

CABINET

17 July 2007

MINOR AMENDMENTS TO CONSTITUTION – SCHEME OF DELEGATION TO OFFICERS
(PART 3, SECTION 6)

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES: None.

EXECUTIVE SUMMARY:

Appendix A contains a number of changes to the Scheme of Delegation to Officers. The Scheme of Delegation to Officers is contained within the Council's Constitution Part 3, Responsibility for Functions, Section 6.

The changes are relatively minor in nature and are necessary to reflect the Council's new structure and Directorates. The Chief Executive has authorised these changes to take effect in the interim under his delegated powers, until the permanent changes are authorised by Cabinet and Council.

In addition, a few other minor changes are proposed to take account of new legislation etc.

To aid understanding (because of the amount of changes involved), amendments where delegated powers have simply been transferred from an old Council department to a new Division, or those involving minor technical adjustments have not been tracked. The changes highlighted indicate new or revised powers.

RECOMMENDATIONS (TO COUNCIL):

1. That the changes to the Part 3 of the Constitution, Section 6, be approved as outlined in Appendix A.
2. That any references in minutes/executive decisions or legal documentation to delegations to the former Director posts be construed as a reference to the appropriate Head of Division or Corporate Director who are hereby authorised to exercise such functions.
3. That the Corporate Director (Governance) be given delegated authority to update other sections of the Constitution to reflect the changes in the officer structure.

CABINET17 July 2007MINOR AMENDMENTS TO CONSTITUTION – SCHEME OF DELEGATION TO OFFICERS
(PART 3, SECTION 6)REPORT OF HEAD OF DEMOCRATIC SERVICESDETAIL:

- 1 Amendments to reflect the new Council Structure
 - 1.1 Following the recent changes to the Council's Structure, it is necessary to make some minor amendments to the Scheme of Delegation to Officers. The suggested changes are set out in Appendix A to this Report.
 - 1.2 The opportunity has also been taken to review the whole Scheme and some other minor additions are proposed as a result of new legislation etc.
 - 1.3 The financial limits under the Head of Estates delegations have been increased to take account of inflation and to remove the need for Member involvement (other than Portfolio Holder) in the more routine transactions.
 - 1.4 Changes have been made to give authority to the Head of Landlord Services to instigate procedures for the recovery of Council dwellings for rent arrears or persistent infringement of tenancies, in order to reduce the need for the Portfolio Holder to be involved in a large number of individual cases, but to focus more on the overreaching policy issues facing the service.

OTHER CONSIDERATIONS:2 CORPORATE STRATEGY (RELEVANCE TO):

An efficient and effective Council.

3 RESOURCE IMPLICATIONS:

None.

4 BACKGROUND DOCUMENTS:

None.

5 APPENDICES:

Appendix A – Replacement Scheme of Delegation to Officers (Part 3 of the Constitution, Section 6)

SECTION 6 - THE SCHEME OF DELEGATION TO OFFICERS

[This Scheme was approved by Cabinet on 5 July 2004 and by Council on 21 July 2004 and includes all delegated authorities up to that date. It also includes minor amendments made at Planning Development Control Committee on 28 July 2004 and those introduced regarding the Licensing Act 2003 as agreed by Licensing and Regulation 2003 on 14 December 2004 (approved by Council 5 January 2005). In addition, the Scheme has been updated by Cabinet on 17 July 2007 and Council on 12 September 2007 to reflect the new structure and Directorates taking effect from May 2007].

A - The following matters are delegated to the **CHIEF EXECUTIVE**:-

1. Authority to act in the place of any officer having delegated authority under this Scheme or to transfer any such power from one officer to another.
2. Power to act in an emergency or in relation to matters of urgency in consultation with, where practicable, the Leader (or Deputy) and Chairman (or Vice-Chairman) of the relevant overview or scrutiny committee for executive decisions and, for non-executive decisions, the Chairman (or Deputy) of the relevant non-executive committee and the Mayor or Deputy Mayor. The Chief Executive's power to act in an emergency or in relation to matters of urgency shall be exercised in his absence by either the Corporate Director (Governance) or Head of Finance.

(The use of this delegated power should be reported to Cabinet or the appropriate committee as soon as practicable.)

3. Authority to exercise the powers contained in Section 92 Local Government Act 2000 (payments in cases of maladministration etc), following consultation with the Chairman of the Principal Scrutiny Committee, and subject to a report back being made to the Principal Scrutiny Committee as soon as practicable.
4. Increases in establishment that will be totally reimbursed by another body.
5. Applying the Council's schemes for retirement or voluntary redundancy in the interests of the efficiency of the service.
6. Allocation of housing to employees within the total number of houses allowed by the Council for this purpose.
7. Power to add items to the agendas of overview and scrutiny committees without specific reference to Cabinet.
8. Authorisation of officers to exercise powers and duties under the provisions of the Anti-Social Behaviour Act 2003.

