

## **Part 3: Officer Scheme of Delegation**

(December 2024)

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**3.1 Delegation of Functions**

This Scheme of Delegation is made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, Sections 9E, 9EA and 9EB, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers.

**3.2 Introduction**

This Scheme of Delegation is part of the Cherwell District Council's Constitution and sets out the powers and functions delegated to specific officers. It shows the ways in which the officers of the Council can make decisions and which decisions they have the power to make.

"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. The term "officers" in this Constitution includes all the people who operate in this capacity including contractors, consultants and agency staff.

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 will fall into the category of operational day to day decisions taken by its officers.

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 of the powers that they need to perform their roles. This Scheme describes powers and functions reserved to particular statutory or proper officers as well as the more general authority as granted by Council and the Executive to be able to implement decisions and to undertake and operate the Council's functions.

Additional authority to act, or reservations to any authority granted, may be set out in a decision of the Council, a Committee or Executive or through a separate Leader's or Committee's Scheme of Delegation

Certain named officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely 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.

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.

## **Statutory Chief Officers**

Chief Executive (Head of Paid Service)

Monitoring Officer and Assistant Director of Law and Governance

Section 151 Officer and Assistant Director of Finance

## **Non-Statutory Chief Officers**

Corporate Director of Communities

Corporate Director of Resources.

The organisational structure of the Council shows more detail about the roles and responsibilities of the Corporate Directors and Assistant Directors supporting them to deliver all the Council's services.

The powers of this Scheme are delegated to the officers referred to by title within this Scheme. The delegations apply to whoever holds that post title at any time – not to 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/name of the officer post.

Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director or the Assistant Director is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Executive, a committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.

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.

### 3.3 General Delegation

Subject to the forgoing this Scheme gives the power for the Chief Officers and Assistant Directors to take decisions in relation to all the functions in their areas of responsibility:

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 Corporate Directors, Assistant Directors 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 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

### 3.4 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 Executive or a Committee or Sub-Committee.

### 3.5 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. All Local Schemes of Delegation (and any changes to them) must be notified to the Monitoring Officer and the s151 Officer. Where a function has been delegated to an officer, 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.

### **3.6 Reserve Delegations**

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

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

### **3.7 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 they consider to be an appropriate substitute. In particular consultation must take place with legal, finance and human resources as appropriate.

### **3.8 Restriction on delegations to Assistant Directors**

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

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

The Corporate Director or Assistant Director, or in the absence of a Corporate Director, an Assistant Director may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

### **3.9 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 Executive or a Committee/Sub Committee.

The Monitoring Officer, in consultation with the Chief Executive, shall have authority to determine any amendments to the Officer Scheme of Delegations that are necessary to address (i) post titles changing (ii) current service responsibilities being revised (iii) new service responsibilities being introduced and/or (iv) new or existing powers being identified for or demanding allocation by the Monitoring Officer, pending update to Council at the first practicable opportunity.

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 Monitoring Officer. Any use of this delegated power will be reported to Council.

### **3.10 General Delegations to Chief Executive, Corporate Directors and Assistant Directors**

This Scheme gives the power for all Directors to take decisions in relation to all the functions in their areas of responsibility except where:

- (a) a matter is prohibited by law from being delegated to an officer, and
- (b) a matter has been specifically excluded from delegation by this scheme or delegation is otherwise limited, by a decision of the Council, the Executive, a Committee or Sub-Committee or by any other provisions contained in the Constitution.

This Scheme of Delegation is by exception, so all powers are vested in the Director with the management responsibility for the functions who may delegate further, in writing (and in line with any relevant scheme of training and qualification).

Any power delegated under this Scheme can be exercised by the relevant Director and in all cases by the Chief Executive personally.

Directors may appoint another officer as their deputy and such deputy shall have all the powers of a Director as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Director under this Constitution 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 Director) or without time limitation. All such delegations should be notified to the Monitoring Officer. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

The following delegations shall apply to all Directors (and to any appointed deputies):

### **3.10.1 Urgent Action**

To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific committee. This delegation is subject to the conditions that any urgent action:

- (a) shall be reported to, and where practicable exercised in consultation with, the Executive, the appropriate Executive member or the appropriate committee; and
- (b) shall take account of the advice of the Monitoring Officer and the Section 151 Officer

### **3.10.2 Implementation of decisions**

To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Executive and Council.

### **3.10.3 General operational**

To have overall responsibility for the operational management of the relevant area of service 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.

### **3.10.4 Consultation**

To undertake and consider the outcome of statutory and non-statutory consultations on service provision.

To respond to Government consultations and consultations from other bodies, in consultation with the relevant Executive Portfolio Holder(s) or committee Chair(s).

To undertake all steps required to complete Government statistical returns.

### **3.10.5 Finance and Legal**

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.

To enter into contracts and incur expenditure in accordance with the relevant Constitutional rules such as Financial Rules of Procedure, Contract Procedure Rules and the Leader's Financial Scheme of Delegation.

