

# Officer Scheme of Delegation

DRAFT

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# 1. Introduction

- 1.1 The Council operates an Executive form of governance, under which most decisions are taken by a Leader and Executive. These Members take decisions on Executive functions. Other decisions (Non-Executive decisions) are taken by the Council, its committees and sub-committees. In both cases, decisions can be delegated to officers under section 101 of the Local Government Act 1972 (in respect of Non-Executive functions) and section 9E of the Local Government Act 2000 (in respect of Executive functions).
- 1.2 The Non-Executive functions are listed in legislation, principally the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and include decisions by full Council and committees on planning, licensing, staffing, audit, Member conduct and other miscellaneous matters. Anything not in the list is an Executive function.
- 1.3 "Officers" is the term used to refer to the people employed, retained or appointed by the Council to advise and support councillors and implement their decisions, and includes contractors, consultants, temporary and agency staff.
- 1.4 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Council, the Leader and the Executive have delegated to officers all the powers that they need to perform their roles. This Scheme of Delegation describes powers and functions reserved to particular statutory or proper officers as well as the more general authority granted by Council and the Executive to officers to enable them to implement decisions and undertake and operate the Council's functions.
- 1.5 Additional authority to act, or reservations to any authority granted, may be set out in a decision of Council, a committee or the Executive, or through a separate Leader's or Committee's Scheme of Delegation.
- 1.6 The Council operates a "cascade" principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions fall into the category of operational day-to-day decisions taken by officers.
- 1.7 Certain named officers have specific legal duties to ensure that the Council acts within the law, uses its resources appropriately and exercises its powers properly. These officers are known as "Statutory" or "Proper"

Officers and some have specific legal titles in addition to their job titles, which are listed below.

- 1.8 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by a number of Chief Officers. The organisational structure of the Council shows more detail about the roles and responsibilities of the **Executive Directors** and Assistant Directors supporting them to deliver the Council's services.
- 1.9 The powers contained within this Scheme are delegated to the officers referred to by title. The delegations apply to whoever holds that post title at any time, not the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title or name of the officer post.
- 1.10 Whenever legislation is amended or replaced, then the relevant delegated authority in this Scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by an officer is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as Council, the Executive, a committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.
- 1.11 Under section 101 of the Local Government Act 1972 the Council may authorise an officer 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.
- 1.12 References to powers of 'the Council' include functions of the Executive.

## 2. Chief Officers and Deputy Chief Officers

- 2.1 The following posts are designated by law as Chief Officers (excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services)<sup>1</sup>:

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<sup>1</sup> As defined by [section 43 of the Localism Act 2011](#)

- 2.1.1 Head of Paid Service;
- 2.1.2 Monitoring Officer;
- 2.1.3 Chief Finance Officer;
- 2.1.4 Any person for whom the Head of Paid Service is directly responsible;
- 2.1.5 Any person who reports directly or is directly accountable to the Head of Paid Service; and
- 2.1.6 Any person who reports directly or is directly accountable to the Council itself or any of its committees or sub-committees; but
- 2.1.7 Excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

2.2 The Council's Chief Officers therefore include:

- 2.2.1 Chief Executive (Head of Paid Service)
- 2.2.2 Assistant Director of Law and Governance (Monitoring Officer)
- 2.2.3 Assistant Director of Finance (Chief Finance Officer)
- 2.2.4 Executive Director – Place and Regeneration
- 2.2.5 Executive Director – Resources
- 2.2.6 Executive Director – Neighbourhood Services

2.3 Deputy Chief Officers are people who report directly or are directly accountable to one or more of the Chief Officers (excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services).

2.4 The Council's Deputy Chief Officers therefore include:

- 2.4.1 Assistant Director Human Resources
- 2.4.2 Assistant Director Planning
- 2.4.3 Assistant Director Property

2.4.4 Assistant Director Environmental Services

2.4.5 Assistant Director Wellbeing and Housing Services

2.4.6 Cherwell Futures Director

2.4.7 Head of Biodiversity and Climate Resilience

2.4.8 Head of Chief Executive's Office

2.4.9 Head of Digital and Innovation

2.4.10 Head of Development Management

2.4.11 Head of Regulatory Services and Community Safety

2.4.12 Head of Regeneration and Economic Growth

2.4.13 Direct reports to the Assistant Director Law and Governance

2.4.14 Direct reports to the Assistant Director Finance

### 3. General Delegations to Chief Officers (and any appointed deputies)

- 3.1 This Scheme gives the power for all Chief Officers to take decisions in relation to all the functions in their areas of responsibility, subject to the limitations, restrictions, reservations and requirements for consultation set out below.
- 3.2 This Scheme is by exception, so all powers are vested in the Chief Officer with the management responsibility for the functions who may delegate further, in writing (and in line with any relevant scheme of training and qualification) in their Local Scheme of Delegation (see below).
- 3.3 Chief Officers may appoint other officers as their deputies and such deputies shall have all the powers of the Chief Officer as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Officer or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation.

All such delegations should be recorded in the Chief Officer's Local Scheme of Delegation. The appointment of a deputy shall not prevent the exercise by the Chief Officer of any delegation. If there is any dispute or lack of clarity as to which Chief Officer has power to make decisions on specific areas of service, the Chief Executive shall determine where the delegation should be exercised.

## 4. Limitations and Restrictions

4.1 The Scheme does not delegate to officers:

- 4.1.1 Any matter specifically reserved to full Council, the Executive, a committee, sub-committee or a specific officer elsewhere in this Constitution or in law
- 4.1.2 Any matter which by law may not be delegated to an officer
- 4.1.3 Any **Key Decision**
- 4.1.4 Any matter specifically excluded from delegation by this Scheme or if delegation is otherwise limited by a decision of the Council, the Executive, a committee or sub-committee, an officer or by any other provisions contained in the Constitution

4.2 The exercise of delegated powers is subject to:

- 4.2.1 Statutory, **regulatory, consultation, equalities or procedural requirements.**
- 4.2.2 Compliance with the Principles of Decision Making and other decision-making requirements set out in the Constitution, including requirements for recording and publishing decisions and access to information.
- 4.2.3 **Identifying and managing strategic and operational risks.**
- 4.2.4 **Contract Procedure Rules, Financial Procedure Rules and Access to Information Procedure Rules.**
- 4.2.5 Any financial limits within the revenue and capital budgets (subject to any discretion permitted by the Financial Procedure Rules and unless permitted by the Chief Executive during a civil emergency).

