

Cherwell District Council

Council

21 October 2013

Revised Scheme of Officer Delegations

Report of Head of Law and Governance

This report is public

Purpose of report

To enable the Council to adopt a revised scheme of officer delegations that reflects the recent revision to various Head of Service responsibilities.

1.0 Recommendations

The meeting is recommended:

- 1.1 To adopt the revised scheme of officer delegations at Appendix 1 with immediate effect.
- 1.2 To delegate authority to the Head of Law and Governance to make any future amendments to the scheme that are consequential on the current allocation of service responsibilities being revised, new service responsibilities being introduced or post titles changing.

2.0 Introduction

- 2.1 With effect from 1 September 2013 certain Head of Service responsibilities were re-allocated by the Chief Executive in consultation with the Joint Management Team. It is therefore necessary to amend the scheme of officer delegations to align relevant powers to act with the appropriate Head of Service.

3.0 Report Details

- 3.1 Pursuant to section 101 of the Local Government Act 1972 the Council has an adopted scheme of officer delegations to ensure that it is clear that identified senior officers have the power to take decisions that are not reserved to elected members.

- 3.2 Following the re-allocation of certain service area responsibilities among the Heads of Service on 1 September 2013 the current scheme is out of date. There is a transitional provision within the scheme that has ensured that relevant powers have been re-allocated to relevant Heads of Service but it is clearly in the interests of certainty and clarity to update the scheme at the earliest opportunity to reflect the new service area split.
- 3.3 A revised scheme that achieves this is at Appendix 1.
- 3.4 A similar report is being taken to the full Council meeting at South Northamptonshire Council on 23 October 2013.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is appropriate to adopt a revised scheme of officer delegations to reflect the recent re-allocation of service areas among the Heads of Service.

5.0 Consultation

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| All Heads of Service | Confirmation received that the allocation of delegated powers set out in the appended scheme is correct. |
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6.0 Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the recommendations.

Option 2: To reject the recommendations – this is not recommended as it promotes certainty and clarity to align the scheme with service area responsibilities.

Option 3: To amend the recommendations – this is not recommended as the appended scheme accurately reflects the allocation of service area responsibilities and otherwise makes no changes to the extent of delegated powers previously approved.

7.0 Implications

Financial and Resource Implications

- 7.1 None.

Comments checked by:

Tim Madden, Interim Head of Finance and Procurement, 0300 0030106
tim.madden@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 Section 101 of the Local Government Act 1972 provides that the Council can delegate specified functions to an officer.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,
kevin.lane@cherwellandsouthnorthants.gov.uk

Risk

- 7.3 Without an accurate scheme of officer delegation there is a risk of individual officers tasking decisions that are not within the lawful powers of the Council.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,
kevin.lane@cherwellandsouthnorthants.gov.uk

Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Accessible, value for money, Council

Lead Councillor

Councillor Barry Wood

Document Information

| Appendix No | Title |
|---------------------|---|
| 1 | Revised scheme of officer delegations |
| Background Papers | |
| None | |
| Report Author | Kevin Lane, Head of Law and Governance |
| Contact Information | 0300 0030107 kevin.lane@cherwellandsouthnorthants.gov.uk |

Scheme of Delegation to Officers

Introduction

This scheme has been adopted by South Northamptonshire Council and Cherwell District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the Cabinet/Executive on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.

All references to legislation shall be deemed to include any subsequent amendments to such legislation

Officers shall inform the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this

Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business

References to powers of 'the Council' include functions of the executive.

The delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

All delegations to officers are subject to:

- Statutory requirements
- Contract and Financial Procedure Rules
- Consideration of the policies and plans of the relevant Council
- The Code of Conduct and adopted protocols
- The requirements of the Joint Management Team in relation to the overall management and co-ordination of the Council's affairs
- Adequate financial provision within approved revenue and capital budgets having been made for the likely financial consequences of any decision (subject to any discretion permitted by the Financial Procedure Rules).
- Any acceptance of quotations and tenders must be in accordance with the Council's Contract Procedure Rules
- Having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972

Where an officer has delegated powers, the Council or the Cabinet/Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate

Exclusions

This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.

Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted.

Copies must also be sent:

- to the Head of Law and Governance : every authorisation
- to the Head of Finance and Procurement: authorisations to order, purchase or settle invoices

Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by his/her line manager) if:

- that post is vacant
- the post-holder is not at work for any reason.

Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular consultation must take place with legal, finance and human resources as appropriate

Restriction on delegations to Heads of Service

Each delegation to a Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.

The Head of Paid Service, or a Director, may exercise any delegated power possessed by a Head of Service whilst a direction is in force with respect to that delegation.

A Director, or in the absence of a Director, a Head of Service may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

Transfer of Functions

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.

Where a Division is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Head of Law and Governance. Any use of this delegated power must be reported to the Full Council and/or to the Cabinet/Executive as soon as practicable.

General Delegations to all Directors and Heads of Service

All Directors and Heads of Service have the following delegated authority unless explicitly limited to certain Heads of Service

Equipment

- Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation (but if the purchase involves a leasing arrangement this must be made by the Section 151 Officer).
- Hire of plant subject to inclusion of cost of hire within approved estimates
- Disposal of surplus plant, equipment and materials

Legal

- To take any steps to implement a decision of the Council, any Committee or the Cabinet/Executive
- Service of requisitions for information as to ownership of, or other interests in, any land or property under statutory powers
- Service of requisitions for information under the Crime and Disorder Act 1998
- The release of Council held information under the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 subject to any consultation with the Head of Law and Governance on any application of exemptions.
- To sign Statements of Truth under the Civil Procedure Rules 1998 on behalf of the Council
- Authority to apply for planning permission in respect of small projects and minor modifications to projects
- To sign licences and notices relevant to their service areas subject to consultation with the Head of Law and Governance where necessary

- Authority to appear, institute proceedings, prosecute, defend, negotiate a settlement and take any steps necessary in any proceedings on behalf of the Council where the matter falls within the remit of the relevant service unit. Such authority to be exercised subject to the Head of Law and Governance being satisfied as to the evidence and the process being followed.
- To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area.
- Service of any statutory notices affecting their service area subject to consultation with the Head of Law and Governance where appropriate
- To exercise the Council's powers to enter land (and to authorise others to enter land) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- To instruct the Council's Legal Service with respect to any legal matter concerning their department or division.
- To exercise the Council's power to publish information about its services including deciding the content of any publication.
- To exercise the Council's powers to take any action with respect to the Local Government Ombudsman after consulting the Head of Law and Governance on legal implications . Where settlement by ex gratia payment or other action is proposed such action is to be authorised by the section 151 officer
- To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).
- To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.

The Chief Executive must be informed of any decision to exclude under this paragraph.

- To assist any outside body concerned with the manager's Division or Department and to make representations to them.
- To exercise the Council's powers of competence to promote or improve the well-being of South Northamptonshire and/or Cherwell provided that this is connected with their Division or Department.
- To exercise the Council's powers in connection with any lost, abandoned or uncollected property. NB. the Head of Environmental Services has responsibility for dealing with abandoned vehicles
- To respond to consultation papers relevant to the officer's department or division in consultation with the relevant portfolio holder/lead member where appropriate.

Financial

- To authorise expenditure relating to their approved capital and revenue budgets in accordance with the Financial Procedure Rules.
- To exercise the virement powers permitted by the Financial Procedure Rules.