Note: The Chief Executive, as Head of Paid Service, has statutory functions under the Local Government Act 2000 in relation to the appointment, dismissal and taking of disciplinary action in respect of staff. These functions either have to be undertaken by the Head of Paid Service or an officer nominated by him.

The Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) and the Officer Employment Procedure Rules refer).

The Chief Executive has delegated these functions as follows:-

Corporate Directors (for their Group) and Heads of Division (for their Division) have delegated authority for the following:

- (a) The appointment, dismissal or discipline of all members of staff within the authorised establishment from time to time in the Group or Division, subject only to:
- consultation as appropriate in relation to staff who fall within the definition of 'deputies; under the relevant regulations and guidance;
 - the requirement to obtain approval from the Head of Organisational Development before declaring any post redundant;
 - the requirement to consult the Chief Executive before dismissing any member of staff;
 - the requirement to consult the Head of Organisational Development in the event of it being proposed that a new appointment should be made at a starting salary point which is more than half way up the authorised salary scale for the post.
- (b) Variation of the approved establishment of their Group or Division, provided that (i) the total number of full-time equivalent employees is not increased, (ii) the costs of changes can be contained within the current and future approved salary budgets for the Group or Division, and (iii) any proposals for changes in the approved establishment have first been agreed with the Head of Organisational Development.
- (c) Within the approved Group or Division staff budget and subject to any relevant Council policy:
- (i) payment of discretionary honoraria within the provisions of the Scheme of Conditions of Service of for special contributions to the work of the Council beyond the basic content of the post, subject to such payment in each case not exceeding the value of two scale increments (any proposal to pay a higher level of increment will require consent of the Head of Organisational Development);
 - (ii) appointment of temporary staff for periods of up to six months;
 - (iii) appointment of temporary staff to cover periods of maternity leave where there is no other alternative available;
 - (iv) authorisation of attendance at study and training courses;
 - (v) approval of telephone and car entitlements and allowances; including lease cars.
 - (vi) approval of payment of a casual car allowance on a journey by journey basis;
 - (vii) approval of overtime.
 - (viii) Approval of compassionate or special leave, within the terms of any Council policy or corporate management guidance which applies from time to time.
 - (ix) Authority not to approve specific car agreements where a proposed vehicle would not be suitable for the type of work that the employee in question has to carry out.
 - (x) Authorisation or designation of officers and such persons as might be necessary for the purpose of performing the Council's statutory powers or duties, including to enter and inspect land and premises or to make investigations or to obtain information or samples.

B - EACH CORPORATE DIRECTOR may exercise any function within their Group in the Scheme of Delegation or in a minute/executive decision delegating a function (unless expressly prohibited by law when a statute expressly requires a particular professional qualification to be held eg S151 officer).

C – The following matters are delegated to EACH CORPORATE DIRECTOR (INCLUDING THE CHIEF EXECUTIVE) OR HEAD OF DIVISION so far as they relate to their functions.

1. Expenditure within the approved revenue budget; entering into any necessary contracts for the supply of goods or services (subject to the provisions of Contract Procedure Rules and the Finance Procedure Rules); taking any necessary action to enforce or terminate such contracts.
2. Implementation of requirements and procedures in relation to competitive tendering including selection of contractor, subject to compliance with any approved consultation arrangements with members.
3. Decisions on applications for and cancellation of permits, licences or certificates of registration where all statutory requirements are satisfied, and in accordance with any policy of the Council in relation to the function concerned.
(Note: the inclusion of references to specific types of permit, licence etc. in the list of delegations to individual directors is without prejudice to the generality of this item.)
4. Authorisation of issue of statutory notices including statutory requisitions for information as to interest in land.
5. To appoint officers/inspectors, to authorise or designate officers and such other persons as might be necessary for the purpose of performing the Council's statutory powers or duties, including to enter and inspect land or premises or to make investigations or to obtain information or samples.
[Note: This power does not extend to the authorisation of officers under Regulation of Investigatory Powers Act 2000 which is a Corporate Director (Governance) or Head of Legal Services function.]
6. Determination of charges for services or of fees (except where the power has been retained by Cabinet or a committee) and for publications, undertaking research and copying documents; approval of charges to the public by any contractor of the Council.
7. Decisions in connection with the operation or management of property or facilities.
8. The submission of applications for planning permission required in connection with approved schemes or programmes.
9. Carrying out minor development for which a specific planning permission is not required provided the specific expenditure is authorised.
10. Authority to make representations on behalf of the Council as a Responsible Authority under the Licensing Act 2003.
11. Subject to discussion with the relevant Portfolio Holder, to agree changes to approved business plans, provided that the amended business plan will continue to deliver the Council's policy framework within the agreed budget.