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.

### **3.10.6 Staffing**

In consultation with the Assistant Director Human Resources, the S151 Officer and the Monitoring Officer to deal with the full range of employment and staff management issues, below Director level including, but not limited to appointments, 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.

In consultation with the Assistant Director Human Resources, the S151 Officer and the Monitoring Officer to determine new organisation structures and changes to the same.

### **3.10.7 Land and Assets**

To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.

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.

To make applications for planning permission and any other necessary applications for other consents required for the development of land.

### **3.10.8 Companies**

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



### **3.11 List of Management Team posts with specific delegated powers**

1. Head of Paid Service: Chief Executive (this post is appointed Electoral Registration Officer and Returning Officer)
2. Section 151 Officer and Assistant Director Finance
3. Monitoring Officer and Assistant Director Law and Governance
4. Corporate Director Resources
5. Corporate Director Communities
6. Assistant Director Customer Focus
7. Assistant Director Environmental Services
8. Assistant Director Growth and Economy
9. Assistant Director Human Resources and Organisational Development
10. Assistant Director Law and Governance
11. Assistant Director Planning and Development
12. Assistant Director Property
13. Assistant Director Wellbeing and Housing
14. Head of Regulatory Services and Community Safety

### **3.12 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 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 on the number and grade of staff required.

#### **3.12.1 Emergencies**

If Cherwell District Council needs 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 Corporate Director or Assistant Director may act in their absence.

The Chief Executive, Corporate Director or Assistant Director may delegate responsibility to another nominated officer where appropriate.

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

### **3.12.2 Release of Information**

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

### **3.12.3 Suspension or Dismissal**

The suspension or dismissal of a Corporate Director, or Assistant Director, subject to consultation with the Assistant Director Human Resources, the Section 151 Officer 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 other than via a decision of full Council. Please refer to Statutory Officer Disciplinary and Dismissal Policy and Procedure.

The Head of Paid Service and the Monitoring Officer shall each have authority to agree settlement agreements on the termination of employment of a statutory officer employed by the Council in consultation with the Leader of the Council.

### **3.12.4 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.

## **3.13 Specific Council (non-executive) Delegated Powers to the Returning Officer and Electoral Registration Officer**

- Authority to take action, and make decisions, as necessary as Electoral Registration Officer and Returning Officer
- To appoint Deputy Electoral Registration Officer(s)
- Assigning officers in relation to requisitions of the Electoral Registration Officer
- To pay expenses properly incurred by the Electoral registration Officer
- Powers in respect of holding elections
- 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
- To amend the Council's Polling Districts and Polling Places Order as necessary, including designating new Polling Places as required where an existing Polling Place becomes unsuitable or unavailable.
- To adopt the election fees and charges schedule to reflect operational requirements

### **3.14 Corporate Directors and Assistant Directors**

#### **3.14.1 Urgency**

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 Executive members as are considered most appropriate to the postholder) and the exercise of this power is reported to the Executive for information (for executive decisions) or consults the Chairman of the Council or appropriate Committee, or in their 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 non-executive decisions).

#### **3.14.2 General**

All Corporate Directors and Assistant Directors shall be authorised to exercise powers and functions of the Council to the extent that they fall within the remit of their area of responsibilities and/ or Directorate:.

- 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 Corporate Directors, Assistant Directors, or by the Monitoring Officer, or the Chief Executive
- To respond to licensing applications in the Council's role as responsible authority.

When exercising delegated powers, Officers must:

- (a) comply with the law, the Council's Constitution and the Council's properly approved policies and procedures (in this order of priority) when discharging functions of the Council;
- (b) comply with any limitations or restrictions on their delegated powers contained in any Part of the Constitution;

- (c) seek appropriate legal, finance and other specialist advice. Officers must have regard to any advice received;
- (d) consult the Monitoring Officer and (except in the case of a decision of the s151 Officer) the s151 Officer before taking a delegated Key Decision;
- (e) be satisfied before taking a decision, that they are authorised to take the decision and make and retain an appropriate record (in accordance with corporate procedures) of the decision and their authority to take it;
- (f) unless permitted by the Chief Executive during a civil emergency, not commit the Council to a course of action that will result in a financial obligation beyond the approved budget (revenue or capital) of their Directorate or the Council.
- (g) not delegate powers to the Council's contractors, consultants or other third parties except where authorised in the Scheme of Delegation.

### **3.15 Corporate Director Communities**

- 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 Executive approval
- To lead Local Plan making and the preparation of the Local Development Framework.
- Oversee the development and 'adoption' of Supplementary Planning Documents (SPDs).
- To maintain an up to date Local Plan and other development plan documents, Brownfield site register, Self-build register.
- To maintain Developer Contributions policies.
- Ensure the provision of policy advice on land use planning.
- Undertake the annual monitoring of plan delivery (AMRs).
- Undertake Infrastructure planning and preparation of associated funding bids.
- Preparation of the policy content of planning appeals.
- Oversee implementation of 'Duty to Cooperate' with neighbouring Councils.
- Oversee the development and 'making' of Neighbourhood plans.

