is responsible.

4. MONITORING OFFICER

- i. To investigate, report and make recommendations on any complaints or the results of any investigations referred to the Council by the Standards Board or its representatives.
- ii. To attest the Council seal and sign any document necessary to give effect to:
 - (a) a resolution of the Council; and /or
 - (b) the exercise of a power delegated by the Council.
- iii. To authorise in writing any officer:
 - (a) to act as a witness; or
 - (b) to represent the Council,
 - in any actual or potential legal proceedings (including tribunals, hearings and inquiries) whether instigated by or on behalf of the Council or otherwise, whether or not the Council is involved in the same.

5. SECTION MANAGERS AND TEAM LEADERS

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- i. To undertake all actions (including any determinations necessary in respect thereof) in connection with the day by day management of their Unit, Section or Team and to manage the employees for which they are responsible in accordance with the approved budget, policies, practices and procedures.
- ii. To purchase items necessary for the undertaking of their powers and functions within the provision of the annual revenue estimates/capital programme.
- iii. To issue any statutory notice or order needed in connection with, the decision of the Council, or in exercise of the delegated power of an officer, where the subject matter of the statutory notice or order is within the work undertaken by the Unit, Section or Team concerned or they have otherwise been expressly authorised by the Council or officer possessing relevant authority to issue the same.
- iv. Provided the prior written approval of the Legal Services Manager has been obtained (such approval at the absolute discretion of the Legal Services Manager being either specific to an individual matter or of a more general nature), to authorise, instigate, defend and appear in any legal proceedings (including tribunals, hearings and inquiries), where the subject matter of the proceedings is within the work undertaken by the Section or Team concerned.
- v. To authorise and undertake all actions in connection with the enforcement of any consents, authorisations, registrations, certificates licenses, notices, orders or other documents (including any conditions, restrictions or limitations contained therein) given, issued or made by the Council (whether pursuant to a delegated power or otherwise) where the subject matter of that document is within the work undertaken by the Section or Team concerned.
- vi. To authorise and undertake all actions in connection with the enforcement of the terms of any agreement, contract, licence, lease or any other legal instrument issued, by or to which the Council is a party, where the subject matter of the that instrument is within the work undertaken by the Section or Team concerned including the issue of court proceedings in the High Court if necessary.
- vii. To approve the carrying out of works of general maintenance.
- viii. To apply for any grants or subsidies to which the Council is, or may be, entitled where the subject matter of the grant or subsidy is within the work undertaken by the Section or Team concerned, provided that if such grant or subsidy is dependant upon a financial contribution of the Council then no application may be made unless either:
 - (a) Any contribution can be met from existing budgets within the control of the authorising officer; or

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- (b) the prior written approval of the Financial Services Manager has first been obtained .
- ix. To investigate, determine and resolve complaints (whether made through the formal Council complaint procedure or otherwise) relating to any function of their Section or Team, provided that:
 - (a) details of the complaint and any resolution are recorded;
 - (b) where a resolution of a complaint outside of the Council's formal complaint procedure involves the payment or waiver of money then this can be met without any increase to the existing budgets within the control of the decision maker and the prior consent of the Financial Services Manager is secured; and
 - (c) where a complaint is received using the Council's complaint procedure, then that procedure is accorded with.
- x. In relation to any function of their Section or Team, to secure quotes for, consider and enter into contracts for works, services and supplies, including the acceptance of tenders provided such actions:
 - (a) are in accordance with the Contract Management Regulations;
 - (b) does not result in the exceeding of the overall budgets within the determining officers control; and
 - (c) does not lead to compulsory redundancy amongst the Council's workforce.
- xi. To act as nominated officer under any contract for works or services in respect of which the Section or Team concerned is acting as client or to deputise a member of his/her staff so to so act; except where the Council nominates a consultant instead of an officer.
- xii. In connection with the preparation and execution of all contracts in respect of which the Unit, Section or Team is concerned:
 - (a) to deal with minor amendments to plans;
 - (b) to authorise a variation in specification and materials when necessary; and
 - (c) to give instructions to general contractors to place orders for prime cost items.
- xiii. Subject to prior consultation with the Legal Services Manager, to determine whether to issue a formal caution as an alternative to undertaking criminal

proceedings in respect of any function which, in the opinion of the decision making officer, is within their responsibility.

- xiv. To authorise any other officer within the Section or Team to discharge a power of the decision making officer, subject to the authorisation being in writing.
- xv. To authorise any officer or other persons (including inspectors appointed on behalf of the Council) to carry out inspections and to exercise powers of entry for any purpose which in the opinion of the authorising officer is reasonably necessary for the performance of a power or duty which in their opinion is the responsibility of their Section or Team.
- xvi. To sign any document necessary to give effect to:
 - (a) a resolution of the Council; and/or
 - (b) the exercise of a delegation by the Council,
provided in both cases that such:
 - (c) documents relate to the work undertaken by the Unit, Section or Team; and
 - (d) power does not extend to the attesting of the Council seal.
- xvii. To monitor, store, archive and destroy council documentation held within their Section or Team provided it accords with Council policies and in the case of the destruction of any files, the prior consent of a General Manager is obtained.
- xviii. To assess and determine a reasonable charge or method of charge for any matter undertaken by the Section or Team that has not otherwise been formally determined by the Council.
- xix. To authorise and sign identity cards on behalf of any officer within their Section or Team (including inspectors or other persons appointed to undertake work on behalf of the Section or Team), as may be necessary for the proper performance of their duties.
- xx. To authorise and undertake all necessary action in connection with the securing of a warrant where in the opinion of the authorising officer this is necessary in the proper performance of any function of the Section or Team.
- xxi. To instruct and authorise any external person (including consultants) or body to undertake work and/ or act on behalf of the Council in respect of any matter (including at any legal proceedings, tribunals, hearings and

inquiries) relating to work undertaken by the Section or Team of the authorising officer provided that at the time of the instruction, in the opinion of the authorising officer, the anticipated costs associated with the same can be met from existing budgets and/or other allocated funds.