Contracts (exercise of these powers is subject to compliance with the Financial Procedure Rules)

- To tender or quote for and, if successful, to carry out any work which is put out to tender by the Council.
- To tender for and enter into contracts to provide goods and services to anybody to which the Council has express statutory authority to provide goods and services and to fix charges where those charges are not prescribed by legislation.
- To use spare capacity of goods, plant or manpower by entering into contracts (or to carry out work for another person or body).
- Authority to commence a procurement process leading to the award of a contract for works, goods or services up to £150,000
- Authority to waive the requirement to seek tenders or quotations in relation to contracts for works, goods or services below £5,000
- Authority to approve negotiations with a tenderer submitting the most financially advantageous tender to obtain improvements in price, delivery or content in relation to contracts for works, goods or services below £150,000
- Authority to approve the award of any contract for the procurement of works, goods or services up to £150,000
- Signing on the relevant Council's behalf any contract for works, goods or services below £150,000

Human resources

- Appointment of agency staff provided costs are contained within service budgets
- Advertisement of vacancies within establishment in accordance with adopted HR policies
- Appointment of staff below Head of Service level
- To sign job offers and/or contracts of employment for Directors (by Chief Executive), for Heads of Service (by Chief Executive, relevant Director or other officer delegated by one of these)
- To agree flexible contracts and working patterns including job share, home working and term time working (in consultation with the Head of Transformation)

- To confirm appointments on completion of probationary period
- To approve car loans where these are permitted as part of Council policy
- To implement the relevant Council's employment procedures in line with the agreed relevant Council policy (the power to dismiss in accordance with Council policy rests with the Head of Paid Service or the Directors)
- To authorise officers to attend professional or educational meetings, conferences and courses, and ongoing training and qualification training in consultation with the Head of Transformation
- To agree unpaid leave of absence and compassionate leave in consultation with the Head of Transformation
- Granting of contractual salary progression within career graded posts in line with the relevant Council policy (if any)
- To approve revised job descriptions and job titles where no grading increase is involved subject to the approval of the Head of Transformation
- The general organisation of services within the policies laid down by the relevant Council including capability and disciplinary
- To appoint employees to existing posts at the minimum level within the salary band with discretion to appoint to the middle of the band provided this is approved by the Head of Paid Service, or the relevant Director, and the Head of Finance and Procurement
- To decide whether or not to allow employees to undertake additional employment in consultation with the Director of Resources and the Head of Transformation
- To authorise recruitment to any post on temporary employment to address operational needs (**at South Northamptonshire only** - subject to a maximum of 9 months continuous employment)
- To grant extension of sick pay to employees (**at South Northamptonshire only** – subject to a maximum of 12 months full pay)
- To grant unpaid leave of absence (**at South Northamptonshire only** – subject to a maximum duration of 6 months)
- The dismissal of employees below Director/ Head of Service level in accordance with the Joint Disciplinary Policy and Procedure

At Cherwell only - Subject to consultation with the Director of Resources, the Head of Transformation, the Head of Finance and Procurement and the Head of Law and Governance

- to determine new organisation structures below Head of Service provided that changes do not affect more than five posts in any one restructuring, there are no

resultant compulsory redundancies, change is with the agreement of existing staff and the change can be contained within service budgets.

List of Shared Joint Management Team with specific delegated powers

1. Chief Executive
2. Director of Community and Environment
3. Director of Resources
4. Director of Development
5. Head of Community Services
6. Head of Environmental Services
7. Head of Finance and Procurement
8. Head of Law and Governance
9. Head of Transformation
10. Head of Development Management
11. Head of Strategic Planning and the Economy
12. Head of Regeneration and Housing

Delegation to Chief Executive

This post is Head of Paid Service and has responsibility for the overall management of the staff who work for Cherwell District Council and South Northamptonshire Council under section 4 of the Local Government Act 1989 (full details of the responsibilities are set out in the introduction to this constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

Emergencies

If Cherwell District Council and/or South Northamptonshire Council need to act urgently in any matter (including without limitation, complying with the Emergency Plan, the Business Recovery or Business Continuity Plan or taking any action under new legislation) the Chief Executive may authorise any action taken or expenditure incurred as necessary.

If the Chief Executive is unwell, unobtainable, has an inability to act or where there is no Chief Executive in post, a Director may act in their absence. In the absence of any Director, any Head of Service may act.

The Chief Executive, Director or Head of Service may delegate responsibility to another nominated officer where appropriate.

All such action shall be reported to the relevant committee, Executive/Cabinet or Council as may be appropriate.

Release of Information

Determination of appeals/review requests from people dissatisfied with a decision not to release Council held information.

Suspension or Dismissal

The suspension or dismissal of a Director or Head of Service, subject to consultation with the Head of Transformation, the Director of Resources and the Monitoring Officer and subject to external professional advice being sought. No dismissal of the Monitoring Officer or the Section 151 Officer can take place in the absence of an investigation report carried out by a designated person in accordance with legislation.

Anti-Social Behaviour

Taking action under the Anti-Social Behaviour Act 2003, including the making of statutory orders, where the Chief Executive is specifically named as the relevant Council Officer within the Act.

Specific Delegated Powers for Returning Officer

Authority to take action, and make decisions, as necessary as Electoral Registration Officer and Local Returning Officer

Assigning officers in relation to requisitions of the Electoral Registration Officer

Providing assistance at European Parliamentary elections

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils

Declaring vacancies in office to certain cases and giving notice of casual vacancies

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity

To amend the Council's Polling Districts and Polling Places Order as necessary.

To amend the adopted election fees and charges schedule to reflect operational requirements

Directors

To take any decision, or exercise any power, which the Council has if the postholder considers that a decision is urgently necessary in the interests of the Council and the postholder consults the Leader of the Council, or in his/her absence the Deputy Leader of the Council (or in the absence of either or both such other Cabinet/Executive members as are considered most appropriate to the postholder) and the exercise of this power is reported to the Cabinet/Executive for information (for executive decisions) or consults the Chairman of the Council, or in his/her absence the Vice Chairmen of the Council or appropriate Committee (or in the absence of either or both such other Council or Committee members as are considered most appropriate to the postholder) and the exercise of this power is reported to full Council or the Committee for information (in the case of nonexecutive decisions).

At South Northamptonshire only - to determine applications for Council grants (excluding those in respect of which Heads of Service have specific delegated authority) up to a value of £20,000 subject (in the case of grants exceeding £1,000) to consultation with the Grants Panel.

At Cherwell only- allocation of grants is delegated to Head of Community Services and Head of Regeneration and Housing up to a value of £20 000

To grant renew refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000 so far as it affects their service area. This power may only be exercised by Directors, or by the Monitoring Officer, or the Chief Executive

To respond to licensing applications in the Council's role as responsible authority.

Director of Resources (Section 151 Officer)

To exercise any of the powers of the Head of Finance and Procurement

To exercise the powers vested under section 151 of the Local Government Act 1972 to ensure the financial probity of the Council. This includes the power to override the determination of the Head of Finance and Procurement, when exercising their delegated powers, if the Section 151 Officer considers it appropriate

Power under section 92 of the Local Government Act 2000 to direct the appropriate Director or Head of Service in consultation with the appropriate portfolio holder/lead member to make an ex gratia payment (**at South Northamptonshire only** – any amount: **at Cherwell only** - up to £5000) or to provide other benefits to remedy complaints within the framework of the Local Government Ombudsman Good Practice Remedies (February 2005) document where necessary in consultation with the Monitoring Officer

Head of Community Services

- To exercise the Council's power with respect to nuisance parking. If the nuisance is caused by an abandoned vehicle the Head of Environmental Services will exercise the Council's powers to remove.
- Authorising the temporary use of off street parking areas for uses other than parking
- The issuing of parking permits and season tickets for off street parking and for residents parking schemes and Exemption Certificates for pedestrianized areas
- The enforcement of parking and other stationary traffic offences
- **At Cherwell only** - To make minor amendments to the Councils Off Street Parking Orders subject to consultation with the lead member
- Implementation of powers under the Crime and Disorder Act 1998

- To exercise the Council's powers to take steps to encourage visitors to the area including the provision of tourist information where appropriate in consultation with the Head of Strategic Planning and the Economy
- To apply for funding from any third party for the purposes of the development or improvement of Cherwell or South Northamptonshire or for the management of the countryside
- To provide, maintain and develop a wide range of sporting, play and cultural activities for the benefit of the community.
- To promote, manage (in accordance with the provisions of any management contract maintain and develop the Council's sports centres, community centres, swimming pools and other leisure facilities.
- Where not already provided for by, or under, contract to fix the terms and conditions upon which any Council leisure facility may be used by any particular class or group of persons and to run pre-payment and advance booking schemes.
- To allow events and exhibitions to take place in any facility.
- To provide public catering services in facilities or at events provided by this service area.