- 4.2.6 The **Officer Code of Conduct** and adopted protocols.
  - 4.2.7 The requirements of Chief Officers in relation to the overall management and co-ordination of the Council's affairs.
  - 4.2.8 Any report or advice from the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
  - 4.2.9 Any limitations or restrictions on their delegated powers contained in any part of the Constitution.
  - 4.2.10 Seeking appropriate legal, finance and other specialist advice.
  - 4.2.11 Not delegating powers to contractors, consultants or other third parties except where authorised by this Scheme.
- 4.3 Any exercise of delegated powers is conditional upon the following:
- 4.3.1 **Relevant Executive Members, or Council or committee Chairs (as appropriate) must be informed when exercising project specific or temporary delegations.**
  - 4.3.2 **Ward Councillors must be consulted or advised of the exercise of any delegated powers that specifically affect their area.**
  - 4.3.3 **The Chief Executive (Head of Paid Service), Assistant Director Finance (Chief Finance Officer) and the Assistant Director Law and Governance (Monitoring Officer) must be consulted and advised of decisions, as necessary.**
  - 4.3.4 **Before exercising any delegated power, officers must consider whether to consult with the relevant Executive Member or committee Chair on the exercise of delegated powers (or not to exercise delegated powers) and whether to refer the matter to the relevant Member or Member body to decide.**
  - 4.3.5 **Officers should not generally take decisions in areas where there are likely to be political sensitivities, significant opposition from the public, or media (including social media) interest. In any such cases where an officer does intend to take such a decision, the relevant Executive Member or committee Chair must first be consulted.**

4.4 The Leader or any Executive Member (in respect of Executive decisions) and the relevant committee Chair (in relation to non-Executive decisions) may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Member or Member body for decision.

4.5 Where an officer has delegated powers, the Council, the 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.

## 5. Authorisations to other Officers

5.1 Officers with delegated powers may in writing authorise other officers to exercise those powers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's services). Such authorisations may be subject to limitations and conditions. A full list of the Local Schemes of Delegation is held by the Monitoring Officer and is available on request. All Local Schemes of Delegation (and any changes to them) must be agreed by the Monitoring Officer and the relevant Chief Officer.

5.2 Where a function has been delegated to an officer (including under a Local Scheme of Delegation), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.

## 6. Reserve Delegations

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

6.1.1 that post is vacant

6.1.2 the post-holder is not at work for any reason

6.2 Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions exercised by the Monitoring Officer and Chief Finance Officer (as appropriate).

## 7. Transfer of Functions

- 7.1 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 Executive, a Committee or a Sub Committee.
- 7.2 The Monitoring Officer, in consultation with the Chief Executive, shall have authority to determine any amendments to the Officer Scheme of Delegation that are necessary to address:
- 7.2.1 post titles changing
  - 7.2.2 current service responsibilities being revised
  - 7.2.3 new service responsibilities being introduced and/or
  - 7.2.4 new or existing powers being identified for or demanding allocation by the Monitoring Officer, pending update to Council at the first practicable opportunity
- 7.3 Where a service area 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 Monitoring Officer. Any use of this delegated power will be reported to Council and the Executive.
- 7.4 The following delegations (in sections 8-22) shall apply to all Chief Officers (and any appointed deputies):

## 8. Urgent Action

- 8.1 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their service area has responsibility, other than those functions which by law can only be discharged by the Council, the Executive, a specific committee or officer.
- 8.2 A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of members of the public in the Council's area.
- 8.3 This delegation is subject to the conditions that any urgent action shall:
- 8.3.1 be exercised in consultation with:

- in relation to Executive functions: the Leader or, in their absence, the Deputy Leader (or in the absence of either or both such other Executive members as are considered appropriate)
- in relation to Non-Executive decisions: the Chair of the Council or appropriate committee or, in their absence, the Vice-Chair of the Council or appropriate committee (or in the absence of either or both such other Council or committee members as are considered appropriate)

8.3.2 take account of the advice of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

8.3.3 be reported to the next appropriate meeting of the Council, the Executive or committee as appropriate.

8.4 If Cherwell District Council needs to act urgently in any matter (including 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.

8.5 If the Chief Executive is unwell, unobtainable, is unable to act or where there is no Chief Executive in post and no deputy appointed, another Chief Officer may act in their absence.

8.6 All such actions shall be reported to the Council, the Executive, or relevant committee, as appropriate.

## 9. Implementation of decisions

9.1 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of the Council, the Executive, a committee, sub-committee or an officer.

## 10. General operational

10.1 To have overall responsibility for the operational management of their relevant service area and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of

resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

## 11. Consultation

- 11.1 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 11.2 To respond to Government consultations and consultations from other bodies, in consultation with the relevant Executive Portfolio Holder(s) or committee Chair(s).
- 11.3 To undertake all steps required to complete Government statistical returns.

## 12. Finance

- 12.1 To manage the finance of their Directorates to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 12.2 To enter into contracts and incur expenditure in relation to their service area in accordance with the approved Budget and relevant Constitutional rules such as Financial Procedure Rules and Contract Procedure Rules.
- 12.3 In relation to their service area, to determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant equipment or machinery, subject to any statutory limitations and requirements.

## 13. Staffing

- 13.1 In consultation with the Assistant Director Human Resources, the Chief Finance Officer and the Monitoring Officer, to deal with the full range of employment and staff management issues below Chief Officer level, including recruitment, appointment, terms and conditions (other than those negotiated nationally), training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.

- 13.2 In consultation with the Assistant Director Human Resources, the Chief Finance Officer and the Monitoring Officer to determine new organisation structures and changes to the same.

## 14. Land and Assets

- 14.1 To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 14.2 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 14.3 To make applications for planning permission and any other necessary applications for other consents required for the development of land.

## 15. Legal Authorisation and Enforcement

- 15.1 To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation, including taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
- 15.1.1 Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property.
  - 15.1.2 Issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information.
- 15.2 Subject to the approval of the Monitoring Officer, to authorise the institution, defence, settlement of or participation in civil and criminal proceedings and quasi-proceedings, including all court hearings, tribunal, inquiry and appeal processes, administer cautions and/or take any other action considered necessary to protect the interests of the Council. Only the Monitoring Officer, however, may seek, instruct or authorise the obtaining of any legal advice or representation by external solicitors, counsel or other legal bodies.

15.3 Where authorised in the Constitution or applicable policy, to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000.

## 16. Companies

16.1 To exercise powers relating to community interest companies and similar vehicles including participation and running of such companies.

## 17. Areas of Responsibility

17.1 The Management Structure below provides a detailed list of functions. Further details of the contents of each heading is in the list held by the Chief Executive, which they have authority to change and responsibility for keeping up to date.