### **3.16 Corporate Director Resources**

The Corporate Director – Resources is designated under this Scheme to act as a shareholders' representative on behalf of the Council for a company in which the Council is a shareholder and is authorised to:

- (a) act as shareholders' representative in accordance with the Companies Act 2006;
- (b) to the extent that it is not the responsibility of the shareholder's committee, exercise all the Council's powers as a shareholder of the company, subject to any limitations in this Constitution; and
- (c) appoint a deputy shareholder's representative for any company for which they have been appointed shareholders' representative.

Any person appointed as a deputy shareholders' representative for a company is authorised to exercise the powers of the shareholders' representative in the absence or incapacity of the shareholder's representative or if there is no shareholder's representative appointed for the company.

### **3.17 Section 151 Officer and Assistant Director of Finance**

Subject to the reservations and exceptions set out in this Scheme, the Assistant Director of Finance shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to functional areas of finance, audit and risk, revenues and benefits, which shall include but not be limited to the following:

- Local Government Finance Act 1992

Local Government Finance Act 1988. Power under section 92 of the Local Government Act 2000 to direct the appropriate Corporate Director or Assistant Director in consultation with the appropriate Portfolio Holder to make an ex gratia payment 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.

- 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.
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft
- Raising and repayment of temporary loans in sterling
- To accept terms and conditions attached to any government grants
- To enter into lease agreements
- The arrangement of all necessary insurances

- Refunds of rates on commercial industrial premises where clerical or arithmetical error has been made on rateable value or otherwise notified by the Valuation Office Agency (any successor thereof)
- 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
- The power to calculate the Council's council tax base for the purpose of the calculation of its council tax and submission of NNDR1 form (or any replacement thereof) to the Government.
- 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
- To make amendments to the Council's discretionary rate relief criteria and policies in consultation with the Executive Portfolio Holder

### **3.18 Monitoring Officer and Assistant Director Law and Governance**

Subject to the reservations and exceptions set out in this Scheme, the Monitoring Officer shall be 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, which shall include but not be limited to the following:

On behalf of the Council.

- 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).

- To authorise officers to appear in legal proceedings on behalf of the Council.
- To appoint 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 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 take all actions under the Town and Country Planning (Tree Preservation) (England) Regulations 2012
- To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.
- To make minor amendments to planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.
- To issue, serve, modify or withdraw any enforcement action or notices under the Planning Acts, etc.

- To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated or dangerous buildings and neglected sites.
- To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 in respect of Temporary Markets.
- To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.
- To exercise the Council's powers relating to temporary road closures.
- To negotiate, agree, signed, seal and/or execute any legal document on behalf of the Council including in an electronic form.
- To authorise the attendance of officers at Court under any statutory provision.
- To authorise service of any statutory requisition for information as to interests in land.
- 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
- 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 the Council's arrangements for dealing with complaints of Member misconduct
- To authorise the Assistant Director Environmental 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



### 3.19 Assistant Director Customer Focus

Subject to the reservations and exceptions set out in this Scheme, the Assistant Director Customer Focus shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to land charges, communications, Customer Services, performance, risk and equalities, policy and transformation.

### 3.20 Assistant Director Environmental Services

Subject to the reservations and exceptions set out in this Scheme, Assistant Director of for Environmental Services shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to environmental and associated services, which shall include but not limited to the following:

- To exercise the Council's power with respect to nuisance parking.
- 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
- To make minor amendments to the Council's Off-Street Parking Orders subject to consultation with the Portfolio Holder
- 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
- To exercise the Council's powers to issue Fixed Penalty Notices for offences under Section 34 and Section 34(2A) of the Environmental Protection 1990 and pursuant to The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.
- To exercise the Council's powers under the Refuse Disposal (Amenity) Act 1978
- To exercise the Council's powers under the Local Government (Miscellaneous Provisions) Act 1976
- 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
- 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 Director 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 Assistant Director Planning and Development (with the exception of dealing with abandoned vehicles)
- Investigating and prosecuting offences under the Environmental Protection Act 1990 subject to the Assistant Director 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 Assistant Director Planning and Development 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 take action under the Control of Pollution (Amendment) Act 1989 to deal with waste licence offences.
- 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
- To exercise the Council's powers in respect of dogs considered to be dangerous or dangerously out of control under all relevant legislation including but not limited to the Dogs Act 1871 and Dangerous Dogs Act 1991 and Dogs (Fouling of Land) Act 1996. Authority to institute legal

proceedings to be exercised subject to the Director Law and Governance being satisfied as to the evidence and the process being followed

- To authorise officers to act for the purpose of enforcing the Microchipping of Dogs (England) Regulations 2015.
- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance

### **3.21 Assistant Director Growth and Economy**

Subject to the reservations and exceptions set out in this Scheme, Assistant Director Growth and Economy shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to economic development, which shall include but not limited to the following

- To exercise the Council's powers to take steps to encourage visitors to the area in support of the local economy including the provision of tourist information where appropriate.
- To provide business and employment services, including apprenticeships, job clubs and business advice.