- xxii. To act on behalf of the Council and any other Section, Team or officer, including the exercise of any their delegated powers (provided there is no legal restriction preventing the same), when instructed to do so in connection with any matter for which the Council, Section, Team or officer has power, including engaging in correspondence, negotiations or any other action that is necessary to fulfil that instruction.
- xxiii. To take any decision in relation to the work undertaken by the Section or Team concerned so long as:
 - (a) it is not contrary to a policy of the Council;
 - (b) it does not contravene the Constitution;
 - (c) it does not overturn a previous decision by the Council or a Member requiring the decision to be made by the Council or that Member;
 - (d) there is no legal restriction preventing the decision to be taken by that officer;
 - (e) any apparent expenditure relating to the decision can be met from existing budgets within the control of the decision making officer; and
 - (f) at the time of the decision it is not expected that any reduction in public service will result.

6. BUILDING CONTROL TEAM LEADER

- i. To undertake all action that in the opinion of the Building Control Team Leader are necessary in the interests of the safety of the public in connection with dangerous buildings or structures and the demolition of structures.

7. CORPORATE PROPERTY OFFICER

- i. To determine whether to :
 - (a) to grant licences, tenancies and leases; and
 - (b) to dispose of any interest in land or property,

subject in both cases to any rent, charge or disposal price (as the case may be) being previously agreed by the Council's appointed Valuer at an appropriate open market value.

- ii. To undertake all actions (including any determinations necessary in respect thereof) connected with proposals for the revocation or suspension of licences, permits, certificates, authorisations or other documents (other than planning permissions) issued under delegated powers.
- iii. To undertake all actions (including any determinations necessary in respect thereof) associated with the letting of recreation facilities (including sports pitches), and the use of parks and open spaces for special events.
- iv. To maintain a register of all land and buildings owned by the Council including power, subject to the prior approval of the Financial Services Manager, to arrange for a rolling programme of valuation of the same.

8. DEVELOPMENT CONTROL MANAGER

Definition

For the purposes of these delegations, the term "Town and Country Planning Legislation" means the Town and Country Planning Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compulsory Purchase Act 2004, the Planning (Control of Advertisement) Regulations 1992, the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or Department of the Environmental Circular 18/84.

- i. To determine applications (including Reserved Matters applications) submitted pursuant to the Town and Country Planning Legislation (including the determination of any conditions, obligations, limitations or any other restrictions or requirements necessary in respect thereof) provided that the power to determine does not apply to any application:
 1. which concerns a request for referral of the application to the Development Control Committee and in the opinion of the Development Control Manager, in consultation with the Chairman and Vice Chairman of the Development Control Committee and the Ward Councillor, the request contains a material planning reason which would support a decision different to that which would otherwise result, and:
 - (a) has been the subject of a request in writing by a Member of the Council and is received by the Development Control Team within

21 days of the circulation of the weekly list of planning applications; or

- (b) has been the subject of a request in writing by a town or parish council, in whose area the application is situated, and is received by the Development Control Team within 21 days of the date of consultation on the application (the Ward Member to be informed if the request is not agreed) and extensions to the consultation period not to be unreasonably refused;
- 2. where the Development Control Manager believes that the proposed decision:
 - a) would be a departure from the Development Plan (and would be a decision to approve); or
 - b) is on land owned by the Council; or
 - c) is an application from a Member or employee of the Council, or the partner of either; or
 - d) would conflict with a decision previously made by the Development Control Committee on the same matter, including variation or removal of a condition imposed by the Committee or modifying a planning obligation where there is a reduction in benefit to the local community.
 - 3. that is adjudged to require an Environmental Impact Assessment;
 - 4. where the application is for a significant development (defined below)

Note as Regards the Development Manager’s Consultation

The Chairman of the Development Control Committee can be substituted by the Vice-Chairman and both can be substituted by any other Member of the Development Control Committee. The Development Control Manager can be substituted by a planning officer nominated to deputise.

- ii. To undertake all action in connection with the Town and Country Planning Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Control of Advertisement) Regulations 1992, the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or Department of the Environment Circular 18/84 that, in the opinion of the Development Control Manager can reasonably be regarded as ancillary to the process of determining applications submitted pursuant to the same, including but without prejudice to the generality of the foregoing:

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- (a) the determination as to whether an environmental impact assessment is required;
 - (b) the determination of any scoping and/or screening opinion in relation to environmental impact assessments;
 - (c) what, and the extent of, information required in respect of an application;
 - (d) the arrangement of site visits, subject to prior consultation with the Chairman of the Development Control Committee;
 - (e) whether any matters which would normally be a reserved matter should be required as part of an outline application;
 - (f) the determination as to when to place an application on any agenda;
 - (g) the determination as to whether to refer an application to the Secretary of State as a departure from the Development Plan;
 - (h) the determination whether or not to decline to determine an application submitted within two years of a previous submission dismissed on appeal;
 - (i) the method and extent of consultation in respect of, notification and advertisement of applications, provided that in any event all efforts are made to ensure that the statutory requirements in respect of the same are satisfied;
 - (j) to seek to secure the withdrawal of applications outstanding for a period in excess of six months;
 - (k) the determination of requests for deferment by any party in relation to any application; and
 - (l) the determination as to whether any change constitutes a minor amendment.
- iii. To undertake all action (including any determinations necessary in respect thereof) in connection with the submission of any scheme, details or other matters pursuant to any permission, consent, approval or other determination issued by, or on behalf of the Development Control Manager
- iv. Where, in the opinion of the Development Control Manager it is an emergency, subject to the agreement of the Legal Services Manager, to authorise the issue of stop notices and applications for injunctions.