<p><b>Head of Paid Service (Chief Executive)</b></p>	<ul style="list-style-type: none"> <li>• Principal adviser to the Council</li> <li>• Overall management and operation of the Council, including management of officers</li> <li>• Ensure the proper use of evaluation systems for determining what officers are paid</li> <li>• Report to Council on the number and grade of officers required</li> <li>• Communications and marketing</li> <li>• Policy development</li> <li>• Performance monitoring and reporting</li> <li>• Strategy and annual business planning</li> </ul>
<p><b>Chief Finance Officer (Assistant Director - Finance)</b></p>	<ul style="list-style-type: none"> <li>• Financial Services</li> <li>• Annual Budget Framework</li> <li>• Audit and risk</li> <li>• Counter Fraud &amp; Anti Money Laundering</li> <li>• Revenues and benefits</li> <li>• Report to Council in specified cases of actual or anticipated financial misconduct</li> </ul>
<p><b>Monitoring Officer (Assistant Director - Law and Governance)</b></p>	<ul style="list-style-type: none"> <li>• Legal services</li> <li>• Democratic &amp; Member services</li> <li>• Electoral services</li> <li>• Procurement</li> <li>• Information governance</li> <li>• Report to Council if any proposal, decision or failure to act by the council may break the law or give rise to a finding of maladministration</li> <li>• Ethical standards</li> <li>• Assets of Community Value</li> </ul>

<p><b>Executive Director - Resources</b></p>	<ul style="list-style-type: none"> <li>• Commercialisation</li> <li>• Companies</li> <li>• Transformation</li> <li>• Digital &amp; Innovation</li> <li>• Human resources</li> <li>• Learning &amp; development</li> <li>• Health &amp; safety</li> <li>• Organisational development</li> <li>• Contact Centre services</li> <li>• Land Charges</li> </ul>
<p><b>Executive Director - Place and Regeneration</b></p>	<ul style="list-style-type: none"> <li>• Planning policy, conservation and design</li> <li>• Building control and flood risk</li> <li>• Development management</li> <li>• Property &amp; Assets</li> <li>• Capital Programme</li> <li>• Facilities management</li> <li>• Parking</li> <li>• Property support</li> <li>• Regeneration &amp; economy</li> <li>• Biodiversity &amp; climate resilience</li> </ul>
<p><b>Executive Director - Neighbourhood Services</b></p>	<ul style="list-style-type: none"> <li>• Environment and street scene services</li> <li>• Waste Collection and recycling services</li> <li>• Environmental health services</li> <li>• Regulatory services and community safety</li> <li>• Licensing</li> <li>• Emergency planning</li> <li>• Housing management and options</li> <li>• Resettlement</li> <li>• Well-being, leisure and healthy communities</li> </ul>

## 18. Chief Executive (Head of Paid Service)

18.1 This post is Head of Paid Service and has responsibility for the overall management of the staff who work for Cherwell District Council under section 4 of the Local Government Act 1989. This post is also designated as the Council's Returning Officer and Electoral Registration Officer.

18.2 The Chief Executive is authorised to operate all the services of the Council and, except where powers, duties and functions are reserved, to exercise all powers, duties and functions of the Council, including those delegated to other officers, with the exception of those statutory functions exercised by the Monitoring Officer.

- 18.3 Any Chief Officer (other than the Monitoring Officer) may be nominated by the Chief Executive to deputise in their absence and when so nominated is authorised to exercise all the powers of the Chief Executive (including those of Head of Paid Service).
- 18.4 The Chief Executive may carry out the powers and duties of Executive Directors and Assistant Directors in their absence or in consultation with them (except where statutorily prohibited) and also has the following additional powers:
- 18.4.1 To alter the functions of Executive Directors and Assistant Directors set out in the Areas of Responsibility section of this Scheme, provided that any changes applicable for a period of more than six months must be reported to the Executive and the Council as a change to the Scheme of Delegation.
- 18.4.2 The appointment of all staff below Chief Officer level, including power to authorise other officers to make such appointments on their behalf, whether generally, to posts within certain categories or descriptions, or to specific posts on particular occasions, and to vary or withdraw any such authorisation given.
- 18.4.3 Determinations in respect of staff below Chief Officer level under the Pension Scheme Regulations where the reason for the determination of their employment is permanent incapacity.
- 18.4.4 To authorise appropriate action in urgent/emergency situations following consultation with the Leader or Deputy Leader, save that in a civil emergency the power may be exercised without consultation if that would be impracticable.
- 18.4.5 In the event of an incident giving rise to major damage to or destruction of one or more of the Council's civic buildings, authority to:
- (a) implement the Council's Business Continuity Plan
  - (b) authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the Council

## 19. Assistant Director Finance (Chief Finance Officer)

- 19.1 In addition to the general delegation set out above and subject to the reservations and limitations in this Scheme, the Assistant Director Finance is authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to the Chief Finance Officer role, the functional areas of finance, audit and risk, revenues and benefits, and to carry out those responsibilities delegated to them in the Financial Regulations within this Constitution and as set out in the Areas of Responsibility table, together with any other services allocated to them by the Chief Executive.

## 20. Assistant Director Law and Governance (Monitoring Officer)

- 20.1 In addition to the general delegation set out above and subject to the reservations and exceptions in this Scheme, the Assistant Director Law and Governance is authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to the Monitoring Officer role, legal, democratic, elections and procurement services. They have the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Members, implementing decisions and undertaking efficient management of the services, contracts and staff for which they are responsible as set out in the Areas of Responsibility table, together with any other services allocated to them by the Chief Executive, which shall include the following:
- 20.1.1 To institute, defend, participate in, appeal from, settle or abandon, 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), and authorise others to do so.
  - 20.1.2 To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Council.
  - 20.1.3 To authorise officers to appear in legal proceedings on behalf of the Council.

20.1.4 To appoint or instruct Counsel or external solicitors on any matters likely to affect the interests of the Council.

20.1.5 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.

20.1.6 To make such changes to the Constitution as they deem necessary and in the Council's interests and which do not materially change any principles previously approved by the Council, including routine revisions to provide clarity, correct typographical and other drafting errors, reflect new legislation or give effect to decisions of Council, the Executive, a committee or sub-committee.

20.1.7 To make changes in the membership of committees and sub-committees occurring during the municipal year.

20.1.8 To negotiate, agree, signed, seal and/or execute any legal document on behalf of the Council including in an electronic form.

## 21. Executive Directors

21.1 In addition to the general delegation set out above and subject to the reservations and exceptions in this Scheme, Executive Directors may carry out the powers and duties of any direct reports within their Areas of Responsibility in their absence or in consultation with them.

## 22. Specific Limitations on Delegated Authority

### Executive Director - Place and Regeneration –

#### Planning matters

22.1 Excluded or limited from delegated authority under this Scheme are the following:

22.2 All Major applications (full, outline) except for minor material amendments and the variations and removal of conditions.