### **3.22 Assistant Director Human Resources and Organisational Development**

Subject to the reservations and exceptions set out in this Scheme, the Assistant Director Human Resources and Organisational Development shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to human resources and organisational development, which shall include but not limited to the following:

- To produce, implement and review the Council's policies relating to human resources.
- To comply with all legislation and government guidance on transparency in pay within the Council, including taking the annual Pay Policy Statement to Council
- 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 Director of Finance (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

- Authority to conclude settlement agreements with employees on matters of dispute relating to their employment in consultation with the Monitoring Officer and S151 officer 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.
- To produce, implement and review the Council's policies and corporate arrangements relating to health, safety and wellbeing.
- To comply with all legislation and Government guidance on Health and Safety at work.

### **3.23 Assistant Director Law and Governance**

- To carry out and determine reviews of Assets of Community Value as required.
- To determine and list Assets of Community Value (ACV).

### **3.24 Assistant Director Planning and Development**

Subject to the reservations and exceptions set out in this Scheme, the Assistant Director Planning and Development shall be authorised and has the full power to exercise the functions, duties and powers of the Council as set out in any relevant legislation, which are not specified in the Constitution or in law as having to be taken by elected members or another officer, implementing decisions and undertaking efficient management of the services, contracts and staff for which they are responsible in the functional areas of town and country planning, conservation, building control, which shall include but not be limited to the following:

#### **Planning Applications and Related Matters**

- (a) All planning applications.
- (b) All applications for advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substance consent, and Tree Preservation Order consent.
- (c) All notifications in respect of planning related matters including Telecoms notifications, agricultural notifications, Trees in Conservation Area notifications and notifications of intention to demolish buildings.

#### **Consultations**

- (a) Observations on applications submitted to other local planning authorities for their determination.

- (b) Observations on development proposed by other outside bodies referred to this Council as consultee authority.
- (c) Observations on development and ancillary works proposed by statutory undertakers, telecommunications code system operators and other organisations having permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

### **Procedural Matters**

- (a) Finalising the conditions and reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Assistant Director Law and Governance.
- (c) Agreeing to accept or not accept minor amendments to planning permission.
- (d) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (e) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes).
- (f) Deciding the Council's preferred method for dealing with appeals (written representations, informal hearing or public inquiry) and their conduct.
- (g) Compliance with the departure procedures contained in the Town and Country Planning Development Plans (England) Direction 1992.
- (h) Determining the need for and making Tree Preservation Orders and confirming such Orders where there are no objections and determining the need for and issuing building preservation notices where urgently required.
- (i) To take any action which the Council has power to take to require the planting of any tree.
- (j) To serve compensation directions concerning applications for works under a tree preservation order.
- (k) To revoke or vary a tree preservation order.
- (l) To determine all applications for felling, topping, lopping or uprooting trees subject to a Tree Preservation Order
- (m) Determining whether planning permission, listed building consent,

advertisement consent, tree preservation order consent and hazardous substances consent is required.

- (n) Authorising officers to enter land and make applications to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out herein.

### **Enforcement**

- (a) Determining applications for certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development in consultation with Assistant Director Law and Governance.
- (b) Determining the need for and service of planning contravention notices.
- (c) Determining the need for and service of breach of condition notices.
- (d) Determining the need for and enforcement of control as to advertisements, the service of discontinuance notices and the removal or obliteration of unlawful placards or posters.
- (e) Determining the need for and service of enforcement notices and listed building enforcement notices.
- (f) Determining the need for and service of Stop Notices, Temporary Stop Notices and injunctions, if urgently required, and subject to the agreement of the Assistant Director Law and Governance.
- (g) In consultation with the Assistant Director Law and Governance to undertake prosecutions where applicable in relation to any matter set out hereunder, issuing notices under Section 16 of the Local Government (Miscellaneous Provisions) Act and Section 330 of the Town and Country Planning Act 1990 (as amended), and issuing notices in respect of derelict land under Section 215 of the Town and Country Planning Act 1990.
- (h) Determining the need for and taking direct action under Section 178 of the Town and Country Planning Act 1990 (as amended).
- (i) Determining the need for and carrying out urgent works and repairs under Section 54 Planning (Listed Buildings and Conservations Area) Act 1990.
- (j) Determining the need to and withdrawing any notice issued under subparagraphs b) to (g) above.