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- v. To decide and respond to requests as whether or not planning appeals or call-ins should be dealt with by means of written statements, hearings or public inquiries.
- vi. To undertake all action (including any determinations necessary in respect thereof) that the Development Control Manager considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any primary or secondary planning legislation including, without prejudice to the generality of the foregoing, the Town and Country Planning Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Control of Advertisement) Regulations 1992, the Planning (Listed Buildings and Conservation Areas) Act 1990 and Department of the Environment Circular 18/84.
- vii. To authorise the Legal Services Manager to take all necessary legal proceedings to secure the removal of and/or prosecute in respect of any advertisements, free standing stalls and display racks.
- viii. To undertake all action (including any determinations necessary in respect thereof) in order to regulate any actual or perceived breaches of planning legislation (including any conditions, restrictions or other limitations), including but without prejudice to the generality of the foregoing:
 - (a) the authorising and issuing of requisitions for information;
 - (b) the authorising and issuing of Planning Contravention Notices;
 - (c) the authorising and issuing of Enforcement Notices;
 - (d) the authorising and issuing of Breach of Condition Notices;
 - (e) the authorising and issuing of notices under s215 of the Town and Country Planning Act 1990; and
 - (f) determining not to take or to cease action where in the opinion of the Development Control Manager a breach is trivial or can show no demonstrable harm.
- ix. Subject to relevant Parish Council and Ward members being informed and given time to comment, to deal with notice of intent applications for operations to trees in designated conservation areas.
- x. To undertake all action (including the making of any determination in respect thereof) in connection with:

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- (a) applications for the siting of telephone kiosks, police boxes, bus shelters, post boxes, fire alarms, hydrants and other similar street furniture;
 - (b) applications for the display of street banners;
 - (c) applications for certificates of lawfulness of existing or proposed use or development, subject to the securing in advance of such legal advice as the Development Control Manager considers appropriate;
 - (d) applications relating to operations to trees in designated conservation areas, subject to notice of the application having been sent to the ward members and Parish Council seven calendar days before a determination is made; and
 - (e) applications (including Prior Notification Applications and determining whether prior notification is required) under the Town and Country Planning General Permitted Development Order 1995.
- xi. To issue a refusal of an application where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.
 - xii. To make appointments to a panel of architects (if one has been created to which the Council can make appointment).
 - xiii. To determine the nature of and provide consultation responses on planning applications concerning neighbouring authorities.
 - xiv. To undertake all actions (including the making of any determination in respect thereof) in connection with the naming and re-naming of highways and numbering and re-numbering schemes.

Definition of significant development for the purpose of this Scheme of Delegation:

Where the application is for:

- i) a residential development comprising over 10 dwellings or a residential site equal to or in excess of 0.5 hectares:
- ii) the erection of a building of more than 10,000 square metres

9. **ENVIRONMENTAL HEALTH AND LICENSING TEAM LEADERS
("EH< LEADER")**

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- i. To undertake all actions (including any determinations necessary in respect thereof) in connection with all aspects of house renovation, minor works and disabled facilities grants provided that the costs of the same can be met from existing budgets
- ii. To determine whether to, and to, issue notices:
 - (a) requiring persons having control of houses, not unfit for human habitation but requiring repair, to execute specified works;
 - (b) relating to nuisance; and /or
 - (c) requiring the owner or occupier of any building to provide and maintain a suitable receptacle for the storage of house refuse.
- iii. To determine and take the most satisfactory course of action for dealing with unfit dwelling houses, houses in multiple occupation or buildings.
- iv. To determine whether to, and to, issue notices requiring persons having control of houses in multiple occupation to:-
 - (a) execute works to provide amenities, having regard to the number of individuals or households accommodated;
 - (b) provide adequate means of escape in case of fire; and /or
 - (c) prevent or reduce overcrowding.
- v. To determine whether to, and to, issue notices requiring action to be taken and to decide the nature of such action arising from the demolition of insanitary buildings.
- vi. To arrange for the burial or cremation of the dead where in the opinion of an EH< Leader no suitable arrangements would otherwise be made.
- vii. To undertake all actions (including any determinations necessary in respect thereof) in connection with hours and days of trading and conditions of employment in shops.
- viii. On receipt of medical advice to do so, to arrange for the removal to suitable premises of persons in need of care and attention.
- ix. To undertake all actions (including any determinations necessary in respect thereof) in connection with any proposals for work that might give rise to issues relating to the prevention of atmospheric pollution.
- x. To undertake all actions (including any determinations necessary in respect thereof) in connection with applications arising from environmental protection

and pollution, prevention and control legislation for an authorisation or permit in relation to processes prescribed therein and the appointment of officers to undertake enforcement functions in respect thereof.

