

**COUNCIL AGM – 10<sup>th</sup> May 2010**  
**Scheme of Delegation for Officers**

**Agenda Item 11(i)**

**Portfolio Area:** Corporate Strategy and Direction  
**Report Presented by:** Leader of the Council

**Background Papers:** None  
**Corporate Implications:** Please refer to table at end of report  
**Options:** None arising directly from this report  
  
**Risks:** None arising directly from this report

### **Executive Summary**

This report proposes a revised scheme of delegation for officers. The scheme forms part of the Council's constitutional arrangements for discharging duties and functions and gives officers the authority to carry out these out on behalf of the Council.

The current scheme delegates powers to a variety of officers and reflects local government practice for the last decade. To take into account the changing environment of local government, the scheme has been updated and the revised version is set out in the Appendix.

The revised scheme offers a system which clearly identifies what functions are being delegated and where the accountability lies for that delegation. It does not alter the existing balance of power between Members and officers. Members retain the power to take decisions, but the revised scheme gives greater flexibility by authorising the most senior officers to discharge various responsibilities efficiently and effectively.

The revised scheme has been discussed by the Local Government Reform Sub-Group and a number of changes were recommended and these have been incorporated into the scheme that is now being recommended to Council.

### **Decision**

To approve the scheme of delegation for officers as set out in the Appendix and to authorise the Monitoring Officer to make any consequential amendments to the Constitution as a result of approving a revised scheme of delegation.

<b>Corporate Implications</b>	
<b>Financial:</b>	None
<b>Legal:</b>	S.101 Local Government Act 1972 enables the Council to delegate functions to an officer
<b>Equalities &amp; Diversity:</b>	Any issues are addressed within the report
<b>Customer Impact:</b>	The decision is intended to promote public confidence in local democracy
<b>Environment &amp; Climate Change:</b>	Not Applicable
<b>Consultation/Community Engagement:</b>	Senior Managers have been consulted and their comments were reported to the meeting of the Sub-Group.
<b>Key Decision:</b>	No
<b>Public/Private Report:</b>	Public
<b>Officer Contact:</b>	Sharon Lowe
<b>Designation:</b>	Monitoring Officer
<b>Ext No:</b>	2629
<b>Email:</b>	Sharon.lowe@braintree.gov.uk

### The Scheme in Detail

1. The scheme is based on delegated powers being vested in the directors who will then determine how these will be delegated to officers within their service area. It is envisaged that many of the responsibilities listed in sub-section C will be exercised by another officer of suitable experience and seniority to enable the Council to conduct much of its business. Notwithstanding these arrangements, it should be noted that the director to whom delegation has been made, remains responsible for the decision. Any arrangements to authorise other officers to exercise powers should be documented, with a departmental scheme of delegation being put in place by each director within 28 days of the Council's AGM.
  
2. The scheme is an integral part of good governance and compliance is essential to ensure proper accountability, responsibility, openness, fairness and probity of the Council's arrangements for discharging responsibilities. Failure to comply could give rise to legal challenge as well as cause reputational damage.
  
3. Compliance will be achieved through a robust system of recording and monitoring delegated decisions supported by advice and guidance for officers. The significance of decisions taken under delegated powers will vary and officers will need to exercise judgment in determining which decisions are so significant as to require recording. If a decision is an administrative one, then this will not require formal recording and reporting but obviously an appropriate record would need to be kept for audit trail purposes. An administrative decision can be described as one that:-
  - Is within an approved budget;
  - Does not conflict the budget and policy framework or other approved policies;
  - Does not raise new issues of policy; and
  - Does not raise any issues of significant controversy or sensitivity

4. Where a decision requires formal recording and reporting then the Recorded Decision template will be completed and a copy will be sent to the Member Services Manager within 5 working days of taking the decision.

Local Government Reform Sub-Group – 26<sup>th</sup> April 2010

5. The Sub-Group discussed the contents of the revised scheme and made both general and specific comments in respect of the delegations to officers. A number of amendments were agreed at the meeting and these included the addition of wind turbine applications in the list of applications that would need to be referred to the Planning Committee, a proper officer provision in respect of the National Assistance Act 1948 and an express provision to enable the Monitoring Officer to make consequential amendments arising as a result of a change in or the introduction of new legislation.