22.2.1 Major applications are defined as:

- Applications for 10 or more dwellings

- Applications for new buildings where the floor space to be created is over 1000sqm
- Applications for commercial (non-householder) renewable energy schemes, including single wind turbines.

22.3 All recommendations to approve a significant departure from the adopted development plan or other Council approved policies and/or strategies

22.3.1 Whether an application is considered to be a 'significant' departure will be determined by the Assistant Director Planning or the Head of Development Management, as appropriate, in consultation with the Chair of the Planning Committee (or Vice Chair in the Chair's absence).

22.3.2 When deciding if any departure is 'significant' the criteria that will be considered will include the following:

- All relevant policies in the development plan and whether the policies are up to date
- Other policies, guidance and strategies
- Government policy
- Scale and type of development
- Site history
- Whether conditions or a legal agreement could address any potential conflict

22.4 Applications called in by a member of the Council within 21 days of the registration of an application subject to the following:

- The call-in request must be for material planning reasons
- The request must be made within 21 calendar days of the registration of the application as valid (the day after registration to count as day one)
- The request must be made in writing or via an e-mail; the request must be sent to the Assistant Director Planning or the

Head of Development Management, as appropriate, and the Chair of the Planning Committee

- The request MUST contain all the relevant information

22.4.1 On receipt of the call-in request the Assistant Director Planning or the Head of Development Management, as appropriate, will either agree, or refuse, the request in consultation with the Chair of the Planning Committee (Vice Chair in the Chair's absence). The criteria for deciding whether to allow a call-in request will include:

- 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

22.4.2 The Councillor who called in the application is encouraged to attend, or send another nominated member to speak

22.5 Applications submitted by:

- Any officers with management responsibility in a personal capacity
- Officers employed in the Development Management Service
- Councillors (other than applications relating to works to trees)

- A member of staff or Councillor acting as agent or advisor or consultant

22.6 Applications affecting the Council's own land or where the Council is the applicant (other than applications for works to trees advertisements or for public information purposes).

22.7 Any application which the Assistant Director Planning or Head of Development Management (as appropriate) considers should be referred to the Planning Committee (in consultation with the Planning Committee Chair (Vice Chair in the Chair's absence)) because of its controversy or significance.

22.7.1 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 the Planning 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.

## Property matters

22.8 Limited delegated authority under this Scheme are the following:

22.8.1 Agreements to the grant or acquisition of easements and wayleaves (to an unlimited value): subject to consultation with the Portfolio Holder.

22.8.2 Agreements to the grant or acquisition of leases and licences: up to a value of £250,000 per annum.

22.8.3 Agreements to purchases and sales of land: up to a consideration of £250,000 and subject to consultation with the Portfolio Holder.

22.8.4 Variation or release of restrictive covenants: up to a value of £250,000 and subject to consultation with the Portfolio Holder.

22.8.5 Agreement to waive right of pre-emption reserved in the sale of Council property: in consultation with the Portfolio Holder.

## 23. Call-In

23.1 Although officers are not authorised to take Key Decisions, Scrutiny Committees may call officers to account over any decisions they make.

## 24. Recording and Publishing Officer Decisions

24.1 The Council must produce a written record of certain decisions taken by officers acting under powers delegated to them by the Executive, the Council, its committees, sub-committees or a joint committee<sup>2</sup>.

24.2 These include officer decisions relating to all issues specifically delegated or, in the case of those generally delegated, in the following areas:

24.2.1 Those granting a general permission or licence.

24.2.2 Those affecting the rights of an individual.

24.2.3 The award of a contract or the incurring of expenditure above the Key Decision threshold which in either case materially affects the Council's position.

24.2.4 Where the outcome will have a direct or indirect impact, for better or worse, on the amenity of the community or quality of service provided by the Council to at least 10% of people living or working in the locality affected.

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<sup>2</sup> The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

24.2.5 Where, in the opinion of the Chief Finance Officer, there is significant variance in expenditure outside the agreed scope or budget for a project or issue.

24.2.6 That raise new issues of policy.

24.2.7 Any other decision where the Executive Director or Assistant Director identifies that a record should be kept and where there would otherwise be no record.

24.3 Officer decisions must be available for inspection and published on the Council's website as soon as reasonably practicable after the making of the decision and contain:

24.3.1 the date of the decision

24.3.2 a record of the decision and the reasons

24.3.3 any alternative options considered and rejected

24.3.4 any conflicts of interest declared by any Executive Member consulted by the officer and any dispensations granted in respect of any declared conflict

24.3.5 any background documents

24.4 Although administrative and operational decisions, and those decisions affecting only the rights of an individual or single business, are not required to be formally published, they should be recorded within the service area so as to provide an audit trail.

24.5 The Council is not required to publish any exempt information (under section 100I(1) and Schedule 12A of the Local Government Act 1972) in relation to an officer decision.

24.6 Decision records must be kept for inspection for 6 years and background papers for 4 years.

24.7 It is a criminal offence if, without reasonable excuse, a person with custody of a document (which is required by the Regulations to be made available to the public) refuses to supply the whole or part of the document, or intentionally obstructs any other person from disclosing such a document.

If a person is found guilty of such a criminal offence, they may be fined up to £200. In addition, breach of the rules is likely to amount to maladministration.

## 25. Proper Officers and Authorised Officer Appointments

- 25.1 The Council designates Proper Officers to carry out certain statutory functions. Power to designate Proper Officers is delegated to the Chief Executive, following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Full Council.
- 25.2 The relevant postholders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions.
- 25.3 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.
- 25.4 The Proper Officer (Medical) shall be such officer as the UK Health Security Agency may wish to appoint.
- 25.5 The Chief Finance 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.
- 25.6 The Monitoring Officer shall act as the Proper Officer for any other legislative provisions where specific arrangements have not been made under this Scheme.