- xi. To undertake all action (including any determinations necessary in respect thereof) in connection with any application for a licence, certificate or statement, any notice made or given to the Council, any other applications (including applications to review, transfer, vary, remove, cancel or renew), and all other matters arising in respect of the Licensing Act 2003 (including, without prejudice to the generality of the foregoing, power to determine whether a representation is a “relevant representation” for the purposes of the Act) provided that power to take such action shall not include the following:
 - (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;
 - (b) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;
 - (c) the making of the final determination where a decision has been made not to hold a hearing as a result of all parties (as identified in the Licensing Act 2003) being in agreement that a hearing is not required;
 - (d) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Licensing Act 2003 has been received by another local authority for which the Council is consultee; and
 - (e) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy does not include internal procedures operated by the Council).

- xii. To prepare and issue reports on behalf of the Licensing and Orders Committee where a matter relates to a licensing function under the Licensing Act 2003 and is necessary to facilitate the exercise of another function of the Council.

- xiii. To undertake all action (including any determinations necessary in respect thereof) in connection with applications for certificates, licences, permits, consents, registrations or any other applications (including applications to transfer, vary, cancel or renew) in respect of:-
 - (a) acupuncture, tattooing, ear piercing and electrolysis;
 - (b) allotments, including tenancies issued in respect thereof;
 - (c) amusements with prizes;
 - (d) Betting & Gaming;

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- (e) caravan sites;
- (f) dairies, dairymen and milk dealers;
- (g) erection of headstones, memorials, and monuments in cemeteries;
- (h) Food Businesses;
- (i) Game dealers;
- (j) Game, killing of;
- (k) Hackney carriages and private hire vehicles (including drivers, operators and proprietors), provided that there is no delegated power to refuse the granting of the same;
- (l) House-to-house and street collections;
- (m) Offensive trades;
- (n) Pet animals, dog breeders, animal boarding establishments, riding establishments, guard dogs and zoos (with power to take veterinary advice in connection therewith);
- (o) Places of Public entertainment provided that if it is intended to issue a refusal then the power may only be exercised after consultation with the Ward Member(s);
- (p) Poultry cutting premises;
- (q) Private places of entertainment;
- (r) Rag Flock Acts;
- (s) Sale of intoxicants.
- (t) Scrap metal dealers;
- (u) Slaughterhouses and knackers' yards;
- (v) Slaughtermen;
- (w) Small lotteries;
- (x) Stage plays; and

(y) Theatrical employers.

- xiv. To undertake all action (including any determinations necessary in respect thereof) in connection with the investigation and enforcement (including where relevant suspension and/or revocation) of any certificates, licences, permits, consents, registrations or other document (including any conditions, restrictions or any other limitations relating thereto) issued pursuant to EH< Leader delegated power xi above, provided that such power does not include the power to suspend or revoke any licence relating to Hackney Carriages or Private Hire vehicles unless in the opinion of an EH< Leader a suspension is necessary in the interests of public safety prior to any hearing taking place.
- xv. To determine whether to remit the whole or part of a fee arising from an application relating to public entertainment on grounds that an application is of an educational or charitable purpose.
- xvi. To determine and provide observations arising from requests made to the magistrates on applications for the transfer of licences to retail intoxicating liquor and betting shop licences.
- xvii. After consultation with the appropriate ward Councillor(s) to determine and provide observations arising from requests made to the magistrates on new applications for betting shop licences or licences to retail intoxicating liquors, where there are no objections.
- xviii. To require and undertake all action to secure the removal of matter which in the opinion of an EH< Leader is noxious.
- xix. To undertake all action (including any determinations necessary in respect thereof) to prevent the sale of verminous articles, and to arrange for their disinfection or destruction.
- xx. On receipt of such medical advice as an EH< Leader deems appropriate To undertake all action (including any determinations necessary in respect thereof) to prevent the spread of disease, provided that the prior approval of the Financial Services Manager shall be secured if such action may result in any compensation to being paid.
- xxi. To undertake all action (including any determinations necessary in respect thereof) in connection with the cleansing of filthy or verminous premises, including without prejudice to the generality of the foregoing requiring articles to be cleansed, purified, disinfected or destroyed, as appropriate, or removed from premises.

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- xxii. To undertake all action (including any determinations necessary in respect thereof) to prevent or restrict the removal of food which is likely to cause food poisoning.
- xxiii. To examine and test drains or any structure or article associated with the transport, disposal or removal of any waste product (including water) that is believed may be defective, or in any way insufficient and to undertake all action (including any determinations necessary in respect thereof) to secure that any defect or insufficiency is remedied.
- xxiv. To require the provision of adequate drainage or repairs to existing drainage.
- xxv. To require the provision of sanitary appliances at relevant places and to deal with other matters relevant to any such requirement.
- xxvi. To undertake all action (including any determinations necessary in respect thereof) in connection with land drainage matters.
- xxvii. To determine whether to grant or refuse authorisations for the purposes of the Food Safety Act, 1990.
- xxviii. To endorse any assignments or transfer of enforcement responsibility under sections 5 and 6 of the Health and Safety (Enforcing Authority) Regulations, 1989.
- xxix. To appoint inspectors for the purposes of the Health and Safety at Work Act, 1974.
- xxx. To undertake all action (including any determinations necessary in respect thereof) relating to the control of stray dogs.
- xxxi. To undertake all action (including any determinations necessary in respect thereof) in connection with fairground safety.
- xxxii. To authorise and issue the revocation of demolition or closing orders or the substitution of one for the other and the cancellation of undertakings.
- xxxiii. To authorise and issue the acceptance of undertakings in respect of work to be carried out on insanitary buildings.
- xxxiv. To authorise and issue the service of notices to quit arising from demolition orders.