CORPORATE DIRECTOR (GOVERNANCE)A) **HEAD OF LEGAL SERVICES**

1. To deal with applications under the Licensing Act 2003 allocated to the Head of Legal Services in the following table:-

Matter to be dealt with	Licensing Sub-Committee	Head of Legal Services
Application for personal licence	If a Police objection made	If no objection made or if the applicant, Council and Police agree that a hearing is not necessary.
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Application to review premises/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	

In cases where the Magistrates' Court has determined the licence on appeal		All cases
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2. To deal with applications under the Gambling Act 2005 allocated to the Head of Legal Services in the following table:

Matter to be dealt with	Licensing Sub-Committee	Head of Legal Services
Application for premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for variation to a premises licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for a transfer of a premises licence.	Where representations have been received from the Commission and not withdrawn.	Where no representations have been received from the Commission.
Application for a provisional transfer of a premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Review of a premises licence.	All cases.	
Application for club gaming/ club machine permits.	Where objections have been received and not withdrawn.	Where no objections have been received/objections have been withdrawn.
Cancellation of club gaming/ club machine permits.	All cases.	
Application for other permits.		All cases.
Cancellation of licensed premises gaming machine permits.		All cases.
Consideration of temporary use notice.		All cases.
Decision to give a counter notice to a temporary use notice.	All cases.	
Making representations or seeking reviews as Licensing Authority.		All cases.

3. Decisions on applications for permits for the provision of amusements with prizes in all cases where the applications do not conflict with the Council's policy.
4. Decisions on applications for the use of St. Maurice's Covert.
5. Removal and disposal of abandoned vehicles.

6. Decisions on applications in relation to hackney carriage and private hire vehicles, drivers and operators; suspension of drivers.
7. Registration of applicants in relation to pool betting and appointment of a qualified accountant as required.
8. Approval of the terms, other than fundamental heads of agreement determined by Cabinet, a Committee or another officer acting under delegated powers, of contracts, leases and other documents in relation to the acquisition, disposal or use of land (including planning agreements).
9. Authorisation of institution and conduct of legal proceedings in the name of the Council:
 - (a) for the recovery of debts.
 - (b) for the recovery of possession of property required by the Council, except Council dwellings.
 - (c) in relation to the functions of the Council.
10. Authority to administer cautions to offenders instead of bringing prosecutions.
11. Applications to Magistrates Court in respect of persons in need of care and attention.
12. Taking all necessary action to defend legal proceedings against the Council, subject in cases in the High Court, wherever practicable, to consultation with the Leader or Deputy Leader if it concerns an executive matter, or the Chairman or Vice Chairman of the relevant committee if it concerns a non-executive matter.
13. Authorisation of officers to appear on the Council's behalf in proceedings before the Courts.
14. Decisions on applications for Certificates of Lawful Development, in consultation with the Portfolio Holder for Planning and Transport (or in his/her absence the Leader of the Council) and Ward Councillors.
15. Decisions on applications for determination of what constitutes development for the purpose of development control.
16. Authority to take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities in the City.
17. Authority to grant permissions with regard to amenities on highways (such permissions to be confined to (a) organisations which have a charitable or similar purpose or which are for a purpose in keeping with the area - e.g. the Christmas shopping event (b) catering establishments).
18. Issue of exclusive rights of burial.
19. Determining applications for burials and memorials.
20. Taking all necessary action in connection with Public Health Act burials and the recovery of expenditure.

21. Decisions on applications for permits for street collections in the rural area of the City.
22. Following consultation with the Mayor, decisions on applications for street collections in the “City” area, where the number of applications exceeds the agreed annual total of thirty six collections.
23. In consultation with the Mayor, decisions on applications for special one-off collections, such as for the relief of disasters within the UK, or for other exceptional purposes.
24. Decisions on applications for collections throughout the Winchester Town Area associated with the performance of carols at Christmas.
25. Decisions on applications for game dealers’ licences.
26. Authority, in consultation with the Head of Planning Control, to determine all applications made under Section 17 of the Land Compensation Act 1961.
27. In consultation with the Portfolio Holder for Finance and Resources, authority to update the Council’s policy guidelines upon the Regulation of Investigatory Powers Act 2000 (RIPA).

B) HEAD OF DEMOCRATIC SERVICES

1. To update the schedules of rates in the Members’ Allowances Scheme to take account of the inflation indices when Council has determined that the inflation indices should be used for the relevant year.
2. Authority to implement revisions recommended by the Hampshire Working Party on Election Fees which are generally in line with the rate of salary awards and/or any changes to Parliamentary scales.
3. Power to add items to the agendas of overview and scrutiny committees without specific reference to Cabinet.