Environmental Health

To exercise the Council's powers with respect to securing the safety of food throughout the food chain, including imported food, and the condition of food premises (including, but not limited to, powers of licensing and registration)

To exercise the Council's powers with respect to the control of infectious and notifiable diseases

To exercise the Council's powers to take steps to prevent or remedy any statutory or public nuisance (including noise nuisance)

To exercise the Council's powers with respect to regulation of processes, and the control of emissions, with a potential impact on the environment (including the issue and revocation of any consent, licence, or permit and taking any action to enforce the provisions of this)

To exercise the Council's powers with respect to Sunday trading

To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) under any legislation for any purpose which he/she believes relates to the Public Protection and Development Management service area

To exercise the Council's powers and duties with respect to:

- scrap metal dealers and motor salvage operators
- to control distribution of free literature
- tattooing, ear and body piercing and electrolysis

- pleasure boats
- loudspeakers in streets
- the burning of crop residues
- noise from certain premises at night
- alarm notification areas
- sex establishments

To exercise the Council's powers for the prevention of smoking in designated places and vehicles

To exercise the Council's powers with respect to persons on land without the owners' consent. This power may also be exercised by the Head of Regeneration and Housing where appropriate

To exercise the Council's powers:

- concerning the condition of any drain or private sewer
- to secure that any building has adequate or improved drainage and/or sanitary conveniences
- concerning the condition of any cesspool
- concerning the use and ventilation of soil pipes
- concerning the remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs
- concerning the alteration of a drainage system of premises
- concerning the drainage and condition of yards and passages
- with respect to the provision of washing and sanitary facilities
- to loan temporary sanitary conveniences where necessary

To exercise the Council's powers with respect to the licensing of caravan sites, camping sites and moveable dwellings

To exercise the Council's powers with respect to filthy or verminous premises, articles or persons. NB this power is also exercisable by the Head of Regeneration and Housing

To exercise the Council's powers with respect to water supplies, including private water supplies

To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air. This power may also be exercised by the Head of Environmental Services, who also has responsibility for abandoned vehicles

To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling. This power may also be exercised by the Head of Environmental Services

To exercise the Council's powers with respect to the control of noise levels on construction or demolition sites

To exercise the Council's powers with respect to the enforcement of the law about health and safety at work etc.

To exercise the Council's powers with respect to smoke emissions from chimneys and premises

To exercise the Council's powers with respect to the control of emissions from furnaces

To exercise the Council's powers to determine chimney heights

To exercise the Council's powers with respect to obtaining information about air pollution or other information to protect the environment

To exercise the Council's powers with respect to ruinous and dilapidated buildings, dangerous buildings and the demolition of buildings

To exercise the Council's powers to prevent pollution of land, water or air or harm to human health

To exercise the Council's powers with respect to the review and assessment of air quality

To exercise the Council's powers in respect of registration of users of radioactive material

To exercise the Council's powers with respect to the identification and remediation of contaminated land

To exercise the Council's powers in respect of exhumation, burial of the dead and burial grants to assist with cost of burials where there are no relatives who will fund the cost

Licensing

All licensing matters will be dealt with in compliance with statutory guidance and Council policies

To deal with all matters, and exercise the Council's powers, including enforcement, under the Gambling Act 2005

To deal with all matters, and exercise every function, and power, including enforcement, relating to hackney carriage, private hire drivers, proprietors and vehicles, and private hire operators

To deal with all matters, and exercise the Council's powers, including enforcement, in respect of animal welfare, the licensing of animals and animal associated activities

To deal with all matters, and exercise the Council's powers, including enforcement, under the Licensing Act 2003

To deal with all matters, and exercise the Council's powers, including enforcement, under street trading legislation

To deal with all matters, and exercise the Council's powers, including enforcement, under the legislation relating to street and house to house collections

Authorising the siting of market stall spaces and the letting of such spaces subject to the necessary planning and highways consents

To exercise powers to permit third parties to place objects over or on the public highway, under section 115 of the Highways Act 1980

Community Safety

Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Head of Law and Governance

All functions under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges) NB see also powers under development management

Land Drainage

To exercise the Council's functions with respect to watercourses and land drainage, including the power to serve statutory notices

Head of Development Management

Planning

To determine applications for:

- Planning permission (outline and full)
- Reserved matters approval
- Extensions of time
- Listed building consent
- Conservation area consent
- Advertisement consent
- Variations/removal of conditions
- Discharge of conditions
- Minor material amendments
- Non material amendments
- Certificates of lawfulness for an existing use or development
- Certificates of lawfulness for a proposed use or development
- Certificates of appropriate alternative development
- Applications under the Hedgerow Regulations
- Works to trees protected by a Tree Preservation Order
- All forms of deemed applications (arising from enforcement action)

Apart from the following:

1. All Major applications (full, outline [and reserved matters – **SNC only**]) except for minor material amendments and the variations and removal of conditions.

Major applications would be defined as;

- Applications for 10 or more dwellings
- Applications for new buildings where the floorspace to be created is over 1000sqm
- Any development on a site over 1ha in size

2. All recommendations to approve a significant departure from the adopted development plan or other Council approved policies and/or strategies
3. Whether an application is considered to be a 'significant' departure will be determined by the Head of Development Management (or the line manager that reports to the Head of Development Management) in consultation with the Chairman of the Planning/Development Control Committee (or Vice Chairman in the Chairman's absence).

When deciding if any departure is 'significant' the criteria that will be considered will include, but not be limited to, the following;

- All relevant policies in the development plan and whether the policies are up to date
 - Other CDC/SNC policies, guidance and strategies
 - Government policy
 - Scale and type of development
 - Site history
 - Whether conditions or a legal agreement could address any potential conflict
4. Applications called in by a member of the Council within 25 days [**SNC**], 21 days [**CDC**] of the registration of an application
 - The call in request must be for material planning reasons
 - The request must be made within 25 calendar days [**SNC**], 21 calendar days [**CDC**] of the registration of the application as valid (the day after registration to count as day one)
 - The request must be made in writing on the appropriate form (**SNC**) or by letter or email (**CDC**)
 - The request must be sent to the Head of Development Management (or the line manager that is responsible for Development Management and reports to the Head of Development Management) and the Chairman of the Development Control/Planning Committee
 - The request **MUST** contain all the relevant information

On receipt of the call-in request the Head of Development Management (or the line manager that reports to the Head of Development Management and is responsible for Development Management) will either agree, or refuse, the request in consultation with the Chairman of the Development Control/Planning Committee (Vice Chairman in the Chairman's absence). The criteria for deciding whether to allow a call-in request will include, but not be limited to,

- whether material planning reasons have been supplied,
- views of parish or town council,
- level of public interest,
- scale and type of development,
- site history,

- statutory time frame for decision,
- relevant development plan policies, council guidance and strategies
- whether the committee could legitimately reach another conclusion than the one reached by officers and/or the extent to which they are considered to have the potential to “add value” to the final scheme.

At SNC, once the request has been agreed or refused;

- the relevant form giving reasons for the decision will be completed and signed by both parties
- the date that the committee will consider the application will be given
- the form will be returned to the councillor who made the request
- If the councillor is unable to attend the meeting, he/she will be encouraged to appoint a substitute or to submit comments in writing
- a copy of the form will be placed on the relevant (public) application file

At CDC the councillor who called in the application is encouraged to attend, or send another nominated member to speak

5. Applications submitted by;

- Any Officers of CDC/SNC with management responsibility in a personal capacity
- Officers employed in the Development Management Service
- Councillors of CDC/SNC (other than applications relating to works to trees)
- A member of staff or Councillor of CDC/SNC acting as agent or advisor or consultant

where in any case the Council determining the application is the Council of which the relevant person is an officer or member

6. Applications affecting the Council’s own land or where the Council is the applicant (other than applications for works to trees)

7. Any application which the Head of Development Management considers should be referred to Planning/Development Control Committee in consultation with the Chairman (Vice Chairman in the Chairman’s absence) because of its controversy or significance.

When deciding if an application is controversial or significant, the criteria that will be considered will include, but not be limited to, the following;

- Consultation responses
- Representations
- Level of public interest
- Relevant development plan and other Council policies, guidance and strategies
- Government policy
- Scale and type of development
- Site history
- Whether Planning/ Development Control Committee could realistically and legitimately take a different view from the officer’s recommendation and/or the extent to which they are considered to have the potential to ‘add value’ to the final scheme.

To determine the following;

- All notifications, determinations and prior approval applications (which include those proposals relating to agricultural developments, telecommunications, demolition of buildings, electricity board works and the removal of public pay phones)
- All requests for screening opinions
- All requests for scoping opinions
- All requests and applications for revisions to s.106 agreements
- All consultations from the County Council and neighbouring local authorities that are not Major applications
- Works to trees in conservation area
- Applications for Hazardous Substances Consent

Apart from the following:

All consultations from neighbouring local authorities (including County Councils) that are Major applications (as defined above), including the winning and working of minerals or the use of land for mineral-working deposits and waste developments, unless referral to Committee would take the Council's response outside the time period given for the response by the consulting authority.