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- xxxv. To undertake all action (including any determinations necessary in respect thereof) in connection with the removal of verminous persons to cleansing stations.
- xxxvi. To undertake all action (including any determinations necessary in respect thereof) in connection with the removal to suitable premises of persons in need of care and attention.
- xxxvii. To enter into agreements for grave maintenance provided the costs of the same can be met from existing or allocated budgetary provision.
- xxxviii. To undertake all action (including any determinations necessary in respect thereof) in connection with proposals for changes in commons and public rights of way, (except maintained roads) provided, in the opinion of an EH< Leader no objection during any relevant consultation period has been received.
- xxxix. To determine whether to and to submit holding objections to the granting of Goods Vehicle Operators Licences.
 - xl. To determine whether to and to submit holding objections to proposals for variation in bus or rail services, including fares, pending a Member decision.
 - xli. To undertake all action (including any determinations necessary in respect thereof) in connection with all matters relating to the naming and re-naming of highways and numbering and re-numbering schemes.
 - xlii. To undertake all action (including any determinations necessary in respect thereof) in connection with any application for a licence, permit, certificate or statement, any notice made or given to the Council, any other applications (including applications for registration and to review, transfer, vary, remove, cancel or renew), and all other matters arising in respect of the Gambling Act 2005 (including, without prejudice to the generality of the foregoing, power to determine whether a representation is a “relevant representation” for the purposes of the Act) provided that power to take such action shall not include the power to make an actual final determination only where any one or more of the following apply:-
 - (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;
 - (b) the final determination of any application for a transfer following representations by the Gambling Commission;

- (c) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;
 - (d) the making of the final determination where discretion exists as to whether or not to hold a hearing and a decision is made not to hold a hearing;
 - (e) the determination as to whether the Council should make a representation, and if so, the content of the representation under the Gambling Act 2005 has been received by another local authority and for which the Council is a consultee; and
 - (f) the final determination in relation to the approval of any policy.
- xliii. To undertake all action (including any determinations necessary in respect thereof) for the purposes of the Health Act 2006 in connection with the control of smoking including in particular but without prejudice to generality of the foregoing:
- (a) the issuing of penalty notices;
 - (b) the obtaining and exercising of warrants;
 - (c) approving the use of any relevant equipment and/or attendance by others; the power to enter premises and vehicles, undertake inspections and examinations, require production of substances and/or products; take and retain samples and / or extracts and retain substances and /or other products; and
 - (d) require any other person to give such information and provide such facilities and assistance as are considered necessary for that purpose
- xliv. To authorise any Officer within the Team of the Environmental Health and Licensing Team Leader, or any other appropriately trained officer, to be an inspector and/or generally to undertake such powers as may be authorised (including powers of inspection, sampling, detention, seizure, destruction and entry) in respect of the Health Act 2006.

10. **FINANCIAL SERVICES MANAGER**

- i. To apply for any grants or subsidies to which the Council is, or may be, entitled.
- ii. To pay allowances to Councillors and co-opted Members of Committees and Sub-Committees.
- iii. In consultation with the Finance Portfolio Holder, to approve virements within the capital programme of up to £10,000.

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- iv. To negotiate and agree financing arrangements for items in the capital programme authorised by Cabinet.
- v. paying accounts for work done, goods supplied or services rendered.
- vi. Making any arrangements for the collection of income.
- vii. To undertake the Council's Treasury Management Function in accordance with all Financial Regulations and such policies and strategy as the Council may adopt from time to time, including, but without prejudice to the generality of the foregoing:
 - (a) fixing interest rates for all loans made by the Council, except those fixed by any employees' contracts of service and the Government;
 - (b) in the name of the Council, the investment and re-investment of Council monies;
 - (c) the opening and operating accounts in the name of the Council;
 - (d) the ordering, signing, endorsing and general control of all cheques drawn on the Council's accounts;
 - (e) acting as authorised signatory, authorising the transfer and / or giving instructions to transfer money by CHAPS, BACS or other transfer system (whether electronically or otherwise), from, between and /or to any account held by or on behalf of the Council in respect o sums properly payable and / or held by the Council; and
 - (f) to act as the Council's registrar of stocks, bonds and mortgages.
- viii. To write off any debt up to £2,000 provided that, in the opinion of the Financial Services Manager, the sum is irrecoverable or uneconomic to recover.
- ix. To establish and secure the recovery of debts owed to the Council.
- x. To make payment from the Council's funds:
 - (a) where a General Manager confirms that expenditure has been incurred in accordance with Financial Regulations;
 - (b) whether or not provision exists within estimates, where specifically required by statute or as a result of court action; and

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- (c) to contractors employed by or on behalf of the Council on certification of works or services being completed.
- xi. To approve the format of official order forms and receipts used by the Council including procedures for their supply and control including:
 - (a) any terms and conditions associated therewith; and
 - (b) where payments are made to the Council to determine whether a receipt should be issued.
- xii. To approve the strategic and annual audit plans.
- xiii. To determine the accounting systems, forms of accounts and supporting financial records used by the Council.
- xiv. To determine and establish the arrangements for the audit of the Council's financial affairs.
- xv. To arrange and approve insurance cover for the Council and, in consultation with such other officers as the Financial Services Manager deems appropriate, to arrange for the negotiation of, and to approve the payment of, claims.
- xvi. To maintain an asset register for all fixed assets
- xvii. To undertake all actions (including any determinations necessary in respect thereof) in connection with variation applications under the Data Protection legislation.
- xviii. To determine whether to waive any inspection charge under the Data Protection legislation.
- xix. To deal with security standards and procedures under the Data Protection legislation and generally in respect of information held on the central computer network in consultation with the Legal Services Manager and the Financial Services Manager.
- xx. To pay salaries, wages, honoraria, compensation, professional subscriptions and any other emoluments in accordance with national and local agreements and the policies of the Council.