C) HEAD OF FINANCE

1. Raising loans and investing surplus cash, internally or externally, in accordance with the policies agreed by the Council.
2. Banking arrangements in accordance with the policies agreed by the Council.
3. Writing off individual irrecoverable debts in accordance with the limits laid down in Financial Procedure Rules.
4. Provision of insurance cover and negotiating settlement of claims.

D) HEAD OF REVENUES

1. Implementation of national awards for wages, salaries and conditions of service (subject to subsequent report to Cabinet).
2. Loans for car purchase within the Council’s agreed scheme.

3. Payment of creditors' accounts.
4. Institute proceedings or distraint (using a bailiff) for recovery for non-payment of debt.
5. Refund overpayments.
6. General authority to administer, bill, collect and recover revenues in respect of:

Council Tax
Business Rates (NNDR)

which shall include authority to -

- (a) institute proceedings for recovery for non-payment.
 - (b) apply for orders of attachment of earnings or benefits or a charge on property.
 - (c) distraint (using a bailiff) for non-payment.
 - (d) apply for warrants of commitment to prison where non-payment is due to a person's "wilful refusal or culpable neglect".
 - (e) refund overpayments.
7. Determine applications for discretionary rate relief within the scheme approved by the Council; where appropriate, in consultation with the Portfolio Holder for Finance and Resources (or in his/her absence the Leader).
 8. Determine claims for Council Tax disability relief where properties have relevant special facilities for a disabled person.
 9. Determine applications for a temporary allowance on premises partly occupied in accordance with Regulations.
 10. Determine applications for reduction or remission of Business Rate (NNDR) liability on grounds of hardship in consultation with Portfolio Holder for Finance and Resources (or in his/her absence the Leader).
 11. Operation of the Benefits Schemes, determining applications, including backdating benefit, where appropriate.
 12. Authority to provide a payroll service to charities in accordance with Council policy.
 13. Authority to make determinations on discretionary housing payments.

E) HEAD OF INFORMATION MANAGEMENT & TECHNOLOGY

1. To approve capital expenditure on ICT projects, up to £50,000 per project, subject to there being appropriate budget provision (including within the ICT Reserve) and to there being no increase in base revenue budget, in consultation with the Portfolio Holder for Finance and Resources and Head of Finance.
2. Authority to approve street names and alterations to names and all matters relating to street numbering schemes.

F) HEAD OF ESTATES

1. Approval of terms of purchases, easements, disturbance claims and ex gratia payments (in respect of removals), where the consideration does not exceed **£25,000** in any one case and where Cabinet or the Portfolio Holder for Finance and Resources has agreed in principle to the transaction.
2. Disposals, the release or modification of covenants, and the grant of easements where the consideration does not exceed **£25,000** in any one case provided that there is consultation with the appropriate Divisions, the Ward Member(s) and the Portfolio Holder for Finance and Resources (or in his/her absence the Leader).
3. Apportionment and settlement of well-maintained payments under the Housing Acts, subject to agreement between both parties.
4. Lettings for fixed periods not exceeding a year (including continuing tenancies of a like nature terminable at will after the expiration of the initial term).
5. Any other lettings or licences in respect of which the rent does not exceed **£50,000** per annum.
6. Any renewal of tenancy (including surrender and regrant) or licence or rent review in respect of which the rent does not prior to the transaction exceed **£50,000**.
7. Authority to apply for, or proceed with, reference of rental or other disputes to a third party, court or tribunal.
8. Determination of applications for landlord's consent or variation in lease terms except in cases where rejection is recommended or where some unusual factor is present in respect of which a policy decision would be required.
9. Determination of applications for home loss payments, both obligatory and discretionary.
10. Issue of consents under leases by the Council as landlord, in all cases where such consent may not lawfully be refused.
11. Payment of up to 90% of the agreed or estimated purchase price of land of which possession has been taken under a Compulsory Purchase Order, and the agreement of terms where land is being compulsorily acquired from the Council.
12. Decisions on Guildhall booking applications.

CORPORATE DIRECTOR (OPERATIONS)

A HEAD OF BUILDING CONTROL

1. Decisions on applications under the Building Regulations and related legislation.
2. Taking all necessary action to secure compliance with Building Regulations.
3. Decisions on applications for permission for the temporary erection of hoardings or scaffolding on highways.

4. Authority to take appropriate action in exercise of the Council's powers regarding buildings, structures, sites, earthworks, demolitions and trees that present risks to safety, health or amenity; such action may include the serving of notices, court proceedings, the instigation of emergency work and the recovery of expenditure.
5. To act as the "appointing officer" under the terms of the Party Wall Act 1996.

B HEAD OF CULTURAL SERVICES

1. Operation of the Council's museums and tourism facilities including special bookings.
2. Authority to permit or restrict photography and publication of museum and picture gallery exhibits.
3. Authority to loan museum and picture gallery exhibits subject to satisfactory security arrangements and insurance cover.
4. Operation of the Council's sporting and recreational facilities including special bookings.
5. Authority to make Historic Building Grants up to £5,000 on any item within the terms of the Historic Building Grants Scheme.
6. Authority to approve the service of Urgent Works Notices.
7. Authority to issue a Section 215 Notice to require proper maintenance of land.