Information about applications

The power to decide what information is needed before a decision can be taken on any application

Acceptance of Land

To exercise the Council's powers to accept the transfer of land, where the land is, or is to be, transferred to the Council under planning obligation or for another planning purpose

Notifications of Development and applications under Permitted Development Rights including Article 4 Directions

To take any action in response to notifications of proposed development required to be given before exercising permitted development rights, and to deal with any subsequent application for consent

To issue Article 4 Directions, in consultation with the portfolio holder/lead member

Planning Enforcement

To take any enforcement action including the issue and service of any statutory notice which includes, but is not limited to,

- enforcement notices (of any kind)
- stop notices
- temporary stop notices
- breach of condition notices
- listed building enforcement notices
- planning contravention notices
- hazardous substances contravention notices
- advertisement discontinuance notices.
- untidy site notices
- repairs notices

To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance.

Building Preservation Notices

To serve, and withdraw, building preservation notices on unlisted buildings. The reasons for the notice, and any question of potential compensation, must be reported to the earliest available meeting of the Planning/Development Control Committee

Urgent Works Notices

To serve urgent works notices where the Head of Development Management is satisfied that it is necessary to serve such a notice without delay to avoid damage or the risk of damage to an unoccupied listed building. The reasons for the notice and any question of potential compensation must be reported to the earliest available meeting of the Planning/Development Control Committee.

Trees

- To instruct the Head of Law and Governance to make and confirm Tree Preservation Orders
- To take any action which the Council has power to take to require the planting of any tree.
- To serve compensation directions concerning applications for works under a tree preservation order.
- To revoke or vary a tree preservation order.
- To determine all applications for felling, topping, lopping or uprooting trees subject to a Tree Preservation Order

Hedgerows and High Hedges

To exercise the Council's powers with respect to hedgerows and high hedges including registration, administration and determination of notifications under the Hedgerow Regulations

Planning Agreements

To authorise the Council to enter into a planning agreement relating to an application which can be decided by the Head of Development Management.

Conservation

- To designate and review Conservation Areas in consultation with the relevant portfolio holder and approval of Conservation Area Appraisals and associated management plans in consultation with the portfolio holder/lead member
- Listed Buildings and Conservation Areas - to make any grant (of no more than £2,000) that the Council has power to make in connection with a listed building or another building of architectural or historic interest or conservation areas
- Provision of revisions to the Local List of Buildings of Architectural or Historic Interest and public consultation on such revisions subject to consultation with the portfolio holder/lead member

Building Control

Street naming and numbering

- Naming and renaming of streets, the renumbering of streets, and the renumbering of properties, subject in all cases to consultation with the appropriate Ward Member(s) and, in the case of renaming where an objection has been received in response to the statutory notice, to consideration of the objection and final determination by the lead member in the case of Cherwell and by the Magistrates Court in the case of South Northamptonshire
- Numbering of properties
- Provision of nameplates

Building Regulation Matters

- Issuing of approvals or consents to plans submitted in accordance with the Building Regulations, rejection of those not in accordance with those Regulations and approval of applications for relaxation or dispensation from those Regulations
- Collection of charges payable under the Building Regulations and the repayment of charges where refunds are due
- Agreeing or challenging estimates submitted for calculating Building Regulation fees and charges
- Revision of Building Regulation fees and charges to ensure full cost recovery of the service subject to consultation with the Section 151 Officer
- Variation of individual charges from the prescribed scale of fees and charges, if required, subject to consultation with the Section 151 Officer
- To carry out the necessary statutory duties in respect of Initial Notices issued by the Approved Inspectors supervising work instead of the Council
- To deal with any consultation concerning the safety of any sports ground
- To exercise the Council's powers to require sufficient sanitary facilities to be provided in buildings
- To exercise the Council's powers to require taller chimneys to be erected following the erection of a building
- To exercise the Council's powers with respect to consents for cellars below subsoil water level
- To exercise the Council's powers to require the provision of entrances and/or exits or means of escape from premises
- To exercise the Council's powers to require the provision of food storage places in houses
- To exercise the Council's powers in relation to the use and ventilation of soil pipes

- Taking action in respect of dangerous structures
- Approval of temporary structures under the Public Health Acts and the Building Regulations and the renewal of such consents
- Service of all statutory notices and taking action when Building Regulations are contravened in consultation with the Monitoring Officer where this involves legal proceedings to ensure that they are satisfied as to the evidence
- Service of notice under the Building Act 1984, authorising works of demolition and to exercise the Council's powers with respect to demolition of buildings
- To exercise the Council's powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area
- To carry out the necessary statutory duties, in respect of Initial Notices issued by Approved Inspectors supervising work instead of the Council.
- To exercise the Council's powers to take enforcement action against people erecting unsafe structures used on public occasions.

Highways

To consent to the stopping up of small areas of highway in consultation with the Ward Member where authorised to do so by legislation

Head of Environmental Services

- To exercise the Council's powers with respect to abandoned shopping and luggage trolleys.
- To exercise the Council's powers with respect to the regulation of waste carriers.
- To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling

All matters relating to:

- Abandoned vehicles
- Cleansing of streets
- Statutory notices on provision of dustbins
- Removal of obnoxious matter
- Discharge of agency powers under sections 132 and 149 of the Highways Act 1980, for the removal of unauthorised signs or marks on the highway (is this agreed agency in both Oxfordshire and Northamptonshire?)
- Acquisition, management and hire of vehicles, plant and equipment, subject to the Council's Financial and Contract Rules of Procedure
- Taking action under the Clean Neighbourhoods Act and Environment Act 2005 where necessary in consultation with the Head of Law and Governance who must be satisfied as to the evidence

- To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air including abandoned vehicles. This power may also be exercised by the Head of Development Management (with the exception of dealing with abandoned vehicles)
- Investigating and prosecuting offences under the Environmental Protection Act 1990 subject to the Head of Law and Governance being satisfied as to the evidence
- The use of parks, open spaces and recreation areas for special functions
- The planting and maintenance of trees on Council-owned land or Council-controlled land
- The provision of advice relating to trees and recommending to the Head of Development Management the making of Tree Preservation Orders in an emergency
- Dealing with applications for works to trees in Conservation Areas
- Approving the standards for adoption of open space land in planning agreements
- Managing the maintenance of monuments and public clocks in the Council's ownership
- The provision of street furniture on land other than recreational land
- The making of temporary traffic orders under section 21 of the Town Police Clauses Act 1847 relating to special events on the highway and the power to waive charges for the making of such orders in exceptional circumstances
- To exercise the Council's powers for the control of pest and vermin, the prevention of damage by pests and the control of pigeons and birds in built up areas
- To exercise the Council's powers with respect to seizure of stray dogs, and dog control orders

Head of Finance and Procurement

- The power to opt to tax properties for VAT purposes
- Raising of loans to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary, subject to the Council's Capital Programme decision on financing and whether the Council is, or wishes to continue to be, debt free
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft, subject to not breaching any debt free status
- Raising and repayment of temporary loans in sterling

- To accept terms and conditions attached to any government grants
- To amend the constitution as required consequent on changes to the thresholds in European procurement regulations
- To enter into lease agreements
- The arrangement of all necessary insurances
- Refunds of rates for a maximum period of six years on commercial industrial premises where clerical or arithmetical error has been made on rateable value subject to consultation with the Section 151 Officer
- Investment of all surplus Council funds in accordance with the Council's annual Treasury Management Policy and to exercise the Council's powers generally with respect to the investment of money
- To exercise all the Council's powers and duties to bill, administer and collect the Council Tax, the National Non Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council's discretion
- To exercise the Council's powers to authorise officers and agents to represent the Council in any court or tribunal or at any hearing on local taxation or benefit matters, and to serve warrants in respect of these matters
- To exercise all the Council's powers with respect to the administration of Housing and Council Tax benefits
- Award of discretionary housing payments up to £5000
- To make arrangements for the control of the Council's financial affairs generally
- To exercise the virement powers permitted by the Financial Procedure Rules
- Authority to write off up to £10,000 on business rates
- The writing off of any bad debts up to a maximum of £5,000
- The writing off of bad debts where debtor is bankrupt, insolvent or has ceased to trade
- The writing off of balances over the £5,000 limit for bad debts and the £10, 000 limit for business rates where this cannot be collected because of the committal of the debtor for non-payment of Council Tax or business rates
- To determine applications for Council grants up to a value of £20,000 [**Cherwell only**]
- To determine application for Council grants up to a value of £1000. [**South Northamptonshire only**]