11. **GENERAL MANAGER (POLICY)**

- i. To undertake all actions (including any determinations necessary in respect thereof) in connection with applications for the approval of schemes for

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village or community halls, recreational and sports facilities for which grant has already been approved.

- ii. To undertake all actions (including any determinations necessary in respect thereof) in connection with the letting and use of halls, and recreational facilities.
- iii. After consultation with all relevant bodies identified within the Crime and Disorder legislation and with the Legal Services Manager to authorise applications, in accordance with any agreed protocol, for anti-social behaviour orders.
- iv. To determine which proposals for funding from the Liveability Capital Fund shall be referred to the Cabinet. The General Manager (Policy) shall in exercising this delegation, determine to refer to the Cabinet all proposals which in his/her opinion, having consulted with the section 151 Officer, meet the assessment criteria from time to time laid down in the strategy approved by Council for this purpose having also consulted with the group set up by Cabinet to give views on the proposals.
- v. To award capital grants up to £2,500 each from the Liveability capital Fund subject to a total maximum laid down in the strategy approved by Council.

12. HOUSING MANAGER

- i. To undertake all action (including any determinations necessary in respect thereof) in connection with applications for inclusion on the housing waiting lists.
- ii. To undertake all action (including any determinations necessary in respect thereof) arising under Part VI and Part VII of the Housing Act 1996 (as amended) including, but without prejudice to the generality of the foregoing, the determination:
 - (a) as to whether a person is a qualifying tenant;
 - (b) of any application for allocation of housing (including the allocation of any points that may need to be awarded under any scheme adopted by the Council);
 - (c) as to whether a person should be removed from the Housing Waiting list;
 - (d) of allocations (including nominations) of residential properties; and
 - (e) of homelessness applications.

- iii. Subject to the prior approval of the Legal Services Manager, to agree terms, to take on leases of properties and enter into other short term non-secure arrangements on behalf of the Council to secure accommodation for the homeless and any others evacuated in an emergency providing any costs associated with the same can be met from existing budgets.
- iv. To determine what information shall be regarded as 'accessible' in accordance with the Access to Personal Files (Housing) Regulations, 1989.

13. DEMOCRATIC SERVICES MANAGER

- i. In consultation with any Chairman that the Democratic Services Manager considers appropriate, to determine the order of items on a summons and agenda, and the appropriate body or member of the Council to which an item should be taken.
- ii. To make arrangements for Members attendance at Conferences, Sessions and workshops where in the opinion of the Democratic Services Manager such attendance would benefit Members.
- iii. To make arrangements to pay Members' allowances in accordance with any policies and procedures of the Council and relevant legislation.
- iv. In circumstances where a meeting of a committee or a sub-committee is to be selected from a panel of members, power to undertake all action (including any determinations necessary in respect thereof) necessary to identify and select the members sitting at such a meeting.

14. SOLICITOR TO THE COUNCIL

- i. To authorise, institute, prosecute, defend and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council together with the undertaking of such preliminary or further work in relation to the same as the Legal Services Manager deems appropriate, including in particular, but without prejudice to the generality of the foregoing:
 - (a) action in respect of any caravan, tent or other structure (whether of a permanent or temporary nature) that in the opinion of the Legal Services Manager is unlawfully placed on any land;
 - (b) the enforcement of any order or byelaw made or confirmed by or on behalf of the Council;
 - (c) action in respect of anti-social behaviour orders;

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- (d) the obtaining of warrants; and
 - (e) the securing and enforcement of injunctions including the giving of appropriate undertakings provided that the prior approval of a General Manager has first been obtained.
- ii. To investigate issues relating to, and undertake all action in connection with the enforcement of any licenses, authorisations, consents, approvals, notices, orders or other documents (including any conditions, restrictions, limitations or other requirements relating thereto) given, issued or made by the Council or any officer in such a manner as the Legal Services Manager deems appropriate (including, without prejudice to the generality of the foregoing, proceedings in the High Court).
 - iii. To investigate issues relating to and undertake all action in connection with the enforcement of the terms of any agreement, contract, lease or any other legal instrument to which the Council is a party (including any conditions, restrictions, limitations or other requirements relating thereto), in such a manner as the Legal Services Manager deems appropriate (including, without prejudice to the generality of the foregoing, proceedings in the High Court).
 - iv. To approve terms, prepare, and issue contracts and all other associated documentation concerned with the acquisition and/or disposal or any interest in land or property (including without prejudice to the generality of the foregoing rental levels and fees), provided that there has been previous approval for such acquisition and/or disposal.
 - v. To instruct and authorise any person (including counsel and/ or consultants) or body to undertake work and/ or act on behalf of the Council in respect of any legal issue (including legal proceedings, tribunals, hearings and inquiries) relating to the Council including, without prejudice to the generality of the foregoing, the outsourcing of legal work provided that at the time of the authorisation in the opinion of the Legal Services Manager there is sufficient money to meet the costs of the same in existing budgets and/ or allocated funds.
 - vi. To issue or withhold any consent or approval under the terms of any lease, conveyance or other document.
 - vii. To approve terms, prepare and issue documentation for agreements, easements, and wayleaves provided that there has been previous approval for the entering into of the same.
 - viii. To attest the Council seal and sign any document necessary to give effect to:

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- (a) a resolution of the Council; and / or
 - (b) the exercise of a power delegated by the Council.
- ix. To make and/or determine whether to confirm (with or without modification):
- (a) tree (including groups of trees and woodland) preservation orders;
 - (b) byelaws, and
 - (c) orders for the control of drinking in public places,
- provided that in all cases:
- (d) there has been a prior decision of the Council or an officer (with power so to do) to proceed with the obtaining of the same; and
 - (e) in the opinion of the Legal Services Manager there has been no representation received within any relevant specified time period constituting an objection to the same.
- x. To approve terms, prepare and issue any notice, order, permit, certificate, requisition or other document (including power to withdraw, vary and/or revoke the same) pursuant to the exercise of any decision of the Council or an officer (with power so to do), including without prejudice to the generality of the foregoing:
- (a) Notices and orders relating to vehicles;
 - (b) stop notices;
 - (c) road closures; and
 - (d) applications for late night shopping.

15. OPERATIONS MANAGER

- i. To undertake all action (including any determinations necessary in respect thereof) in connection with the disposal of refuse, recycled materials and abandoned vehicles.
- ii. To provide and fix litter bins or baskets in places which the Operations Manager considers suitable, subject to any consent necessary for the fixing of the same having first been obtained.

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- iii. To make observations to County Councils on applications for waste disposal licences.
- iv. After consultation with the Finance Manager, to undertake all action (including any determinations necessary in respect thereof) in connection with applications in respect of commercial waste (including waste of mixed hereditaments including a private dwelling).
- xliii. To undertake all action (including any determinations necessary in respect thereof) in connection with the management of County Council gypsy sites.

16. PERSONNEL OFFICERS

- i. To interpret employment legislation, policies, custom and practice and implement processes and / or decisions based on the same.
- ii. To develop employment policies and negotiate with trade unions recognised by the Council in relation to such policies.
- iii. To negotiate with trade unions recognised by the Council in relation to employee terms and conditions of employment.
- iv. To design and implement procedures in relation to training and development activities relating to personnel issues.
- v. To appoint and instruct any external advisor or body on employment issues providing the anticipated costs can be met from existing budgets within the control of the Personnel Officers.

17. POLICY MANAGER (CONSERVATION AND DESIGN)

- i. To undertake all action (including any determinations necessary in respect thereof) in connection with applications for:
 - (a) historic buildings repair grants;
 - (b) grants of up to £1,500 under the General Grant Scheme;
 - (c) grants under PART XVI of the Housing Act 1985;
 - (d) the letting of allotments and recreational facilities, sports pitches and the use of parks and open spaces for Special Events;
 - (e) any consent required under the terms of an allotment tenancy; and
 - (f) the erection of headstones, memorials, and monuments in cemeteries.

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- ii. To prepare and submit requests to the relevant central government department to spot list buildings which in the opinion of the Policy Manager (Conservation and Design) are of architectural or historic interest, and are under threat.
- iii. To undertake all action (including any determinations necessary in respect thereof) in connection with:
 - (a) the making, confirming, variation and / or revocation of tree (including groups of trees and woodland) preservation orders, provided that in the case of making or varying such an order, notice of the same has been sent to any member in whose ward the trees or woodland are situate, at least seven calendar days before the order is made; and
 - (b) in circumstances which in the opinion of the Policy Manager (Conservation and Design) constitutes an emergency, the issuing of a building preservation notice and/or the making, confirmation variation or revocation of tree (including groups of trees and woodland) preservation orders.
- iv. To undertake all action (including any determinations necessary in respect thereof) in connection with applications for felling of trees in respect of which no notice of opposition is received within any relevant notice period.
- v. To enter into agreements for grave maintenance.
- vi. To undertake all action (including any determinations necessary in respect thereof) in connection with any matter arising under any regulations relating to hedgerows, provided that prior to any application being determined in relation to the same:
 - (a) there has been prior consultation with the member of the ward to which the application relates; and
 - (b) notification of any application has been sent to the Parish Council of the area to which the application relates (if any).
- vii. To undertake all action (including any determinations necessary in respect thereof) in connection with trees which in the opinion of the Policy Manager (Conservation and Design) are, or may be, dangerous.
- viii. To undertake all action (including any determinations necessary in respect thereof) that the Policy Manager (Conservation and Design) considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any primary or secondary planning

legislation including, without prejudice to the generality of the foregoing, the Town and Country Planning Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Control of Advertisement) Regulations 1992, the Planning (Listed Buildings and Conservation Areas) Act 1990 and Department of the Environment Circular 18/84.