C HEAD OF ACCESS AND INFRASTRUCTURE

District matters –

1. The enforcement under the Road Traffic Act 1991 of parking restrictions including imposing and waiving parking penalty charge notices.
2. Authority to issue waivers to authorise parking in on-street parking bays and car parks.
3. Authority to close all or part(s) of off-street car parks for special events and circumstances and to suspend parking charges.
4. Authority to take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities in the city.
5. Operation of the Council's concessionary travel scheme.
6. In consultation with the Portfolio Holder for Planning and Transport (or in his/her absence the Leader) and Head of Finance, to grant aid community transport groups up to £5,000 p.a. from the Concessionary Travel Budget, subject to a limit of £1,000 per scheme.
7. Advertising and approval of Off Street Parking Places Orders.

Highways Agency matters (all in accordance with the relevant Agency Agreement with Hampshire County Council) –

8. Advising on the highway aspects of development control applications.
9. Approval of requests for tourism and other traffic signs, and ordering the required works.
10. Approval of requests and making orders for temporary road closures.
11. Approval of temporary signing by AA, RAC and other approved organisations.
12. Operation of Residents Parking Schemes and other on street parking restrictions.
13. Authority to investigate, progress and advertise traffic regulation orders that are non-contentious, without reference to Cabinet or the Cabinet (Traffic and Parking) Committee, providing the appropriate Ward Councillors are consulted and are in support of the proposal.

D HEAD OF PLANNING CONTROL

1. Decisions on planning and listed building applications, except those where:
 - (i) a Councillor registers a request by completing a standard form setting out material planning reasons that a planning application be referred to Committee and that the form be attached to the committee report;
 - (ii) a Parish Council submits issues to the Head of Planning Control of sufficient justification in their representation;
 - (iii) the Head of Planning Control considers the application to be controversial or potentially controversial or the application is for a major development;
 - (iv) six or more representations, which the Head of Planning Control considers relate to material planning considerations, are received from separate individual addresses which are contrary to the officer's recommendations;
 - (v) any planning applications submitted by or on behalf of a Member or Officer of the Council which they have notified to the Head of Planning Control and Corporate Director (Governance).
2. Decisions on minor amendments to proposals and materials.
3. Authority to enter into agreements which arise from planning applications decided under delegated powers.
4. Authority to issue emergency Tree Preservation Orders; such issue to be reported to the next available Planning Development Control Committee.
5. Confirmation of unopposed Tree Preservation Orders.
6. Authorisation of a Tree Preservation Order in a Conservation Area following service of notice on the Council under s.211 of the Town and Country Planning Act 1990.

7. Any action required in relation to High Hedges under the Anti-Social Behaviour Act 2003 or regulations (other than complaints involving land owned by the City Council, County Council, or a Parish Council, Members of the City or County Councils, or City Council Officers).
8. Issue of contravention notices, breach of condition notices and hazardous substance contravention notices.
9. Decisions on:
 - (i) The entering into of Section 106 agreements;
 - (ii) The revised form of a planning permission required as a matter of urgency in connection with a pending hearing of an appeal, in consultation with the Chairman or Vice-Chairman of the Planning Development Control Committee and local Member(s).
10. (i) On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997 (except in respect of hedgerows owned by the Council), and;
 - (ii) In the case of important hedges, to issue Hedgerow Retention Notices and Hedgerow Replanting Notices in accordance with the above Regulations (except in respect of hedgerows owned by the Council).
11. Authority to determine applications for determinations and the granting or refusing of prior approvals, under Part 24 of Schedule 2 of the General Permitted Development Order 1995, except in case of applications in respect of new masts and other structures in excess of three metres in height above ground level, and new masts on buildings.
12. Authority, in consultation with the Chairman of Planning Development Control Committee (or in his/her absence, the Vice-Chairman of that Committee) to determine applications outlined in the exceptions under 11. above, in cases where it would not be reasonably practicable for the matter to be dealt with by the Planning Development Control (Telecommunications) Sub-Committee within the period prescribed for decision.
13. Authority to decide whether an Environmental Assessment or Environmental Statement is required for any planning application to be determined.
14. Authority to issue a Section 215 Notice to require proper maintenance of land.
15. Authority to take enforcement action including the issue, variation and withdrawal of enforcement notices, the issue and withdrawal of temporary stop notices, pursuing appeals and carrying out works in default.