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>Town Police Clauses Act 1847</b>		Powers over public order in towns	Head of Regulatory Services and Community Safety
<b>Police, Factories, etc. (Miscellaneous</b>		Regulation of street collectors	Head of Regulatory Services and

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>Provisions) Act 1916</b>			Community Safety
<b>Landlord and Tenant Act 1927</b>	S.23	To serve and receive notice on behalf of the Council	Assistant Director Wellbeing and Housing
<b>Public Health Act 1936 (as amended)</b>	S.45	To serve notice on owners of buildings with defective sanitary conveniences capable of repair	Assistant Director Wellbeing and Housing
	S.50	To serve notice on owners of overflowing or leaking cesspools	Assistant Director Wellbeing and Housing
<b>NB: prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force</b>	S.79 (and Schedule 29 Part 1 Local Government Act 1972)	To serve notice to require removal of noxious matter	Head of Regulatory Services and Community Safety
	S.83	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
	S.84	To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
	S.85 (see also s.35 Public Health Act 1961)	Remedial action where there are filthy and verminous premises, persons or articles	Assistant Director Wellbeing and Housing Head of Regulatory

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			Services and Community Safety
	s.275	By agreement to carry out works in default on sewers or drains	Head of Regulatory Services and Community Safety
	S.287	Power to enter premises	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
<b>House to House Collections Act 1939</b>		Licensing of house-to-house collections for charitable purposes	Head of Regulatory Services and Community Safety
<b>Prevention of Damage by Pests Act 1949</b>	S.2-7	Duty to control rats and mice in district	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
	S.22	Powers of entry	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>National Assistance (Amendment) Act 1951</b>	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
<b>Hypnotism Act 1952</b>		Control of demonstrations of hypnotism at places licensed for public entertainment	Head of Regulatory Services and Community Safety
<b>Landlord and Tenant Act 1954</b>	S.66	To serve and receive notices on behalf of the Council	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
<b>Milk and Dairies (General) Regulations 1959 (as amended)</b>	Reg.20	Milk treatment orders	Medical Officer/Community Physician
<b>Caravan Sites and Control of Development Act 1960</b>		Licensing and control of caravan sites, the provision and operation of caravan sites, and action relating to enforcement notices	Head of Regulatory Services and Community Safety

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>Public Health Act 1961</b>	S.34	Accumulation of rubbish	Head of Regulatory Services and Community Safety Assistant Director Environmental Services
	S.36, SS.83-85(2)	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.	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
	S.37	Prohibition of sale of verminous articles	Assistant Director Wellbeing and Housing Head of Regulatory Services and Community Safety
<b>Animal Boarding Establishments Act 1963</b>		Regulating the keeping of boarding establishments for animals	Head of Regulatory Services and Community Safety
<b>Riding Establishments Act 1964 and 1970</b>		The licensing of riding establishments	Head of Regulatory Services and Community Safety
<b>Local Government Act 1972</b>	S.13(3)	Appointment as a Parish Trustee	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.83(1)-(4)	Witness and receipt of declaration of acceptance of office	Chief Executive Monitoring Officer
	S.84(1)	Receipt of notice of resignation of Councillor	Chief Executive
	S.86	To declare any vacancy in office	Chief Executive
	S.88(2) and Sch. 12	Convening a meeting of Council to fill casual vacancy in the office of Chair	Chief Executive
	S.89	Filling of casual vacancies in case of councillors	Chief Executive
	S.96(1) and (2)	Receipt of notices and recordings of disclosures of interests	Monitoring Officer
	S.99	Convening of meetings	Chief Executive Monitoring Officer
	S.100 and Schedule 12A	Access to information	Monitoring Officer
	S.100 (except 100D)	Admission of public (including press) to meetings	Chief Executive Monitoring Officer
	S.100D	Listing background papers for reports and making copies available for the public to look at	Monitoring Officer
	S.100D(1)A	Compilation of lists of background papers	Each Executive Director and Assistant Director for their service area reports
	S.100D (5)A	Identification of background papers	Each Executive Director and Assistant Director for their service area reports

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.100F(2)	Deciding whether documents for inspection contain exempt information under Schedule 12A	Monitoring Officer
	S.100G	Maintain a list of members and a list of delegations to officers and the like	Monitoring Officer
	S.115 (2)	Receiving money due from officers	Chief Finance Officer
	S.146(1)(a)-(b)	Declarations and certificates with regard to transfer of securities and change of name of the Authority in connection with companies	Chief Finance Officer
	S.151	Financial administration	Chief Finance Officer
	S.173-S.178	Keeping of records of Members' Allowances	Chief Finance Officer
	S.191(2)	To receive applications to undertake OS work under the Ordnance Survey Act 1841	Assistant Director Planning
	S.210	To exercise powers in respect of charities	Monitoring Officer
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Monitoring Officer
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.225	Deposit of documents	Chief Executive
	S.228	Inspection of documents	Monitoring Officer
	S.228(3)	Accounts for inspection by any member of the Council	Chief Finance Officer
	S.229(5)	Certification of photographic copies of documents	Monitoring Officer
	S.234	Authentication of documents	Monitoring Officer
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Monitoring Officer
	S.238	Certification of byelaws	Chief Executive Monitoring Officer
	S.248	To keep the roll of Freemen of Cities or Towns in the District	Monitoring Officer
	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	Monitoring Officer
	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	Monitoring Officer
	Various Sections	Any requirement in relation to parish	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		authorities specified in the Act (or other legislation).	
	Schedule 12 Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive Monitoring Officer
	Schedule 12 Para 4(3)	Receipt of notice regarding address to which summons to meeting is to be sent	Chief Executive Monitoring Officer
	Schedule 14 Para 25(7)	Certification of resolutions applying or disapplying provisions of the Public Health Acts 1875 to 1925	Monitoring Officer
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Assistant Director Planning
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Assistant Director Planning
		The purposes of issuing planning decision notices and for all building regulation purposes	Assistant Director Planning
	Schedule 16	Receipt of deposit lists of protected buildings	Assistant Director Planning
	Schedule 29, Para. 4	Undertake duties at council elections which are required to be undertaken not by the Returning Officer but by the Proper Officer	Monitoring Officer
	Schedule 29, Para.4(1)(b)	Adaptations, modifications and	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		amendments of enactments.	
	Part VA	Access to information	Monitoring Officer
<b>Health and Safety at Work Act 1974</b>	S.19-25/39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Head of Regulatory Services and Community Safety
<b>Local Government Act 1974</b>	S.30(5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are available	Monitoring Officer
<b>Control of Pollution Act 1974</b>	S.60-61	Construction site noise	Head of Regulatory Services and Community Safety
		Powers with respect to waste disposal, water pollution, noise, atmospheric pollution and public health	Head of Regulatory Services and Community Safety
<b>Local Land Charges Act 1975</b>	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Contact Centre Services Manager
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	S.16	Requests to obtain particulars of persons interests in land	Assistant Directors
	S.33	Restoration of supply of water, gas or electricity	Assistant Director Wellbeing and Housing
	S.41(1)	To certify copy resolutions, orders, reports and minutes and copy instruments	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		appointing officers to perform certain functions	
<b>Dangerous Wild Animals Act 1976</b>		Regulating and licensing the keeping of wild animals	Head of Regulatory Services and Community Safety
<b>Local Authorities Cemeteries Order 1977 (as amended)</b>	Article 10	To sign exclusive rights of burial	Monitoring Officer
<b>Refuse Disposal (Amenity) Act 1978 (as amended)</b>	S.2A	Fixed penalty notice in respect of abandoned vehicles	Assistant Director Environmental Services
<b>Zoo Licensing Act 1981</b>		The licensing of zoos	Head of Regulatory Services and Community Safety
<b>Local Government (Miscellaneous Provisions) Act 1982</b>	S.13-17	Skin piercing	Head of Regulatory Services and Community Safety
	S.29	Protection of buildings	Assistant Director Wellbeing and Housing Assistant Director Planning (depending on type of premises)
	S.27	Repair of drains, private sewers etc.	Head of Regulatory Services and Community Safety
	S.35	Blocked private sewers	Head of Regulatory