- ix. To undertake all action (including any determinations necessary in respect thereof) in order to regulate any actual or perceived breaches of planning legislation (including any conditions, restrictions or other limitations), including but without prejudice to the generality of the foregoing:
 - (g) The authorising and issuing of requisitions for information;
 - (h) The authorising and issuing of Planning Contravention Notices;
 - (i) The authorising and issuing of Enforcement Notices;
 - (j) The authorising and issuing of Breach of Condition Notices;
 - (k) The authorising and issuing of notices under s215 of the Town and Country Planning Act 1990; and
 - (l) determining not to take or to cease action where in the opinion of the Policy Manager (Conservation & Design) a breach is trivial or can show no demonstrable harm.
- xv. To undertake all action (including any determinations necessary in respect thereof) in connection with the submission of any scheme, details or other matters pursuant to any permission, consent, approval or other determination issued by, or on behalf of the Policy Manager (Conservation and Design).
- x. To undertake all action in connection with Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and/or the Planning (Control of Advertisement) Regulations 1992, that, in the opinion of the Policy Manager (Conservation and Design) can reasonably be regarded as ancillary to the process of determining applications submitted pursuant to the same, including but without prejudice to the generality of the foregoing:
 - (a) whether and what information is required in respect of an application;
 - (b) the determination as to when to place an application (whether previously deferred by the Council or otherwise) on any agenda;

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- (c) the arrangement of site visits subject to prior consultation with the Chairman of the Development Control Committee, or such other Chairman as the Development Control Manager considers appropriate;
 - (d) the determination as to whether to refer an application to the Secretary of State;
 - (e) the method and extent of consultation in respect of, notification and advertisement of applications, provided that in any event all efforts are made to ensure that the statutory requirements in respect of the same are satisfied;
 - (f) to seek to secure the withdrawal of applications outstanding for a period in excess of one calendar year; and
 - (g) the determination of requests for deferment by any party in relation to any application.
- xi. To determine any application submitted pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and/or the Planning (Control of Advertisement) Regulations 1992, (including the determination of any conditions, obligations, limitations or any other restrictions or requirements necessary in respect thereof), provided that the power to determine an application does not apply to any application:
- (a) that in the opinion of the Policy Manager (Conservation and Design):
 - (1) would both be in conflict with the Development Plan and is of sub-regional and / or district wide significance; or
 - (2) is wholly or partly on the Council's own land, or
 - (3) is an application submitted by a Member (or their partner); or
 - (4) is an application submitted by an Officer (or their partner);
 - (5) the application is for MAJOR residential development defined as over 10 dwellings or 0.5 ha residential site; or
 - (6) the application has been the subject of a request by a member of the Council to refer it to the Development Control Committee for decision, the member having made the request during the consultation period; or

- (7) the decision taken under delegated powers would conflict with a decision previously taken by the Development Control Committee on the same matter, including variation or removal of a condition specifically imposed by the Committee; or
 - (8) in the case of an application it is intended to approve, this decision would conflict with the views of the relevant Town or Parish Council, as expressed during the agreed consultation period; or
 - (9) in the case of an application it is intended to approve and which is contrary to the views of a statutory consultee, other consultee, neighbour or other interested party, the approval is in consultation with the Chairman (or in his absence the Vice Chairman) and the ward member(s); or
- (b) that in the opinion of the Policy Manager (Conservation and Design) ought to be considered by a committee of the Council; or
- (c) in respect of which the Policy Manager (Conservation and Design) receives (within 21 days of receipt of the application being first sent to one or more Members) a written representation from a Member which in the opinion of the Policy Manager (Conservation and Design) both conflicts with the intended decision in respect of the application and contains planning reasons indicating why a different conclusion should be reached.

18. POLICY MANAGER (RURAL ECONOMY)

- i. To undertake all action (including any determinations necessary in respect thereof) in connection with applications for match funding grants to individual businesses of up to £2,500 provided any expenditure to be incurred by the Council can be met from existing budgets.

19. REVENUES MANAGER

- i. To undertake all matters (including any determinations necessary in respect thereof) arising in relation to the valuation list including, but without prejudice to the generality of the foregoing:
 - (a) making proposals for its alteration or the inclusion therein of properties;
 - (b) objecting to proposals for its amendment;

- (c) entering into agreements (including negotiation of any terms) relating to amendment or revision of its entries; and
 - (d) determination of the apportionment of rateable value between parts of hereditament.
- ii. To authorise, instigate, prosecute, defend and appear in any legal proceedings (including tribunals, hearings and inquiries) in respect of rates, community charge and Council Tax arrears, including power to appoint other officers to represent the Council in relation to such matters.
- iii. To determine whether to grant relief of rates, community charge and Council Tax subject to any decision according with any relevant policies of the Council.
- iv. To undertake any action (including any determinations necessary in respect thereof) which, in the opinion of the Revenues Manager is necessary, to investigate possible issues of overpayment or fraud in relation to rates, community charge, Council tax, Housing Benefit, Council Tax Benefit or other benefit paid by the Council.
- v. In relation to Housing Benefit, Council Tax Benefit or other benefit paid by the Council to authorise, instigate, prosecute, defend and appear in any legal proceedings (including tribunals, hearings and inquiries):
 - (a) for the purposes of the recovery of any benefit paid by the Council; and
 - (b) in relation to any fraud investigation,including in both cases power to appoint other officers to represent the Council in relation to such matters.
- vi. In relation to Council Tax, Community Charge, rates, or any benefit paid by the Council, to write off any debt or overpaid benefit of up to £1,000 which in the opinion of the Revenues Manager is irrecoverable or uneconomic to recover.
- vii. To undertake all actions (including any determinations necessary in respect thereof) in connection with applications for rent rebates, rent allowances, Council Tax Benefits, Housing Benefits and any other benefit paid by the Council.
- viii. To determine whether to offer administrative penalties as an alternative to prosecution for any benefit fraud cases.