## Section 5 – Officer Scheme of Delegation

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1. This scheme of delegation authorises the Chief Executive, the Directors and the Assistant Chief Executive to exercise the functions of the Council as set out in this section. It repeals and replaces all previous schemes of delegation.
2. This scheme is without prejudice to the exercise of the Council’s functions by the Council, the Cabinet, and the Council’s Committees, Sub-Committees and Panels. The powers delegated to officers originate from the preceding sections of Part 3 and therefore the Scheme should be read in conjunction with those provisions.
3. For the purposes of this scheme “the directors” means the corporate and service directors whose job title and areas of responsibility are set out in sub-section A. An “officer” means the Chief Executive, the directors or any officer who has been given delegated authority in accordance with paragraph 5.
4. Members have the right to ask for a matter to be considered by a Committee even though it may have been delegated to an officer. Officers may also occasionally refer matters to a Committee where they consider the subject matter to be particularly sensitive and would better be decided by members.
5. Where an officer has been given delegated authority to undertake a function the officer shall have the authority to further delegate that responsibility to another officer within their Directorate or Service. This further delegation must:-
  - (i) be in writing, dated and signed by the officer delegating the authority;
  - (ii) specifically identify the post to which functions have been delegated;
  - (iii) specifically identify the functions which have been delegated; and
  - (iv) identify any conditions (if any) to which the delegation is subject.
6. A copy of all delegations authorised by this provision must be provided to the Member Services Manager within seven days of being made.
7. The officer who has been given delegated authority under this scheme retains concurrent jurisdiction to act in those matters where that officer has further delegated any authority to undertake any function.
8. The Chief Executive shall have all the powers delegated to the directors and shall be able to exercise those powers in the place of that director. Further, in the event of any dispute or doubt as to the delegated powers of any director, the Chief Executive shall have the authority to determine which director is to exercise that power.
9. The functions shown in this section describe various delegated powers and are broken down into four main categories:-
  - Sub-Section A – Director Responsibilities
  - Sub-Section B – General Scheme
  - Sub-Section C – Specific Scheme
  - Sub-Section D – Proper Officer Provisions

- 10.** From time to time it may be necessary to take an urgent decision in respect of either an executive or non-executive matter. In those circumstances, the Chief Executive is authorised to take urgent decisions following consultation with the Leader of the Council and the relevant portfolio holder in respect of executive matters and the Chairman (or Vice Chairman) of Council or the relevant committee in respect of non-executive functions. An urgent decision is one that is considered to be necessary to protect the interests of or for advancing the business of the Council. All urgent decisions will be reported to the next appropriate meeting of Council, Cabinet or the relevant committee.
- 11.** Where legislation specifically referred to in the Scheme is amended or replaced by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces then it shall be deemed that the relevant authority delegated in the schedule applies as if the new legislation had been specifically referred to as regards that relevant authority.
- 12.** All the delegations within this scheme should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services and the achievement of the Council's aims and ambition. For the avoidance of doubt, the following principles will also apply:-
  - 12.1** the delegations included in this Scheme shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of the power, duty or responsibility;
  - 12.2** in the event of there being an authorised change to the organisational structure by the Chief Executive resulting in a change to the title, role or responsibilities of any officer mentioned in this Scheme, then the Monitoring Officer will make such consequential amendments to the Scheme to take into account that change;
  - 12.3** where any new power is given to the Council which does not fall within this Scheme of Delegation, the exercise of that power shall be undertaken by the relevant director or the Chief Executive until such time as the Council has allocated responsibility;
  - 12.4** advice and guidance regarding this Scheme shall be obtained from the Monitoring Officer in the first instance but where there are outstanding queries of interpretation, these will be determined by the Chief Executive; and
  - 12.5** if there is any consequential change required to the Scheme by either paragraphs 11 or 12.3, then the Monitoring Officer is authorised by virtue of this paragraph to make those changes.

**OFFICER SCHEME OF DELEGATION**  
**Sub-Section A - Chief Executive and Directors areas of responsibility**

Post	Areas of responsibility
<p><b>Chief Executive</b></p>	<ul style="list-style-type: none"> <li>• the chief executive will be the head of paid service for purposes of Section 4 (1) of the Local Government and Housing Act 1989</li> <li>• as head of paid service he/she will have overall responsibility for the management of the Council within the policies currently adopted by the Council and will:- <ul style="list-style-type: none"> <li>- have authority over all other employees, the effective organisation of employees and the staffing levels within the Council's overall budget; and</li> <li>- ensure the most efficient and effective delivery of service as specified by the Council to meet the Council's aims and objectives</li> </ul> </li> <li>• the chief executive will be the proper officer for all statutory purposes unless otherwise determined by him/her</li> <li>• he/she will generally take action in relation to the overall corporate management and operational responsibilities of the Council.</li> <li>• he/she will exercise all the powers delegated to the directors unless there is a legal or professional impediment.</li> <li>• he/she will take urgent decisions in accordance with the provisions of paragraph 10 of this Section 5.</li> <li>• he/she will deal with applications made by the Police under Part 4 of the Anti-Social Behaviour Act 2003 seeking the Council's consent to the making of Dispersal Orders.</li> </ul>
<p><b>Corporate Director – Finance and Resources</b></p> <p>assisted by relevant Heads of Service within the directorate</p>	<ul style="list-style-type: none"> <li>• the corporate director will be the officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972</li> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas.</li> </ul>