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			Services and Community Safety
	Parts II, III, VII, VIII and XI	Control of sex establishments, street trading, byelaws, acupuncture, tattooing, ear-piercing, electrolysis, and repair of drains	Head of Regulatory Services and Community Safety
Representation of the People Act 1983	S.8	Electoral Registration Officer	Chief Executive
	S.28	Acting Returning Officer at Parliamentary Elections	Chief Executive
	S.35	Returning Officer	Chief Executive
	S.52	Deputy Electoral Registration Officer	Monitoring Officer
	S.67(1)	Receipt of appointment of election agents	Chief Executive
	S.67(6)	Publication of names and addresses of agents	Chief Executive
	S.67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
	S.81(1)	Receipt of return of election expenses	Chief Executive
	S.82(1)	Receipt of declaration of election expenses	Chief Executive
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Chief Executive
	S.89(3)	Copy and inspections of returns and declarations	Chief Executive
S.131	Providing accommodation for holding election count	Chief Executive	

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	Schedule 4	To receive, retain and destroy returns of election expenses incurred by candidates or agents	Chief Executive
<b>County Courts Act 1984</b>	S.60	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Monitoring Officer
<b>Building Act 1984</b>	S.59-61	Authorisation of repair, reconstruction or alteration of drains	Head of Regulatory Services and Community Safety, Assistant Director Property, Assistant Director Wellbeing and Housing
	S.64-65	Replacement of sanitary conveniences	Head of Regulatory Services and Community Safety Assistant Director Property Assistant Director Wellbeing and Housing
	S.76	Defective premises (expedited procedure relating to s.80 EPA 1990)	Assistant Director Property Assistant Director Planning Assistant Director Wellbeing and Housing
	S.78	To act as "the surveyor" empowered to take and	Assistant Director Property

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		authorise emergency action in respect of damaged and dangerous buildings.	Assistant Director Planning
	S.84	Paved yards	Assistant Director Property Assistant Director Planning
	S.93	Authentication of documents	Monitoring Officer
	S.95	Power to enter premises	Assistant Director Property Assistant Director Planning Assistant Director Wellbeing and Housing
	S.97	Power to execute work	Assistant Director Property Assistant Director Planning Assistant Director Wellbeing and Housing
<b>Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) and regulations made thereunder</b>	S.11	Cases of notifiable disease and food poisoning to be reported	Medical Officer/Community Physician
	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 Regulatory Services and Community Safety
	S.18	Obtaining information from any occupier of premises concerning any person suffering	Head of Regulatory Services and

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		from a notifiable disease or food poisoning	Community Safety
	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 Regulatory Services and Community Safety
	S.25	Library books to be disinfected or disposed of	Head of Regulatory Services and Community Safety
	S.26	Infectious matter not to be placed in dustbins	Head of Regulatory Services and Community Safety
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a	Medical Officer/Community Physician

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		case of a notifiable disease	
	S.31	Certification by officer of need for disinfection of premises	Head of Regulatory Services and Community Safety, Medical Officer
	S.32	Certification by officer of need to remove person from infected house	Head of Regulatory Services and Community Safety, Medical officer
	S.34	Duty of owner etc. of public convenience	Assistant Director 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

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.39-40	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, isolation or destruction etc (a Part 2A Order)	Head of Regulatory Services and Community Safety
	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	Assistant Director Wellbeing and Housing

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			Medical Officer / Community Physician
	S.59	Authentication of documents relating to matters within their province	Assistant Director Wellbeing and Housing Medical Officer/Community Physician
	S.61	Power of entry	Assistant Director and Housing Medical Officer / Community Physician
<b>Food Act 1984</b>	S.8	Enforcement of provision relating to working conditions	Head of Regulatory Services and Community Safety
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of Regulatory Services and Community Safety
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of Regulatory Services and Community Safety
<b>Housing Act 1985</b>	S.265	Demolition Order	Assistant Director Wellbeing and Housing
	S.289	Clearance Area Declaration	Assistant Director Wellbeing and Housing
	S.300	Determination to Purchase	Assistant Director Wellbeing and Housing

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.319	Power of entry	Assistant Director Wellbeing and Housing
	S.606	Submitting reports on particular houses or areas	Assistant Director Wellbeing and Housing
<b>Local Elections (Parishes and Communities) Rules 1986</b>		Request for an election to fill a casual vacancy in respect of parish councils	Chief Executive
<b>Local Elections (Principal Area) Rules 1986</b>	All	All functions	Chief Executive
<b>Local Elections (Parishes and Communities) Rules 1986</b>	Rules 46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Chief Executive
<b>Public Health (Infectious Diseases) Regulations 1988</b>	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

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>Local Government and Finance Act 1988</b>	S.112-115A	Responsible officer for the purposes of the financial administration of the Council's affairs	Chief Finance 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 Officer
<b>Local Government and Housing Act 1989</b>	S.2(4)	Maintenance and review of the Council's List of Politically Restricted Posts	Assistant Director Human Resources
	s.3A	To determine applications for exemption from the List of Politically Restricted Posts	Assistant Director Human Resources
	S.4	Functions as Head of Paid Service.	Chief Executive
	S.5	Functions of Monitoring Officer within the meaning of this section of the Act	Monitoring Officer
	S.15-17	Undertake all matters relating to the formal establishment of Political Groups, and give effect to the wishes of Political Groups in making appointments to committees	Monitoring Officer
	S.18	Arrangements in respect of the Scheme of Members' Allowances	Chief Finance Officer / Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.19	Arrangements in respect of the Register of Members' interests	Monitoring Officer
	Part 7	Declaration of Renewal Areas	Assistant Director Wellbeing and Housing
<b>Control of Pollution (Amendment) Act 1989</b>		The registration of carriers of controlled waste and powers exercisable in relation to vehicles shown to have been used for illegal waste disposal	Head of Regulatory Services and Community Safety
<b>Environmental Protection Act 1990 (as amended)</b>	S.6-15	Prescribed processes	Assistant Director Environmental Services Head of Regulatory Services and Community Safety
	S.78	Contaminated land	Head of Regulatory Services and Community Safety
	S.79-82	Statutory nuisance	Head of Regulatory Services and Community Safety Assistant Director Wellbeing and Housing Assistant Director Environmental Services