Head of Law and Governance

- To institute, defend, prosecute or appear in any legal or other proceedings on behalf of the Council (including proceedings to seek warrants and all steps necessary to pursue or defend such legal proceedings)
- To settle by compromise any legal proceedings which have been started
- After consultation with the Head of Finance and Procurement and the appropriate instructing officer of the Council's instructing service area to settle claims brought by or against the Council.
- To authorise officers to appear in legal proceedings on behalf of the Council.
- To instruct Counsel or external Solicitors on any matters likely to affect the interests of the Council and generally to administer the budget for the Legal Service.
- To sign and serve all notices prior to, or in the course of proceedings, in accordance with any statutory powers or any functions of the Council
- To nominate representatives to outside bodies where any vacancy arises after the annual Council meeting or before the first Thursday in May in any year, but only after consultation with the Chief Executive and the Leader of Council
- To approve reasons for the absence of Councillors from any meetings and the declaration of vacancies of any seats of the Council.
- To make changes in the membership of Committees and Sub-Committees occurring during the municipal year.
- Determination of ad hoc and permanent amendment to the list of "approved" duties as set out in the Members' Allowances Scheme
- To authorise attendance by a councillor at a national conference or seminar
- After a subcommittee hearing to accept or reject any proposals from the applicant in consultation with the Chairman of the relevant subcommittee
- Setting and reviewing charges for the supply of Council held information under the Freedom of Information Act 2000
- The setting of fees for the supply of background papers pursuant to the Local Government (Access to Information) Act 1985 as an exemption to the standard fee prescribed from time to time
- To take any action necessary to ensure compliance with legislation regarding data protection , freedom of information law or environmental information

- To administer the register of local land charges, carry out official searches and to respond to enquiries of local authorities and determine the fee charged for responding to these
- To exercise all of the Council's relevant powers and discretions, and to perform all of the Council's relevant duties, in relation to the law relating to the sale, mortgage and re-purchase of former Council houses
- To give or withhold consent which the Council has the right to give or withhold under a term in a contract
- The signing of certificates under the Local Government (Contracts) Act 1999
- To make and confirm Tree Preservation Orders
- Authorising amendments to the constitution where required by statutory changes or administrative error
- Where there is any confusion or doubt to determine which committee a matter shall be determined by
- In consultation with the Head of Development Management to determine whether the charge for payment of all or part of the Council's legal costs for the preparation of planning agreements should be waived
- Making orders granting parish meetings specific parish council powers
- Making of temporary appointments to parish councils
- Making of orders under section 39(4) of the Representation of the Peoples Act 1983 removing difficulties arising in respect of the election of parish councillors or the holding of a first meeting after an ordinary election or where a parish council is not properly constituted
- To approve street closure applications where there is no objection from any statutory consultee
- To administer to Council's arrangements for dealing with complaints of Member misconduct
- To authorise the Head of Community Services to enter into a Traffic Penalty Tribunal (TPT) s.101 Joint Committee Agreement under the Local Government Act 1972
- To exercise the Council's powers with respect to rights of way. To determine Public Path Order applications. To make Public Path Orders and to confirm them where no objections or representations have been made within the statutory period, or where all objections and representations so made are withdrawn
- Submission of representations on public rights of way proposals affecting the district

Head of Regeneration and Housing

- To nominate persons for tenancies or long leases granted by registered social landlords in accordance with the priority given by the allocation scheme approved by the respective Council.
- To determine all applications for persons presenting themselves to the Council as homeless and to determine how any duty which the Council may have to such persons is performed and to keep the policy on homelessness under review
- To decide housing register and homelessness appeals where the relevant housing manager has been personally involved with making the decision which is the subject of the appeal
- To exercise all the Council's powers with respect to the statutory housing register
- To manage the hostels for the homeless, including granting and terminating tenancies and licences and evicting occupiers
- To provide housing advice services to the public
- To exercise the Council's powers with respect to the provision of affordable housing by registered social landlords
- To respond to consultations by the Homes and Communities Agency/relevant government agency concerning its development programme
- To exercise powers with respect to persons on land owned by Cherwell or South Northamptonshire without permission
- To exercise powers with respect to bringing private sector empty dwellings back into use
- To exercise powers with respect to the provision of advice about facilities/services for the disabled
- To exercise powers to provide works of maintenance and improvement to properties owned by, or rented to, the elderly or disabled
- To exercise powers with respect to the overcrowding of housing accommodation
- To exercise powers with respect to houses in multiple occupation
- To exercise powers to secure the repair, maintenance, demolition, closure and improvement of sanitary conditions of dwellings
- To exercise powers with respect to private sector housing accommodation
- Service of statutory notices under housing legislation where required in cases of urgency

- To exercise all powers under the Housing Act 2004
- To provide housing accommodation during private improvement works
- To authorise those officers or agents or consultants acting on behalf of the Council who may exercise statutory powers of entry or statutory powers to require the production of documents under the Housing Acts
- To exercise powers relating to community interest companies and similar vehicles including participation and running of such companies
- Granting of housing advances in accordance with the approved scheme and ancillary matters and the granting in exceptional cases, of housing advances not in accordance with approved schemes subject to consultation with the portfolio holder
- To promote group repair and area renewal schemes
- To exercise powers with respect to grants including disabled facility grants, for improvement and maintenance of housing. This includes the amendment or minor revision of grant policy in consultation with the portfolio holder/lead member subject to there being no budgetary impact arising and where the grant is for a parish council the determination shall be in consultation with the Head of Community Services
- To exercise powers for making loans including, but not limited to, the Flexible Home Improvement Loans Limited
- Authorisation of legal proceedings for offences under the Rent Act, the Landlord and Tenant Act, the Protection from Eviction Act and the Housing Acts subject to the Head of Law and Governance being satisfied as to the evidence
- Day to day estates management of the Council's investment portfolio of land and buildings including lease renewals, surrenders, assignments and rent reviews and any role in community land trust developments
- Agreements to the grant or acquisition of easements and wayleaves (to an unlimited value at **CDC** and up to a value of £20,000 at **SNC**) subject to consultation with the portfolio holder/lead member
- Agreements to the grant or acquisition of leases and licences up to a value of £100,000 per annum (**CDC**) or £20,000 per annum (**SNC**).
- Agreements to purchases and sales of land up to a consideration of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member
- Variation or release of restrictive covenants up to a value of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member

- Settlement of compensation claims submitted on behalf of or received by the Council relating to the use of statutory powers to acquire an interest in land
- Submitting and settling appeals on rating assessments
- Agreement to waive right of pre-emption reserved in the sale of Council property in consultation with the portfolio holder/lead member
- Service of Notices relating to additional shared ownership shares

Head of Strategic Planning and the Economy

- Submission of representations to the Highway Authority on traffic management proposals affecting the district
- Making any non-substantive updates and corrections necessary to facilitate final publication of any policy documents following Cabinet/Executive approval
- To exercise the Council's powers to take steps to encourage visitors to the area in support of the local economy except the operation of tourist information centres which falls within the responsibility of the Head of Community Services

Head of Transformation

- To submit any post for re-grading and, after considering a job evaluation report, alter the grade of any post or refuse application for re-grading
- To authorise career graded posts and the progression of staff through those career grades
- Agreement to changes to establishment posts provided such changes are contained within existing budgets
- To produce, implement and review the Council's recruitment and retention policies
- Administration of car loans in consultation with the Head of Finance and Procurement
- Recovery of all sums due to the Council at the end of employment with exception of those subject to credit agreement
- To implement a corporate skills and development training programme and to approve applications for post entry training and to enter into agreements with employees requiring them to pay the cost assistance in certain cases

- To authorise payment of relocation and disturbance allowances and to enter into agreements with employees requiring them to pay the cost assistance in certain cases
- The implementation of national and local agreements with trade unions in consultation with the Head of Finance and Procurement in relation to wages and salaries
- To amend job titles (other than for members of Senior Management Team)
- To grant early retirement on medical grounds to employees in accordance with the Council's HR policies
- Approval of extensions to sick pay at full or half pay as provided for in the National Conditions of Service
- Issue of pensions protection certificates under Regulation 23 of the Local Government Pensions Scheme Regulations 1997 in consultation with the Head of Finance and Procurement (not available from 1/4/2008 but updates on previously issued certificates may be requested)
- Setting aside the policy on recruitment of qualified staff where appropriate professional qualification is not readily accessible
- Application and monitoring of the corporate equalities policies at Cherwell and South Northamptonshire
- Authority to conclude compromise agreements with employees on matters of dispute relating to their employment in consultation with the Head of Law and Governance and in consultation with the Head of Finance and Procurement on the amount of the settlement
- To take any necessary steps to secure the health and safety of employees, contractors, members and visitors when on the Council's premises or otherwise conducting the business of the Council.