### **Rights of Way**

The determination of all non-executive decisions and carrying out of all functions relating to public paths and rights of way, including those specified in

Schedule 1 of the Local Authorities (functions and responsibilities) (England) Regulations 2000 unless required to be determined by Committee in compliance with relevant legislation.

#### 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

#### 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

All functions under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges

### **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
- To undertake listed buildings surveys
- 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

### **Building Control**

#### Street naming and numbering

- Naming and numbering of streets, 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 Portfolio Holder

- 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 serve notices under the Building Act 1984 in respect of breaches of building regulations and in respect of making safe dangerous structures
- 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.
- To maintain a register of Buildings at Risk

## 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

## Specific limitations on delegated authority

Apart from the following:

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

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

Whether an application is considered to be a 'significant' departure will be determined by the Assistant Director Planning and Development (or the line manager that is responsible for Development Management and reports to the Assistant Director Planning and Development in consultation with the Chairman of the Planning 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 policies, guidance and strategies

- Government policy
  - Scale and type of development
  - Site history
  - Whether conditions or a legal agreement could address any potential conflict
3. 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 and Development (or the line manager that is responsible for Development Management and reports to the Assistant Director Planning and Development) and the Chairman of the Planning Committee
  - The request MUST contain all the relevant information

On receipt of the call-in request the Assistant Director Planning and Development (or the line manager that reports to the Assistant Director Planning and Development and is responsible for Development Management) will either agree, or refuse, the request in consultation with the Chairman of the 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.

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

4. 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.

5. 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)
6. Any application which the Assistant Director Planning and Development considers should be referred to the Planning Committee (in consultation with the Planning Committee 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 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.

#### **Other**

- To sign Completion Certificates and Occupation Certificates
- To issue community protection notices
- To agree statements of common ground that may be necessary with developers and statutory bodies as part of the 'development consent' process

### **3.24 Assistant Director Property**

Subject to the reservations and exceptions set out in this Scheme, Assistant Director Property shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Property Services , which shall include but not limited to the following

- 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) subject to consultation with the portfolio holder

- Agreements to the grant or acquisition of leases and licences up to a value of £100,000 per annum.
- Agreements to purchases and sales of land up to a consideration of £250,000 subject to consultation with the Portfolio Holder
- Variation or release of restrictive covenants up to a value of £250,000 subject to consultation with the Portfolio Holder
- 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

### **3.25 Assistant Director Wellbeing and Housing**

Subject to the reservations and exceptions set out in this Scheme, Assistant Director Wellbeing and Housing Services shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to housing and wellbeing services, which shall include but not limited to the following:

- To nominate persons for tenancies or long leases granted by registered social landlords in accordance with the priority given by the allocation scheme adopted by the 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 Homes England/relevant government agency concerning its development programme
- To exercise powers with respect to persons on land owned by Cherwell 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 the Council's powers with respect to filthy or verminous premises, articles or persons. NB this power is also exercisable by the Head of Regulatory Services and Community Safety
- To exercise the Council's powers for the control of pest and vermin, the prevention of damage by pests in respect of residential properties NB. This power is also exercised by the Head of Regulatory Services and Community Safety and the Assistant Director Environmental Services.
- To exercise the Council's powers to take steps to prevent or remedy any statutory or public nuisance in relation to residential premises.
- To exercise the Council's powers in respect of the condition and occupation of canal boats in its area, including powers of entry and inspection.

- 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 subject to there being no budgetary impact arising
- 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 Assistant Director Law and Governance being satisfied as to the evidence
- Service of Notices relating to additional shared ownership shares
- To amend the Council's Housing Allocations Policy in consultation with the Executive Portfolio Holder and associated documents as necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996
- To enter into leases of private sector housing accommodation to provide accommodation for homeless persons
- To set the House in Multiple Occupation (HMO) Licence Fee in accordance with the Housing Act 2004 and Orders under it
- To set the recoverable costs in accordance with the Housing Act 2004 and Orders under it
- To agree and enter into amendments to the Nominations Agreement for Housing Allocations that are deemed to be necessary and do not constitute a major policy change, in consultation with the Portfolio Holder for Housing
- Allocation of grants to a value of £20 000 and in the case of Disabled Facilities Grants up to a value of £30,000.
- Implementation of powers under the Crime and Disorder Act 1998
- To provide, maintain and develop a wide range of sporting, play and cultural activities for the benefit of the community.
- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director 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
- To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) as required by legislation for the purposes of public protection and protecting public space.
- To determine applications for Council grants up to a value of £20,000
- Responsibility for running the Cherwell Community Lottery

### **3.26 Head of Regulatory Services and Community Safety**

Subject to the reservations and exceptions set out in this Scheme, the Head of Regulatory Services and Community Safety shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to regulatory services and community safety, which shall include but not be limited to the following

- To exercise all the Council's powers with regard to Primary Authority Status
- 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 their service areas
- 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 Assistant Director Property, Investment and Contract Management 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 Assistant Director Wellbeing 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 Assistant Director 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 Assistant Director 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
- 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
- To exercise the Council's functions with respect to watercourses and land drainage, including the power to serve statutory notices
- In accordance with the Civil Contingencies Act 2004 to develop plans to help prevent emergencies or control or mitigate their effects.
- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance.