Note: Authority to issue Stop Notices should continue to be given using the existing delegated powers to the Chief Executive to take action in an emergency, or (where meeting timetables permit) by decision of the Planning Development Control Committee.
16. Authority, in consultation with the Portfolio Holder for Planning and Transport and the local Ward Member(s), to determine applications for grants for environmental improvement in rural areas, up to £5,000.

(periodic reports listing the grants made under this authority to be circulated to Members in an appropriate form).

17. Authority, in consultation with the Portfolio Holder for Planning and Transport, to agree the future release of money from the Open Space Fund for projects, worth up to £20,000.
18. Authority to deal with all future applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 Regulations”).
19. Authority to divert a public footpath pursuant to Section 257 of the Town and Country Planning Act 1990.

E) HEAD OF ENVIRONMENT

1. To appoint inspectors under Section 19 of the Health and Safety at Work etc Act 1974 (HSW Act) and to authorise appointed inspectors to exercise any or all of the enforcement powers specified in:

Sections 20, 21, 22, 25 of the HSW Act; Any health and safety regulation; and Any other statutory provisions (see schedule 1 to the HSW Act).

2. To appoint officers to carry out the statutory provisions contained in the TSE* (England) Regulations 2002.
Sunday Trading Act 1994
Environmental Protection Act 1990 Part 1
Pollution and Prevention Control Act 1999.
* Transmissible Spongiform Encephalopathy

3. To appoint Proper Officer/s to carry out the statutory functions of the following:

Public Health (Control of Diseases) Act 1984. Part 1, 2, 3, 4, 5 and 6;
Public Health (Infectious Diseases) Regulations 1988. Regulations 6, 8, 9, 10.
Schedules 3 and 4;
Milk and Dairies (General) Regulations 1959. Part VII;
Public Health Act 1936. Sections 84 and 85;
Public Health Act 1961. Section 37.
National Assistance Act 1948 Section 47
National Assistance (Amendment) Act 1951 Section 1

4. Decisions on applications for licences for:-

- (a) pet shops.
- (b) dog breeding, animal boarding and riding establishments
- (c) the keeping of dangerous wild animals
- (d) zoos.

5. Authority to enter and inspect and license premises used as Guard Dog Kennels.
6. Atmospheric pollution and emission controls, covering approval of plans and specifications for furnaces, approval of chimney heights, approval of equipment for arresting grit and dust and authorisation of prescribed processes.

7. Acceptance of estimates for execution of works in default of, or by agreement with, owners under the provisions of the Environmental Control, Building, Public Health or Housing Acts subject to a maximum estimated cost of £20,000.
8. Authority to take all necessary action, including the service of notices in appropriate cases:-
 - (a) to deal with any matter prejudicial to health or a nuisance.
 - (b) to prevent unauthorised entry to premises which are the subject of either a Closing Order or an undertaking that they shall not be used for human habitation.
9. Decisions on applications for housing renovation and associated grants and authorisation of payment of such grants, including extensions of time and interim payments.
10. Authority to exercise any powers in relation to take-away food shops.
11. Authority to take all necessary action, including the service of Notices in appropriate cases, requiring the provision of sanitary appliances at places of entertainment.
12. Authority to take all necessary action, including the service of Notices in appropriate cases, to effect the removal of obstructions from sewers or drains or otherwise deal with defective drains.
13. Operation of agency on behalf of Secretary of State for Transport in connection with noise insulation.
14. Agreements with landowners for the control of pests.
15. The recognition of water sources to be marketed under the requirements of the Natural Mineral Water, Spring Water and Bottles Water Regulations 1999.
16. To issue formal cautions in accordance with the guidance contained in Home Office Circular 18/1994.
17. Authority to take all necessary action as an enforcement authority under the Health Act 2006 and regulations made thereunder in respect of smoking in premises, places and vehicles, including issuing fixed penalty notices, inspecting premises, and authorisation of officers.

F) HEAD OF LANDLORD SERVICES

1. Operation of the Council's Mutual Exchange scheme.
2. In consultation with Portfolio Holder for Housing and Communities (or in his/her absence the Leader) and the Head of Strategic Housing, the transfer of tenancies to a person or persons left in occupation of a dwelling following the death or departure of the tenant where no legal right of succession exists.
3. Payment of removal expenses to tenants arising from the Council's policies including the tenants transfer incentive scheme.
4. Service of notices determining rights of occupation of Council owned houses including Notices to Quit in respect of deceased tenants or unlawful occupiers and

Notices of Seeking Possession for rent arrears or persistent infringement of conditions of tenancy.