Schedule of Proper Officer Appointments

Head of Paid Service

This post has responsibility for the overall management of the staff who work for the authority under section 4 of the Local Government and Housing Act 1989 (full details of the responsibilities are set out in the introduction to this Constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

Section 151 Officer

This post has day to day responsibility for the Council's financial affairs under Section 151 of the Local Government 1972 and Section 114 of the Local Government Finance Act

1988 and provides strategic financial advice to the Council. Full details of the responsibilities are set out in the introduction to this Constitution.

Monitoring Officer

This post is responsible for the Council's Code of Conduct and advising the Council's Standards Committee on any potential breaches. Full details of the responsibilities are set out in the introduction to this constitution.

Electoral Returning Officer and Returning Officer

Authority to take such action and make such decisions as are necessary as Electoral Registration Officer and Returning Officer/Acting Returning Officer (for Parliamentary and European elections)/Deputy Returning Officer (for County Council elections)/Counting Officer (for referenda).

Assigning Officers in relation to requisitions of the Electoral Registration Officer

Providing assistance to the Returning Officer at Parliamentary, European and County Council elections and to the Chief/Regional Counting Officer for referenda.

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils.

Declaring vacancies in office in certain cases and giving notice of casual vacancies.

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity.

Proper Officers and Authorised Officer Appointments

The relevant postholders listed below have been appointed as Proper Officers for the purposes of the adjacent legislative provisions.

An officer with line management responsibility for an officer listed in the list of Proper Officer and Authorised Officer appointments may exercise the power in the absence of the Proper Officer/Authorised Officer.

The Proper Officer (Medical) shall be such officer as the Health Protection Agency may wish to appoint.

The Section 151 Officer shall act as the Proper Officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The Head of Law and Governance shall act as the Proper Officer for any other legislative provisions where specific arrangements have not been made under this scheme.

Except for documents to be executed under seal, any officer of the Council to whom powers have been delegated shall be the Proper Officer for the purpose of authenticating any notice, order or document which he/she is authorised or required by any enactment to give, make or issue.

Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|---|--|---|
| Landlord and Tenant Act 1927 | S.23 | To serve and receive notice on behalf of the Council | Head of Regeneration and Housing |
| Public Health Act 1936 (as amended) | S.45 | To serve notice on owners of buildings with defective sanitary conveniences capable of repair | Head of Regeneration and Housing |
| | S.50 | To serve notice on owners of overflowing or leaking cesspools | Head of Regeneration and Housing |
| NB prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force | S.79 | To serve notice to require removal of noxious matter | Head of Community Services |
| | S.83 | Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises. | Head of Regeneration and Housing or Head of Community Services |
| | S.84 | To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles | Head of Regeneration and Housing or Head of Community Services |
| | S.85 (see also s.35 Public Health Act 1961 | Remedial action where there are filthy and verminous premises, persons or articles | Head of Regeneration and Housing or Head of Community Services |
| | s.275 | By agreement to carry out works in default on sewers or drains | Head of Community Services |
| | S.287 | Power to enter premises | Head of Community Services, Head of Regeneration and Housing |
| Prevention of Damage by Pests Act 1949 | S.2 – S.7 | Duty to control rats and mice in district | Head of Environmental Services or Head of Community Services |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|---|--|---|--|
| | S.22 | Powers of entry | Head of Environmental Services or Head of Community Services |
| National Assistance (Amendment) Act 1951 | S.1(1) | Certification of the need for a person in need of care and protection to be removed to suitable premises without delay | Medical Officer/Community Physician |
| | S.1(3) | The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection | Medical Officer/Community Physician |
| Landlord and Tenant Act 1954 | S.66 | To serve and receive notices on behalf of the Council | Head of Regeneration and Housing |
| Milk and Dairies (General) Regulations 1959 (as amended) | Reg.20 | Milk treatment orders | Medical Officer/Community Physician |
| Public Health Act 1961 | S.34 | Accumulation of rubbish | Head of Community Services or Head of Environmental Services |
| | S.36, SS.83, 84 and 85 (2) Public Health | Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation. | Head of Regeneration and Housing or Head of Community Services |
| | S.37 | Prohibition of sale of verminous articles | Head of Regeneration and Housing |
| | S.13 (3) | Appointment as a Parish Trustee | Head of Law and Governance |
| Local Government Act 1972 | | | |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|----------------------------------|---|---|---|
| | S.83 (1) to (4) | Witness and receipt of declaration of acceptance of office | Chief Executive |
| | S.84 (1) | Receipt of notice of resignation of councillor | Chief Executive |
| | S.88 (2) and Schedule 12 | Convening a meeting of Council to fill casual vacancy in the office of Chairman | Chief Executive |
| | S.89 (1) (b) | Notice and filling of casual vacancy | Returning Officer |
| | Local Elections (Parishes and Communities) Rules 1986 | Request for an election to fill a casual vacancy in respect of parish councils | Returning Officer |
| | S.96 (1) and (2) | Receipt of notices and recordings of disclosures of interests | Head of Law and Governance |
| | S.99 | Convening of meetings | Chief Executive |
| | S.100 and Schedule 12A | Access to information | Head of Law and Governance |
| | S.100 (except 100D) | Admission of public (including press) to meetings | Chief Executive |
| | S.100D | Listing background papers for reports and making copies available for the public to look at | Head of Law and Governance |
| | S.100D (1)A | Compilation of lists of background papers | Each Head of Service for their service area reports |
| | Section 100D (5)A | Identification of background papers | Each Head of Service for their service area reports |
| Local Government Act 1972 | S.115 (2) | Receiving money due from officers | Chief Finance (section 151) Officer |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|------------------------|--|---|--|
| | S.146(1)(a) and (b) | Declarations and certificates with regard to transfer of securities | Chief Finance (section 151) Officer |
| | S.151 | Financial administration | Chief Finance (section 151) Officer |
| | S.173 - S178 | Keeping of records of Members' Allowances | Chief Finance (section 151) Officer |
| | S.191 | To receive applications to undertake OS work under the Ordnance Survey Act, 1841 | Head of Development Management |
| | S.204 | Receipt of Licensing applications and make the appropriate representations in respect of the same | Head of Development Management |
| | S.210 | To exercise powers in respect of charities | Head of Law and Governance |
| | S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974 | To grant exclusive rights of burial and sign the necessary certificate. | Head of Law and Governance |
| | S.223 | Authorisation (appearance by persons other than solicitors in legal proceedings) | Head of Law and Governance |
| | S.225 | Deposit of documents | Chief Executive |
| | S.228 | Inspection of documents | Head of Law and Governance |

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| Local Government Act 1972 | S.228(3) | Accounts for inspection by any member of the Council | Chief Finance (section 151) Officer |
| | S.229(5) | Certification of photographic copies of documents | Head of Law and Governance |
| | S.234 | Authentication of documents | Head of Law and Governance |
| | S.236(9) and (10) | Sending of copies of byelaws to parish councils, parish meetings and county council | Head of Law and Governance |
| | S.238 | Certification of byelaws | Chief Executive |
| | S.251 and Schedule 29 | Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972 | Head of Law and Governance |
| | S.270 | Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other statute where specific arrangements have not been made in the Scheme | Head of Law and Governance |
| | Various Sections | Any requirement in relation to parish authorities specified in the Act (or other legislation). | Head of Law and Governance |
| Local Government Act 1972 | Schedule 12 para 4 (2) (b) | Signing of summons to Council meeting | Chief Executive |
| | Schedule 12 Para 4 (3) | Receipt of notice regarding address to which summons to meeting is to be sent | Chief Executive |
| | Schedule 14 Para 25 | Certification of resolution passed under this paragraph | Head of Law and Governance |
| | Schedule 16 Para 28 | Deposit of lists of buildings of special architectural or historic interest | Head of Strategic Planning and the Economy |
| | Schedule | Applications under Section 1 | Head of Strategic |