### **3.27 Schedule of Proper Officer Appointments**

#### **3.27.1 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 on the number and grade of staff required.

#### **3.27.2 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.

#### **3.27.3 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.

#### **3.27.4 Electoral Registration 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 elections) / Deputy Returning Officer (for County Council elections) / Counting Officer (for referenda), Ballot Holder (for Business Improvement District elections).

- Assigning Officers in relation to requisitions of the Electoral Registration Officer
- Providing assistance to the Returning Officer at Parliamentary 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.

### 3.28 Proper Officers and Authorised Officer Appointments

The Council designates Proper Officers to carry out functions allocated by law. Power to appoint 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.

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 Monitoring Officer shall act as the Proper Officer for any other legislative provisions where specific arrangements have not been made under this scheme.

| 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 | 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                                       | 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<br>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<br>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<br>Head of Regulatory 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>Prevention of Damage by Pests Act 1949</b>                   | S.2 – S.7 | Duty to control rats and mice in district   | Assistant Director Wellbeing and Housing<br>Head of Regulatory Services and Community Safety |
|   | S.22      | Powers of entry   | Assistant Director Wellbeing and Housing<br>Head of Regulatory Services and Community Safety |
| <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>Landlord and Tenant Act 1954</b>                             | S.66      | To serve and receive notices on behalf of the Council   | Assistant Director Wellbeing and Housing<br>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>Public Health Act 1961</b>    | S.34  | Accumulation of rubbish  | Head of Regulatory Services and Community Safety<br><br>Assistant Director 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. | Assistant Director Wellbeing and Housing<br><br>Head of Regulatory Services and Community Safety  |
|                                  | S.37  | Prohibition of sale of verminous articles  | Assistant Director Wellbeing and Housing<br><br>Head of Regulatory Services and Community Safety  |
| <b>Local Government Act 1972</b> | S.13 (3)  | Appointment as a Parish Trustee  | Monitoring Officer  |
|                                  | S.83 (1) to (4)                                       | Witness and receipt of declaration of acceptance of office   | Chief Executive<br>Monitoring Officer   |
|                                  | 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  | Monitoring Officer  |

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|                                  | S.99                   | Convening of meetings   | Chief Executive<br>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<br>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 Corporate Director and Assistant Director for their service area reports |
|                                  | Section 100D (5)A      | Identification of background papers   | Each Corporate Director and Assistant Director for their service area reports |
| <b>Local Government Act 1972</b> | S.115 (2)              | Receiving money due from officers   | Section 151 Officer   |
|                                  | S.146(1)(a) and (b)    | Declarations and certificates with regard to transfer of securities                               | Section 151 Officer   |
|                                  | S.151                  | Financial administration  | Section 151 Officer   |
|                                  | S.173 - S178           | Keeping of records of Members' Allowances   | Section 151 Officer   |
|                                  | S.191                  | To receive applications to undertake OS work under the Ordnance Survey Act, 1841                  | Assistant Director Planning and Development                                   |
|                                  | S.204                  | Receipt of Licensing applications and make the appropriate representations in respect of the same | Assistant Director Planning and Development                                   |

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|                                  | 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                    |
|                                  | S.225  | Deposit of documents   | Chief Executive                       |
|                                  | S.228  | Inspection of documents  | Monitoring Officer                    |
| <b>Local Government Act 1972</b> | S.228(3)   | Accounts for inspection by any member of the Council   | Section 151 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<br>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                    |



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|   | Various Sections           | Any requirement in relation to parish authorities specified in the Act (or other legislation). | Monitoring Officer                               |
| <b>Local Government Act 1972</b>          | 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        | Certification of resolution passed under this paragraph  | Monitoring Officer                               |
|   | Schedule 16 Para 28        | Deposit of lists of buildings of special architectural or historic interest                    | Assistant Director Planning and Development      |
|   | Schedule 16 S.191(2)       | Applications under Section 1 of the Ordnance Survey Act 1841                                   | Assistant Director Planning and Development      |
|   |                            | The purposes of issuing planning decision notices and for all building regulation purposes     | Assistant Director Planning and Development      |
|   | Schedule 16                | Receipt of deposit lists of protected buildings  | Assistant Director Planning and Development      |
|   | Schedule 29                | Adaptations, modifications and amendments of enactments.                                       | Monitoring Officer                               |
|   | Part VA                    | Access to information  | Monitoring Officer                               |
| <b>Health and Safety at Work Act 1974</b> | S.19 – S.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</b>           | S.60 – S.61                | Construction site noise  | Head of Regulatory Services and                  |