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.88	Fixed penalty notices for leaving litter	Assistant Director Environmental Services Head of Regulatory Services and Community Safety
	S.149-150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Assistant Director Environmental Services
	Schedule 3	Powers of entry	Assistant Director Environmental Services Head of Regulatory Services and Community Safety Assistant Director Wellbeing and Housing
<b>Food Safety Act 1990 (as amended)</b>	S.9	Seizure of food	Head of Regulatory Services and Community Safety
	S.29-30	Sampling food	Head of Regulatory Services and Community Safety
	S.11, S.37-39	Improvement / prohibition notices	Head of Regulatory Services and Community Safety

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.49(3)	To sign documents on behalf of the authority	Head of Regulatory Services and Community Safety
<b>Town and Country Planning Act 1990</b>	S.215	Waste land	Assistant Director Planning
<b>Local Government (Committees and Political Groups) Regulations 1990</b>	Regs.8-10, 13-15 and 17	Dealing with political balance on committees and nominations to political groups	Monitoring Officer
<b>Water Industry Act 1991</b>	S.80 – S.83	Private water supply	Head of Regulatory Services and Community Safety
<b>Clean Air Act 1993</b>	S.1-2	Prohibition of dark smoke	Head of Regulatory Services and Community Safety
	S.51 and S.56	To exercise all functions conferred by these sections	Head of Regulatory Services and Community Safety
<b>Criminal Justice and Public Order Act 1994</b>	S.77-80	Removal of unauthorised encampments	Assistant Director Property Assistant Director Planning
<b>Environment Act 1995</b>	S.80	Local air quality management	Head of Regulatory Services and Community Safety
	S.84, S.108	Air quality management areas To carry out registered keeper detail checks	Head of Regulatory Services and Community Safety

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			Assistant Director Environment
<b>Dogs (Fouling of Land) Act 1996</b>	S.4	To issue fixed penalty notices	Assistant Director Environmental Services Head of Regulatory Services and Community Safety
<b>Housing Grants, Construction and Regeneration Act 1996</b>	Part 1	Disabled Facilities Grants	Assistant Director Wellbeing and Housing
<b>Noise Act 1996 (as amended)</b>	S.8	Fixed penalty notices in respect of noise nuisance	Head of Regulatory Services and Community Safety
<b>Party Wall Act 1996</b>	S.10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Assistant Director Planning
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Assistant Director Planning
<b>Local Government (Contracts) Act 1997</b>	S.3	Signing certificates in respect of Certified Contracts	Monitoring Officer
	S.4	To maintain a register of certificates in respect of Certified Contracts to be open to public inspection	Monitoring Officer
<b>Data Protection Act 1998</b>	All	Ensuring compliance with the statutory	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
		provisions and principles of the Act	
<b>Crime and Disorder Act 1998</b>	S.5	To work in partnership with the police and other responsible bodies to reduce crime	Head of Regulatory Services and Community Safety
	S.17	To consider crime and disorder implications of any decisions	Head of Regulatory Services and Community Safety
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of Regulatory Services and Community Safety
<b>Pollution Prevention and Control Act 1999</b>		Powers to prevent and control pollution; to make provision about certain expired or expiring disposal or waste management licences	Head of Regulatory Services and Community Safety
<b>Local Government Act 2000 (as amended)</b>	S.21A	Decision making in respect of Councillor Call for Action	Monitoring Officer
	S.34	Determine whether a petition is valid	Chief Executive
	S.81	Establishment and maintenance of the Register of Members' Interests including voting co-opted members	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.99-100	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	Monitoring Officer
	Various	Dealing with the holding of referenda	Chief Executive
		All other responsibilities in the Act and any subordinate legislation	Monitoring Officer
<b>Freedom of Information Act 2000</b>	S.36	Non-disclosure where potential to prejudice the effective conduct of public affairs	Monitoring Officer
	All others	All responsibilities associated with the act	Monitoring Officer
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	S.27-29	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, Chief Executive in accordance with Council's RIPA policy Chief Executive to authorise operations against children

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			and vulnerable adults
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>	Schedule 1 Part II, Paras.5 -6	Giving notice of appointments and dismissal of officers to the Executive in accordance with the Regulations	Monitoring Officer
<b>Private Security Industry Authority Act 2001</b>		Enforcement of actions by licensed door supervisors	Head of Regulatory Services and Community Safety
<b>Criminal Justice and Police Act 2001</b>	S.19(2)	Power of closure where the sale of alcohol is not in accordance with any authorisation	Head of Regulatory Services and Community Safety
<b>The Representation of the People (England and Wales) (Amendment) Regulations 2002</b>	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Monitoring Officer
<b>Money Laundering Regulations 2003</b>	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief Finance Officer
<b>Anti-Social Behaviour Act 2003 (as amended)</b>	S.30	Approval for dispersal orders	Head of Regulatory Services and Community Safety

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of Regulatory Services and Community Safety
	S.43	To issue penalty notices for graffiti and flyposting	Assistant Director Planning, Assistant Director Environmental Services
<b>Accounts and Audit Regulations 2003</b>	All Regs	All responsibilities	Chief Finance Officer or person nominated by them under Section 114 of the Local Government Finance Act 1988 where the Chief Finance Officer is unable to act
<b>Housing Act 2004</b>	S.239	Determining if a survey or examination is necessary	Assistant Director Wellbeing and Housing
	Part 1	Enforcement of Housing Standards	Assistant Director Wellbeing and Housing
	Part 2	Licensing of HMOs	Assistant Director Wellbeing and Housing
	Part 3	Selective Licensing of Residential Accommodation	Assistant Director Wellbeing and Housing
	Part 4	Additional controls in relation to residential accommodation	Assistant Director Wellbeing and Housing
	Part 6	Other provisions about housing	Assistant Director Wellbeing and Housing

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
	Part 7	Supplementary and final provisions	Assistant Director Wellbeing and Housing
<b>Clean Neighbourhoods and Environment Act 2005</b>	Part 2	Nuisance parking	Assistant Director Environmental Services
	Part 3	Litter	Assistant Director Environmental Services
	Part 4	Fly posting	Assistant Director Environmental Services
	S.59	Dog control fixed penalty notices	Assistant Director Environmental Services
<b>Food Hygiene Regulations 2006</b>	Reg.6	Hygiene improvement notice	Head of Regulatory Services and Community Safety
	Reg.7	Hygiene prohibition orders	Head of Regulatory Services and Community Safety
	Reg.8	Hygiene emergency prohibition orders	Head of Regulatory Services and Community Safety
	Reg.9	Remedial action/detention notice	Head of Regulatory Services and Community Safety
	Reg.12	Food sampling	Head of Regulatory Services and