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| | 16S.191(2) | of the Ordnance Survey Act 1841 | Planning and the Economy |
| | | The purposes of issuing planning decision notices and for all building regulation purposes | Head of Development Management |
| | Schedule 16 | Receipt of deposit lists of protected buildings | Head of Strategic Planning and the Economy |
| | Schedule 29 | Adaptations, modifications and amendments of enactments. | Head of Law and Governance |
| | Part VA | Access to information | Head of Law and Governance |
| Health and Safety at Work Act 1974 | S.19 – S.25 / 39 | Appointment of and termination of appointment of Inspectors and various enforcement powers | Head of Community Services |
| Local Government Act 1974 | S.30 (5) | To give notice that copies of a Local Commissioner's (Ombudsman) report are available | Monitoring Officer |
| Control of Pollution Act 1974 | S.60 – S.61 | Construction site noise | Head of Community Services |
| Local Land Charges Act 1975 | S.9 | To act as local registrar for the registration of local land charges and the issue of official search certificates | Head of Law and Governance |
| Local Government (Miscellaneous Provisions) Act 1976 | S.16 | Requests to obtain particulars of persons interests in land | Heads of Service |
| | S33 | Restoration of supply of water, gas or electricity | Head of Regeneration and Housing |
| | S.41 (1) | To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions | Head of Law and Governance |
| Local Authorities | Article 10 | To sign exclusive rights of | Head of Law and |

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|---|-------------|---|---|
| Cemeteries Order 1977 (as amended) | | burial | Governance |
| Refuse Disposal (Amenity) Act 1978 (as amended) | S.2A | Fixed penalty notice in respect of abandoned vehicles | Head of Environmental Services |
| Local Government (Miscellaneous Provisions) Act 1982 | S.13 – S.17 | Skin piercing | Head of Community Services |
| | S29 | Protection of buildings | Head of Regeneration and Housing Services or Head of Development Management (depending on type of premises) |
| | S.27 | Repair of drains, private sewers etc | Head of Community Services |
| | S.35 | Blocked private sewers | Head of Community Services |
| | | Control of sex establishments | Head of Community Services |
| Representation of the People Act 1983 | S.28 | Acting Returning Officer at Parliamentary Elections | Returning Officer |
| | S.67(1) | Receipt of appointment of election agents | Returning Officer |
| | S.67(6) | Publication of names and addresses of agents | Returning Officer |
| | S67(7)(b) | Appropriate officer for local election purposes | Returning Officer |
| | S.81(1) | Receipt of return of election expenses | Returning Officer |
| | S.82(1) | Receipt of declaration of election expenses | Returning Officer |

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| | S.87A(2) | Delivery of copy of returns to Electoral Commission | Returning Officer |
| | S89(3) | Copy and inspections of returns and declarations. | Returning Officer |
| | S.131 | Providing accommodation for holding election count | Returning Officer |
| Building Act 1984 | S.59 – S.61 | Authorisation of repair, reconstruction or alteration of drains | Head of Community Services or Head of Regeneration and Housing |
| | S.64 – S.65 | Replacement of sanitary conveniences | Head of Community Services or Head of Regeneration and Housing |
| | S76 | Defective premises (expedited procedure relating to s80 EPA 1990) | Head of Development Management or Head of Regeneration and Housing |
| | S.78 | To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings. | Head of Development Management |
| | S.84 | Paved yards | Head of Development Management |
| | S.93 | Authentication of documents | Head of Development Management or Head of Regeneration and Housing |
| | S.95 | Power to enter premises | Head of Development Management or Head of Regeneration and Housing |
| | S.97 | Power to execute work | Head of Development Management or Head of Regeneration and Housing |
| Public Health (Control of Disease) Act 1984 | S.11 | Cases of notifiable disease and food poisoning to be reported | Medical Officer/Community Physician |

(as amended by
the Health and
Social Care Act
2008)

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| S.11 | To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates | Head of Community Services |
| S.18 | Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning | Head of Community Services |
| S.20 | Stopping of work to prevent spread of disease | Medical Officer/Community Physician |
| S.21 | Exclusion from school of child liable to convey notifiable disease (as amended by s.45 of 2008 Act) | Medical Officer/Community Physician |
| S.22 | List of pupils at schools having case of notifiable disease (as amended by s.45 of 2008 Act) | Medical Officer/Community Physician |
| S.23 | Exclusion from places of entertainment | Medical officer/community physician |
| S.24 | Control of infected articles intended to be washed at laundry or wash houses | Head of Community Services |
| S.25 | Library books to be disinfected or disposed of | Head of Community Services |
| S.26 | Infectious matter not to be placed in dustbins | Head of Environmental Services |
| S.29 | To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease | Medical Officer/Community Physician |
| S.31 | Certification by officer of need for disinfection of premises | Head of Community Services or Medical Officer |

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| S.32 | Certification by officer of need to remove person from infected house | Head of Community Services or Medical officer |
| S.34 | Duty of owner etc of public convenience | Head of Environmental Services |
| S.35 | To obtain a Justice's Order requiring a person to be medically examined | Medical Officer/Community Physician |
| S.36 | Medical examination of group of persons believed to comprise carrier of notifiable disease | Medical Officer / Community Physician |
| S.37 | To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital | Medical Officer / Community Physician |
| S.38 | To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease | Medical Officer / Community Physician |
| S.39 – S.40 | Getting a warrant to examine residents of a common lodging house | Medical Officer / Community Physician |
| S.42 | Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection | Medical Officer / Community Physician |
| S.43 | Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated | Medical Officer / Community Physician |
| s.45 | Power to require children are kept from school, require contact lists of pupils and to decontaminate premises or articles. Power to seek Justice's Order in respect of quarantine, | Head of Community Services |

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| | | isolation or destruction etc (a Part 2A Order) | |
| | S.48 | Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building | Medical Officer / Community Physician |
| | S.49 – S.52 | Regulations concerning canal boats | Head of Regeneration and Housing or Medical Officer / Community Physician |
| | S.59 | Authentication of documents relating to matters within their province | Head of Regeneration and Housing or Medical Officer/Community Physician |
| | S.61 | Power of entry | Head of Regeneration and Housing or Medical Officer / Community Physician |
| Food Act 1984 | S.8 | Enforcement of provision relating to working conditions | Head of Community Services |
| | S.28 | Service of notice to prevent spread of disease by ice-cream | Head of Community Services |
| | S.31 | Service of notice requiring food not to be used for human consumption where it appears to be infected | Head of Community Services |
| Housing Act 1985 | S.265 | Demolition Order | Head of Regeneration and Housing |
| | S.289 | Clearance Area Declaration | Head of Regeneration and Housing |
| | S.300 | Determination to Purchase | Head of Regeneration and Housing |
| | S.319 | Power of entry | Head of Regeneration and Housing |
| | S.606 | Submitting reports on particular houses or areas | Head of Regeneration and Housing |
| Local Elections | All | All functions | Returning officer |

**(Principal Area)
Rules 1986**

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| Local Elections (Parishes and Communities) Rules 1986 | Rules 46, 47 and 48 | Keeping documents after an election and making them available for the public to look at | Returning Officer |
| Public Health (Infectious Diseases) Regulations 1988 | Reg.6 | Special reporting of infectious diseases | Medical Officer / Community Physician |
| | Reg.8 | Statistical returns | Medical Officer / Community Physician |
| | Reg.9 | Prevention of spread of disease | Medical Officer / Community Physician |
| | Reg.10 | Immunisations and vaccination | Medical Officer / Community Physician |
| | Reg.11 | Measures against rats | Medical Officer / Community Physician |
| | Schedule 3 | Typhus and relapsing fever | Medical Officer / Community Physician |
| | Schedule 4 | Food poisoning and food borne infections | Medical Officer / Community Physician |
| Local Government and Finance Act 1988 | S.112 – S.115, S.115A | Responsible officer for the purposes of the financial administration of the Council's affairs | Chief Finance (section 151) Officer |
| | S.116 | Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Finance Officer under this Act | Chief Finance (section 151) Officer |
| Local Government and Housing Act 1989 | S.2(4) | Maintenance and review of the Council's List of Politically Restricted Posts | Head of Transformation |
| | S.4 | Functions as Head of Paid Service. | Head of Paid Service |
| | S.5 | Functions of Monitoring Officer within the meaning of this section of the Act | Monitoring Officer |