5. Authorisation of institution of proceedings for the recovery of possession of council dwellings for rent arrears or persistent infringement of conditions of tenancy.
6. The carrying out of technical evictions when a licence to re-occupy will be granted.
7. Recovery of rent arrears by distraint.
8. The repair, maintenance, modernisation and general management of all Housing Revenue Account properties, including sheltered housing schemes and any hostel(s) provided for the homeless.
9. The letting of plots of housing land for “allotment” purposes.
10. The sale of Council houses in accordance with the Right To Buy scheme.
11. Appointment of outside Housing, Building and Construction related consultants, subject to procurement rules set out in the Council’s Constitution.
12. Operation of housing rent collection.
13. Power to determine charges, in consultation with the Head of Finance, for the following services:-
 - (a) heating charges
 - (b) guest bedroom charges in sheltered housing schemes
 - (c) door entry system
 - (d) garages on housing land
 - (e) private sewage treatment works.
 - (f) sheltered and general needs service charges calculated to recover actual costs on a scheme by scheme basis.
 - (g) Hostel licence charges.
14. Approval of house purchase or repair and improvement within the policy agreed by the Council.
15. Exceptions to the general rule of not accepting private requests to connect to HRA sewage treatment works (subject to the Head of Finance being satisfied that adequate financial provision is received in respect of both annual maintenance and future capital investment requirements, and subject to the Head of Legal Services securing the appropriate legal agreement).
16. Authority in consultation with the Portfolio Holder for Housing and Communities (or in his/her absence the Leader) and the Head of Strategic Housing, to determine housing allocation in exceptional cases.
17. Authority, in consultation with the Portfolio Holder for Housing and Communities (or in his/her absence the Leader) and the Head of Finance, to make exceptions to the requirements of the Disabled Adaptations policy relating to tenants contributions, where significant savings to the Housing Revenue Account arise, but without proportionate benefits to the tenants.

18. Authority to vary tenancy agreements for tenants who receive “support” services in accordance with the guidelines approved by Cabinet.
19. In respect of the provisions of Part 1 of the Housing Act 2004 (Housing Conditions), authority to issue notices and exercise all other enforcement powers in connection with the Housing Health and Safety Rating System.

G) HEAD OF CUSTOMER SERVICE CENTRE

None specific.

CORPORATE DIRECTOR (POLICY)

A) HEAD OF STRATEGIC HOUSING

1. Operation of the Council's housings allocations scheme, including transfers (internal and external).
2. Negotiation and exercise of nomination rights.
3. Re-housing of applicants in unquestioned housing need outside the normal allocation process subject to reporting to the Social Issues Scrutiny Panel every six months on the number and type of such cases housed in this manner.
4. Determination of applications under legislation dealing with homelessness.
5. Authority to decide whether homeless persons falling into the Category (G) - Other (including no accommodation/sleeping rough/discharged from institution) and to whom the Council has a responsibility under Part III of the Housing Act 1985 (Housing the Homeless), be rehoused directly into standard Council accommodation or a hostel.
6. Authority in consultation with the Head of Finance, to consider each case where a Home Improvement Grant repayment is required and to determine whether to apply any of the relaxations of the grant conditions prescribed in the Secretary of State's General Consent.
7. To establish and maintain a separate waiting list for Shared Ownership and to review annually the maximum affordable household income to access the list.
8. In respect of the provisions of Part 1 of the Housing Act 2004 (Housing Conditions), authority to issue notices and exercise all other enforcement powers in connection with the Housing Health and Safety Rating System.
9. The repair, maintenance and general management of private sector properties leased or rented for housing purposes.
10. In respect of the provisions of Part 2 of the Housing Act 2004 (Licensing of Houses in Multiple Occupation), authority to:
 - (a) approve the issue of mandatory licences;
 - (b) exercise associated powers regarding revocation of licences and the approval of temporary exemption notices.

11. The making of Repair Notices; Closing Orders or Demolition Orders and Notices to remedy unsatisfactory conditions in or to abate overcrowding in Houses in Multiple Occupation under Sections 189, 190, 265, 338 and 352 respectively of the Housing Act 1985 and Deferred Action Notices under Section 82 of the Housing Grants, Construction and Regeneration Act 1996, whenever it is considered expedient to do so.
12. Authority to make a reasonable charge on a person for a service of notice requiring works to a House in Multiple Occupation under Section 352 of the Housing Act 1996; to recover expenses reasonably incurred in carrying out, in default of the person on whom notice was served, works required to be carried out by a notice under: Section 189 or 190 (Repair Notice); Section 265 (Demolition Order) or Section 366 (notice to remedy unsatisfactory conditions in a House in Multiple Occupation).

B) HEAD OF STRATEGIC PLANNING

1. In the absence of the Head of Planning Control, authority to undertake any of the delegations listed under the 'Planning Control Division' section.

C) HEAD OF PARTNERSHIP AND COMMUNICATION

1. In consultation with the appropriate panel of Members, to take all necessary action to produce a Council newspaper

D) HEAD OF PERFORMANCE AND SCRUTINY

None specific.