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| <b>1974</b>   |             |  | 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             | Assistant Director<br>Customer Focus   |
| <b>Local Government (Miscellaneous Provisions) Act 1976</b> | S.16        | Requests to obtain particulars of persons interests in land  | Assistant Directors  |
|   | S33         | Restoration of supply of water, gas or electricity   | Assistant Director<br>Wellbeing and Housing  |
|   | S.41 (1)    | To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions | Monitoring Officer   |
| <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<br>Environmental Services   |
| <b>Local Government (Miscellaneous Provisions) Act 1982</b> | S.13 – S.17 | Skin piercing  | Head of Regulatory Services and<br>Community Safety  |
|   | S29         | Protection of buildings  | Assistant Director<br>Wellbeing and Housing<br>Assistant Director<br>Planning and Development<br>(depending on type of premises) |
|   | S.27        | Repair of drains, private sewers etc.  | Head of Regulatory Services and<br>Community Safety  |
|   | S.35        | Blocked private sewers   | Head of Regulatory Services and  |

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|   |             |   | Community Safety   |
| <b>Local Government (Miscellaneous Provisions) Act 1982</b> |             | Control of sex establishments                                   | Head of Regulatory Services and Community Safety   |
| <b>Representation of the People Act 1983</b>                | 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  |
|   | 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  |
| <b>Building Act 1984</b>                                    | S.59 – S.61 | Authorisation of repair, reconstruction or alteration of drains | Head of Regulatory Services and Community Safety ,<br>Assistant Director Property,<br><br>Assistant Director Wellbeing and Housing |
|   | S.64 – S.65 | Replacement of sanitary conveniences                            | Head of Regulatory Services and Community Safety<br><br>Assistant Director Property<br><br>Assistant Director                      |

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|  |      |  | Wellbeing and Housing  |
|  | S76  | Defective premises (expedited procedure relating to s80 EPA 1990)  | Assistant Director Property<br>Assistant Director Planning and Development<br>Assistant Director Wellbeing and Housing |
|  | S.78 | To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings. | Assistant Director Property<br>Assistant Director Planning and Development   |
|  | S.84 | Paved yards  | Assistant Director Property<br>Assistant Director Planning and Development   |
|  | S.93 | Authentication of documents  | Monitoring Officer   |
|  | S.95 | Power to enter premises  | Assistant Director Property<br>Assistant Director Planning and Development<br>Assistant Director Wellbeing and Housing |
|  | S.97 | Power to execute work  | Assistant Director Property<br>Assistant Director Planning and Development<br>Assistant Director Wellbeing and Housing |
| <b>Public Health (Control of Disease) Act 1984</b> | S.11 | Cases of notifiable disease and food poisoning to be reported  | Medical Officer/Community Physician  |

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| (as amended by the Health and Social Care Act 2008) | 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 from a notifiable disease or food poisoning   | Head of Regulatory Services and 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 case of a notifiable disease   | Medical Officer/Community Physician              |

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|  | 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                             |
|  | 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                             |

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|                         | 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<br>Medical Officer / Community Physician |
|                         | S.59        | Authentication of documents relating to matters within their province   | Assistant Director Wellbeing and Housing<br>Medical Officer/Community Physician   |
|                         | S.61        | Power of entry  | Assistant Director and Housing<br>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  |

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|  |                       |   | Wellbeing and Housing                       |
|  | S.300                 | Determination to Purchase   | Assistant Director<br>Wellbeing and Housing |
|  | S.319                 | Power of entry  | Assistant Director<br>Wellbeing and Housing |
|  | S.606                 | Submitting reports on particular houses or areas  | Assistant Director<br>Wellbeing and Housing |
| <b>Local Elections (Principal Area) Rules 1986</b>           | All                   | All functions   | Returning officer                           |
| <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   | Returning Officer                           |
| <b>Public Health (Infectious Diseases) Regulations 1988</b>  | Reg.6                 | Special reporting of infectious diseases  | Medical Officer /<br>Community Physician    |
|  | Reg.8                 | Statistical returns   | Medical Officer /<br>Community Physician    |
|  | Reg.9                 | Prevention of spread of disease   | Medical Officer /<br>Community Physician    |
|  | Reg.10                | Immunisations and vaccination   | Medical Officer /<br>Community Physician    |
|  | Reg.11                | Measures against rats   | Medical Officer /<br>Community Physician    |
|  | Schedule 3            | Typhus and relapsing fever  | Medical Officer /<br>Community Physician    |
|  | Schedule 4            | Food poisoning and food borne infections  | Medical Officer /<br>Community Physician    |
| <b>Local Government and Finance Act 1988</b>                 | S.112 – S.115, S.115A | Responsible officer for the purposes of the financial administration of the Council's affairs   | 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 | Section 151 Officer                         |