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| | S.15 - 17 | Allocating seats on Committees | Head of Law and Governance |
| | S.18 | Arrangements in respect of the Scheme of Members' Allowances | Chief Finance (section 151) Officer / Head of Law and Governance |
| | S.19 | Arrangements in respect of the Register of Members' interests | Head of Law and Governance |
| | Part 7 | Declaration of Renewal Areas | Head of Regeneration and Housing |
| Environmental Protection Act 1990 (as amended) | S.6 – S.15 | Prescribed processes | Head of Environmental Services or Head of Community Services |
| | S.78 | Contaminated land | Head of Community Services |
| | S.79 – S.82 | Statutory nuisance | Head of Community Services or Head of Regeneration and Housing or Head of Environmental Services |
| | S.88 | Fixed penalty notices for leaving litter | Head of Environmental Services or Head of Community Services |
| | S.149 – S.150 | Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized | Head of Environmental Services |
| | Schedule 3 | Powers of entry | Head of Community Services or Head of Regeneration and Housing or Head of Environmental Services |
| Food Safety Act 1990 | S.9 | Seizure of food | Head of Community Services |
| | S.29 – S.30 | Sampling food | Head of Community Services |
| | S.11, S37 – S.39 | Improvement / prohibition notices | Head of Community Services |

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| | S.49(3) | To sign documents on behalf of the authority | Head of Community Services |
| Town and Country Planning Act 1990 | S.215 | Waste land | Head of Development Management |
| Local Government (Committees and Political Groups) Regulations 1990 | Regs.8, 9, 10, 13 and 14 | Dealing with political balance on committees and nominations to political groups | Head of Law and Governance |
| Water Industry Act 1991 | S.80 – S.83 | Private water supply | Head of Community Services |
| Clean Air Act 1993 | S.1 – S.2 | Prohibition of dark smoke | Head of Community Services |
| | S.51 and S.56 | To exercise all functions conferred by these sections | Head of Community Services |
| Criminal Justice and Public Order Act 1994 | S.77 – S.80 | Removal of unauthorised encampments | Head of Regeneration and Estates |
| Environment Act 1995 | S.80 | Local air quality management | Head of Community Services |
| | S.84 | Air quality management areas | Head of Community Services |
| Dogs (Fouling of Land) Act 1996 | S.4 | To issue fixed penalty notices | Head of Environmental Services or Head of Community Services |
| Housing Grants, Construction & Regeneration Act 1996 | Part 1 | Disabled Facilities Grants | Head of Regeneration and Housing |
| Noise Act 1996 (as amended) | S.8 | Fixed penalty notices in respect of noise nuisance | Head of Community Services |
| Party Wall Act 1996 | S.10(8) | To act as the ‘appointing officer’ as required by of the Party Wall Act 1996 | Head of Development Management |
| | S.10 | To select a third surveyor, if required, during a neighbour dispute about building projects | Head of Development Management |
| Local | S.3 | Signing certificates in | Head of Law and |

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| Government (Contracts) Act 1997 | | respect of Certified Contracts | Governance |
| | S.4 | To maintain a register of certificates in respect of Certified Contracts to be open to public inspection | Head of Law and Governance |
| Data Protection Act 1998 | All | Ensuring compliance with the statutory provisions and principles of the Act | Head of Law and Governance |
| Crime and Disorder Act 1998 | S.5 | To work in partnership with the police and other responsible bodies to reduce crime | Head of Community Services |
| | S.17 | To consider crime and disorder implications of any decisions | Head of Community Services |
| | S.115 | Power to disclose information in the interest of community safety and other purposes of the Act | Head of Community Services |
| Local Government Act 2000 | S.34 | Determine whether a petition is valid | Electoral Registration Officer |
| | S.81 | Establishment and maintenance of the Register of Members' Interests including voting co-opted members | Monitoring Officer |
| | S.99 and S.100 | Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003 | Head of Law and Governance |
| | Various | Dealing with the holding of referendums | Returning Officer / Electoral Registration |

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| | | | Officer |
| | | All other responsibilities in the Act and any subordinate legislation | Head of Law and Governance |
| Freedom of Information Act 2000 | S.36 | Application from exemption disclosure | Monitoring Officer |
| | All others | All responsibilities associated with the act | Head of Law and Governance |
| Regulation of Investigatory Powers Act 2000 (RIPA) | S.27 – S.29 | Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorize the use of covert human intelligence sources under the Act | Directors, Monitoring Officer or Chief Executive in accordance with Council's RIPA policy Chief Executive to authorise operations against children and vulnerable adults |
| Local Authorities (Standing Orders) (England) Regulations 2001 | Schedule 1Part II | Giving notice of appointments and dismissal of officers to the Executive in accordance with the Regulations | Head of Law and Governance |
| Private Security Industry Authority Act 2001 | | Enforcement of actions by licensed door supervisors | Head of Community Services |
| Criminal Justice and Police Act 2001 | S.19(2) | Power of closure where the sale of alcohol is not in accordance with any authorisation | Head of Community Services |
| The Representation of the People (England and Wales) (Amendment) Regulations 2002 | Reg.107 | Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements | Head of Law and Governance |
| Money Laundering Regulations 2003 | Reg 7 | Nominated officer to receive disclosures about suspected money laundering | Chief Finance (section 151) Officer |

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| Anti-Social Behaviour Act 2003 (as amended) | S.30 | Approval for dispersal orders | Head of Community Services |
| | S.40 | Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it | Head of Community Services |
| | S.43 | To issue penalty notices for graffiti and flyposting | Head of Development Management or Head of Environmental Services |
| Accounts and Audit Regulations 2003 | All Regs | All responsibilities | Chief Finance (section 151) Officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the Chief Finance Officer is unable to act |
| Housing Act 2004 | S.239 | Determining if a survey or examination is necessary | Head of Regeneration and Housing |
| | Part 1 | Enforcement of Housing Standards | Head of Regeneration and Housing |
| | Part 2 | Licensing of HMOs | Head of Regeneration and Housing |
| | Part 3 | Selective Licensing of Residential Accommodation | Head of Regeneration and Housing |
| | Part 4 | Additional controls in relation to residential accommodation | Head of Regeneration and Housing |
| | Part 6 | Other provisions about housing | Head of Regeneration and Housing |
| | Part 7 | Supplementary and final provisions | Head of Regeneration and Housing |
| The Clean Neighbourhoods and Environment Act 2005 | Part 2 | Nuisance parking | Head of Community Services or Head of Environmental Services |

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| | Part 3 | Litter | Head of Environmental Services |
| | Part 4 | Fly posting | Head of Environmental Services |
| | S.59 | Dog control fixed penalty notices | Head of Environmental Services |
| Food Hygiene Regulations 2006 | Reg.6 | Hygiene improvement notice | Head of Community Services |
| | Reg.7 | Hygiene prohibition orders | Head of Community Services |
| | Reg.8 | Hygiene emergency prohibition orders | Head of Community Services |
| | Reg.9 | Remedial action/detention notice | Head of Community Services |
| | Reg.12 | Food sampling | Head of Community Services |
| | Reg.14 | Powers of entry | Head of Community Services |
| | Reg.17 | Food premises registration | Head of Community Services |
| Smokefree (Premises and Enforcement) Regulations 2006 | | Enforcing smokefree legislation in premises and vehicles | Head of Community Services |
| Criminal Justice and Police Act 2006 | S.14 | Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti social behaviour | Head of Community Services |
| Health Protection (Notification) Regulations 2010 | S.22 | To share depersonalised data | Head of Community Services |
| | | All local authority responsibilities under these regulations | Head of Community Services |

**Local Authorities
(Executive
Arrangements)
(Meetings and
Access to
information
(England)
Regulations 2012**

All local authority
responsibilities under these
regulations

Head of Law and
Governance