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
			Community Safety
	Reg.14	Powers of entry	Head of Regulatory Services and Community Safety
	Reg.17	Food premises registration	Head of Regulatory Services and Community Safety
<b>Smokefree (Premises and Enforcement) Regulations 2006</b>		Enforcing smokefree legislation in premises and vehicles	Head of Regulatory Services and Community Safety
<b>Criminal Justice and Police Act 2006</b>	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 Regulatory Services and Community Safety
<b>Health Act 2006</b>	Chapter 1	Enforcement of smoke-free premises, places and vehicles	Head of Regulatory Services and Community Safety
<b>Local Elections (Principal Areas)(England and Wales) Rules 2006</b>	Sch.2 Para.54	Registration officer for the retention and destruction of documents following an election	Governance and Elections Manager
<b>Animal Welfare Act 2006 (as amended) and Pet Animals</b>		Provision for animal welfare	Head of Regulatory Services and

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>(Amendment) Act 1983</b>			Community Safety
<b>Animal Welfare Acts 2006 and 1991 and Breeding and Sale of Dogs (Welfare) Act 1999</b>		Inspecting and regulating the commercial breeding and sale of dogs; and the welfare of dogs kept in commercial breeding establishments	Head of Regulatory Services and Community Safety
<b>Health Protection (Notification) Regulations 2010</b>	S.22	To share depersonalised data All local authority responsibilities under these regulations	Head of Regulatory Services and Community Safety
<b>Localism Act 2011</b>	S.29	Establish and maintain a register of members' and co-opted members' interests	Monitoring Officer
	S.30-31	Receipt of members' and co-opted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer
	S.32	Sensitive interests	Monitoring Officer
	S.33	Dispensations from restrictions under s.31(4)	Monitoring Officer
<b>Local Authorities (Referendum) (Petitions) (England) Regulations 2011</b>		Publish the verification number of local government electors for the purpose of petitions under s.34 Local Government Act 2000	Chief Executive
<b>Local Authorities (Executive Arrangements) (Meetings and Access to</b>		All local authority responsibilities under these regulations	Monitoring Officer

Legislation	Section	Purpose of appointment	Proper Officer / Authorised Officer
<b>Information (England) Regulations 2012</b>			
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>		Proper Officer function	Chief Executive
<b>Scrap Metal Dealers Act 2013</b>		The licencing of scrap metal dealers	Head of Regulatory Services and Community Safety
<b>Anti-Social Behaviour, Crime and Policing Act 2014</b>	Part 4	Issuing community protection notices	Chief Executive
<b>Environmental Damage (Prevention and Remediation) Regulations 2015</b>		Powers relating to the prevention and remedying of environmental damage	Head of Regulatory Services and Community Safety
<b>Data Protection Act 2018</b>	S.69, 70-71	Designated Data Protection Officer	Monitoring Officer

## 26. Local Choice Functions

26.1 These are functions that could be, but do not have to be, the responsibility of the Executive, and whether a function is Executive or Non-Executive is down to local choice. The Council has determined the decision-maker for Local Choice functions to be as set out in the table below, but the decision-maker is able to further delegate to officers in accordance with the Officer Scheme of Delegation in Part 3 of the Constitution.

Function	Local Choice	Decision-Maker
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1	Executive	Executive as a whole
The determination of appeals against any decision made by or on behalf of the Council (other than those reserved to a Non-Executive committee)	Executive	Executive as a whole
Any function relating to contaminated land (a) to the extent that the function involves the formulation of a strategic policy (b) to the extent that the function does not involve the formulation of a strategic policy	Executive Non-Executive	Executive as a whole Head of Regulatory Services and Community Safety
Performing any function relating to controlling pollution or managing air quality: (a) to the extent that the function involves the formulation of a strategic policy (b) to the extent that the function does not involve the formulation of a strategic policy	Non-Executive	General Licensing Committee Head of Regulatory Services and Community Safety
The service of an Abatement Notice in respect of a statutory nuisance under Section 80(1) Environmental Protection Act 1990	Executive	Head of Regulatory Services and Community Safety

Function	Local Choice	Decision-Maker
<p>The passing of a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply under Section 8 of the Noise and Statutory Nuisance Act 1993:</p> <p>(a) to the extent that the function involves the formulation of a strategic policy</p> <p>(b) to the extent that the function does not involve the formulation of a strategic policy</p>	<p>Executive</p> <p>Executive</p>	<p>Executive as a whole</p> <p>Head of Regulatory Services and Community Safety</p>
<p>Inspection of the Authority's area to detect any statutory nuisance</p> <p>(a) to the extent that the function involves the formulation of a strategic policy</p> <p>(b) to the extent that the function does not involve the formulation of a strategic policy</p>	<p>Executive</p> <p>Executive</p>	<p>Executive as a whole</p> <p>Head of Regulatory Services and Community Safety</p>
<p>The investigation of any complaints as to the existence of a statutory nuisance</p>	<p>Executive</p>	<p>Head of Regulatory Services and Community Safety</p>
<p>Obtaining information from Section 330 of the Town and Country Planning Act 1990 as to interests in land:</p> <p>(a) to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders</p> <p>(b) to the extent that it is necessary to exercise these powers in respect of actions which are not preliminary to the exercise of powers to make compulsory purchase orders</p>	<p>Executive</p> <p>Executive</p>	<p>Executive as a whole</p> <p>Assistant Director Planning</p>
<p>Obtaining information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976:</p>	<p>Executive</p>	<p>Executive as a whole</p>

Function	Local Choice	Decision-Maker
<p>(a) to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders</p> <p>(b) to the extent that it is necessary to exercise these powers in respect of actions which are not preliminary to the exercise of powers to make compulsory purchase orders</p>	Executive	Assistant Director Planning
Making agreements for highways works to be carried out	Non-Executive	General Licensing Committee Assistant Director Planning Head of Regulatory Services and Community Safety
<p>The appointment (and revocation of appointment) of any individual:</p> <p>(1) to any office other than an office in which they are employed by the Authority;</p> <p>(2) to any body other than:</p> <p>(a) the Authority;</p> <p>(b) a Joint Committee of two or more Authorities; or</p> <p>(c) to any committee or sub-committee of such a body.</p>	Executive and Non-Executive	Leader where the appointment relates to Executive powers. The Council where the appointment relates to Non-Executive functions
<p>The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities:</p> <p>(a) to the extent that the staff are being placed at the disposal of the other Authority in relation to the discharge of functions which are the responsibility of the Authority placing the staff</p> <p>(b) to the extent that the staff are being placed at the disposal of the other Authority in relation to</p>	<p>Non-Executive</p> <p>Executive</p>	<p>The Council</p> <p>Executive as a whole</p>

Function	Local Choice	Decision-Maker
the discharge of functions which are not the responsibility of the Authority placing the staff		

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