HEAD OF ORGANISATIONAL DEVELOPMENT

1. To implement individual staff gradings in accordance with the approved job evaluation scheme.
2. Authority to revise and amend the Council's disciplinary and capability procedures for staff.
3. Implementation of the Council's agreed redundancy procedure and issue of redundancy notices.
4. Authorisation of payment of medical examination expenses and specialist treatment costs for staff, including counselling, incurred in accordance with the Council's capability procedures and welfare policies.
5. Implementation of contracts of employment and variations and issuing and varying statements of particulars.
6. Authority to enter into local collective agreements on terms and conditions of service within existing budgets and subject to subsequent reporting to Personnel Committee.
7. Authority to agree minor variations in individual cases of hardship to the operation of the Council's scheme of relocation assistance for officers.

8. To authorise rewards under the Council's long service award scheme and to review the amount of such awards annually.

Proper Officer Functions

Under the terms of the Local Government Act, 1972 (or other statute mentioned) a “proper officer” has been appointed in relation to certain statutory provisions. Where a deputy is specified in the schedule he shall act in the absence of the specified proper officer.

<u>Officer</u>	<u>Deputy</u>	<u>Section of the Local Government Act 1972</u>	<u>Functions</u>
CX	CDG	Any reference made in any enactment passed before or during the 1971-1972 Session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 th October 1972 to the Clerk of the Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act is to be construed as reference to the proper officer of the Council.	
CX	CDG	83(1)-(4)	Witness and receipt of Declarations of acceptance of office.
CX	CDG	84	Receipt of Declaration of resignation of office.
CX	CDG	88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chairman.
CDG	HDS	89(1)(b)	Receipt of notice of casual vacancy from two Local Government Electors.
CX	CDG	Schedule 12 para 4(2)(b)	Signature of Summonses to Council meetings.
HDS	-	Para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.
CDG	HLS	100(B)	Determination of exempt information.
CX, Corporate Directors, Heads of Divisions. CDG	-	100(D)	Determination of which papers constitute background documents.
	HLS	100(F)	Determination of Members access to documents.
<u>Officer</u>	<u>Deputy</u>	<u>Section of the</u>	<u>Functions</u>

		<u>Local Government Act 1972</u>	
HF	Appointed by HF)	115(2)	Receipt of money due from officers.
HF	Appointed by HF	146(1)(a) & (b)	Declarations and certificates with regard to securities.
HF	To be appointed by HF	151	Responsibility for the administration of the financial affairs of the Council.
CX	-	225(1)	Deposit of documents.
CDG	HDS	229(5)	Certification of photographic documents.
CX Corporate Directors/ Heads of Division	-	234(1) & (2)	Authentication of documents.
CDG	HLS	239(9)	To send copies of bye-laws for Parish Records.
CDG	HLS	236(10)	To send copies of bye-laws to the County Council.
CDG	HLS	238	Certification of bye-laws.
CDG	HDS	248	Keeping of Roll of Freemen.
CDG	HDS/HLS	Schedule 14 para 25(7)	Certification of resolutions under para 25 of Schedule 14.
CX	CDG	Schedule 16 para 28	Receipt of deposit of lists of protected buildings.
HIMT	-	191	Functions with respect to the Ordnance Survey.
		<u>Section of the Representation of the People & Electoral Administration Acts</u>	
CDG	HLS	Various	All relevant provisions.

Officer	HDS Deputy	Section of the Local Government and Housing Act 1989	Function
CX	-	4	Head of Paid Service
CDG	Appointed by Monitoring Officer.	5	Monitoring Officer
CX	CDG	15-17	Receipt and service of notices re political balance provisions.
CDG	HDS	19	Receipt of notices of members' interests and maintenance of records.
		<u>Local Government Act 2000</u>	
CDG (as Monitoring Officer)	HLS	Various	All proper officer functions relating to the Council's Constitution and to access to information and functions under the Data Protection Act 1998 and the Freedom of Information Act 2000 (except those under s.36 outlined below).
<u>Officer</u>	<u>Deputy</u>	<u>Section of Act</u>	<u>Function</u>

<u>CX and CDG (as Monitoring Officer)</u>		<u>Freedom of Information Act 2000, Section 36</u>	“...Information to which this section applies is exempt information, if in the reasonable opinion of a qualified person, disclosure of the information under this Act would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs....”
		<u>Section of the Regulation of Investigatory Powers Act 2000</u>	
CDG	HLS	28, 29 and 30	Authority to specify by name those officers who can authorise directed surveillance.

NB With regard to the Regulation of Investigatory Powers Act 2000, a copy of any authorisation must be forwarded to the Head of Legal Services to be retained on the central register of authorisations required by the Code of Practice.

Abbreviations:

CX – Chief Executive

CDG – Corporate Director (Governance)

HF – Head of Finance

HLS – Head of Legal Services

HDS – Head of Democratic Services

HIMT – Head of Information Management & Technology