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|   |             | this Act  |   |
| <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 and Organisational Development   |
|   | 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  |
|   | S.15 - 17   | Allocating seats on Committees  | Assistant Director Law and Governance   |
|   | S.18        | Arrangements in respect of the Scheme of Members' Allowances                  | Section 151 Officer / Director Law and Governance   |
|   | S.19        | Arrangements in respect of the Register of Members' interests                 | Assistant Director Law and Governance   |
|   | Part 7      | Declaration of Renewal Areas  | Assistant Director Wellbeing and Housing  |
| <b>Environmental Protection Act 1990 (as amended)</b> | S.6 – S.15  | Prescribed processes  | Assistant Director Environmental Services<br><br>Head of Regulatory Services and Community Safety   |
|   | S.78        | Contaminated land   | Head of Regulatory Services and Community Safety  |
|   | S.79 – S.82 | Statutory nuisance  | Head of Regulatory Services and Community Safety<br>Assistant Director Wellbeing and Housing<br><br>Assistant Director Environmental Services |
|   | S.88        | Fixed penalty notices for leaving litter                                      | Assistant Director Environmental  |

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|  |                          |   | Services<br>Head of Regulatory Services and Community Safety  |
|  | S.149 – S.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<br>Head of Regulatory Services and Community Safety<br>Assistant Director Wellbeing and Housing |
| <b>Food Safety Act 1990</b>  | S.9                      | Seizure of food   | Head of Regulatory Services and Community Safety  |
|  | S.29 – S.30              | Sampling food   | Head of Regulatory Services and Community Safety  |
|  | S.11, S37 – S.39         | Improvement / prohibition notices   | Head of Regulatory Services and Community Safety  |
|  | 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 and Development   |
| <b>Local Government (Committees and Political Groups) Regulations 1990</b> | Regs.8, 9, 10, 13 and 14 | 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</b>   | S.1 – S.2                | Prohibition of dark smoke   | Head of Regulatory Services and   |

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| <b>1993</b>   |                   |   | 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 – S.80       | Removal of unauthorised encampments   | Assistant Director Property<br><br>Assistant Director Planning and Development                    |
| <b>Environment Act 1995</b>                                   | S.80              | Local air quality management  | Head of Regulatory Services and Community Safety  |
|   | S.84<br><br>S.108 | Air quality management areas<br><br>To carry out registered keeper detail checks            | Head of Regulatory Services and Community Safety<br><br>Assistant Director Environment            |
| <b>Dogs (Fouling of Land) Act 1996</b>                        | S.4               | To issue fixed penalty notices  | Assistant Director Environmental Services<br><br>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 and Development   |
|   | S.10              | To select a third surveyor, if required, during a neighbour dispute about building projects | Assistant Director Planning and Development   |
| <b>Local Government (Contracts) Act</b>                       | S.3               | Signing certificates in respect of Certified  | Monitoring Officer  |

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| <b>1997</b>                        |                | Contracts  |  |
|                                    | 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 provisions and principles of the Act  | Monitoring Officer                                 |
| <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>Local Government Act 2000</b>   | 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 | Monitoring Officer                                 |
|                                    | Various        | Dealing with the holding of referenda  | Returning Officer / Electoral Registration Officer |

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|  |                   | All other responsibilities in the Act and any subordinate legislation   | Monitoring Officer  |
| <b>Freedom of Information Act 2000</b>   | S.36              | Application from exemption disclosure   | Monitoring Officer  |
|  | All others        | All responsibilities associated with the act  | Monitoring Officer  |
| <b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>                                | 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, Chief Executive in accordance with Council's RIPA policy<br><br>Chief Executive to authorise operations against children and vulnerable adults |
| <b>Local Authorities (Standing Orders) (England) Regulations 2001</b>                    | Schedule 1Part II | 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   | Section151 Officer  |
| <b>Anti-Social</b>   | S.30              | Approval for dispersal  | Head of Regulatory  |

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| <b>Behaviour Act 2003 (as amended)</b>                   |          | orders   | Services and Community Safety   |
|  | 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 and Development,<br>Assistant Director Environmental Services   |
| <b>Accounts and Audit Regulations 2003</b>               | All Regs | All responsibilities   | Section 151 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  |
|  | Part 7   | Supplementary and final provisions   | Assistant Director Wellbeing and Housing  |
| <b>The Clean Neighbourhoods and Environment Act 2005</b> | Part 2   | Nuisance parking   | Assistant Director Environmental Services   |

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|  | 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 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 |

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| <p><b>Health Protection<br/>(Notification)<br/>Regulations 2010</b></p>  | <p>S.22</p> | <p>To share depersonalised data</p> <p>All local authority responsibilities under these regulations</p> | <p>Head of Regulatory Services and Community Safety</p> |
| <p><b>Local Authorities<br/>(Executive Arrangements)<br/><br/>(Meetings and Access to information<br/>(England)<br/>Regulations 2012</b></p> |             | <p>All local authority responsibilities under these regulations</p>                                     | <p>Monitoring Officer</p>                               |