<p><b>Corporate Director – Environment and Community</b></p> <p>assisted by relevant service directors within the directorate</p>	<ul style="list-style-type: none"> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council’s corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas</li> <li>• he/she will in consultation with the Assistant Chief Executive and the Chairman or Vice Chairman of the Licensing Committee be authorised to suspend Hackney Carriage and /or Private Hire drivers licences under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately, if in their opinion it is in the interest of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Driver’s Panel.</li> </ul>
<p><b>Service Director – Economy and Planning</b></p> <p>assisted by relevant Heads of Service within the directorate</p>	<ul style="list-style-type: none"> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council’s corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas</li> </ul>
<p><b>Assistant Chief Executive</b></p>	<ul style="list-style-type: none"> <li>• be the Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council’s corporate goals</li> <li>• he/she will authorise officers of the Council to appear before the Magistrates’ Court or the County Court.</li> <li>• he/she will institute, defend, conduct and settle civil or criminal legal proceedings including employment related claims.</li> <li>• he/she will sign or authenticate documents, including</li> </ul>

	<p>contracts, property transactions, statutory notices, licences, permits, consents and certificates of registration of all kinds.</p> <ul style="list-style-type: none"> <li>• he/she will discharge the Council's functions in relation to Freedom of Information and access to information (including acting as Qualified Person).</li> <li>• he/she will, in consultation with the Chairman of the Licensing Committee be authorised to adjourn a Licensing Hearing in accordance with the Licensing Act 2003 (Hearing) Regulations 2005.</li> <li>• he/she will be authorised to exercise powers to extend the time limits set out within the Licensing Act 2003 (Hearing) Regulations 2005.</li> <li>• he/she will authorise Members attendance on courses and seminars.</li> <li>• he/she will issue certificates of opinion in connection with politically restricted posts.</li> <li>• he/she will ensure the Council meets its statutory obligations in these areas</li> </ul>
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## Sub-Section B – General Scheme

1.	<p><b>Introduction:</b> The Chief Executive and directors are authorised to take decisions and to act:</p> <ul style="list-style-type: none"><li>(a) To discharge the functions allocated to them or dealt with by them or their staff.</li><li>(b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment.</li></ul>
2.	<p><b>Administrative &amp; Financial Matters</b> The Chief Executive and directors may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions, and to exercise their general and specific delegated powers to deliver agreed strategy, plans and policy within their area. This shall include but not exhaustively:</p> <ul style="list-style-type: none"><li>(a) Incurring expenditure and collecting income in accordance with the Financial Procedure Rules.</li><li>(b) Deploying land and premises and all other resources within their control.</li><li>(c) Placing contracts and procuring other resources within or outside the Council in accordance with the Contract Procedure Rules. In consultation with the Assistant Chief Executive, to seek the opinion of Counsel or to appoint external solicitors provided the cost can be met from an appropriate budget.</li><li>(d) Settling claims and disputes in consultation with the Assistant Chief Executive.</li><li>(e) Submission of bids for funding or for providing services to other public bodies.</li><li>(f) Signing and authenticating documents of all kinds.</li><li>(g) To appoint suitably qualified “authorised officers / persons”, “approved officers / persons”, “inspectors” etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:<ul style="list-style-type: none"><li>(i) Entering and inspecting premises; and</li><li>(ii) Taking action under the Specific Scheme of Delegation set out in Sub Section C of this Scheme.</li></ul></li><li>(h) To issue and pursue legal proceedings and serve notices in respect of functions delegated to them.</li><li>(i) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices).</li><li>(j) To respond to any consultation from Government or any other body where the consultation period is such that a report to Cabinet or the appropriate committee is not feasible.</li></ul>

	<p>(k) To attend or approve the attendance of an officer at any meeting, course or conference in accordance with the Council's development and learning programme subject to the cost being met from an approved budget.</p>
<p>3.</p>	<p><b>Human Resources</b> Subject to the Officer Employment Procedure Rules, the delegated powers of the Chief Executive and directors include:</p> <ul style="list-style-type: none"> <li>(a) Power to determine staffing arrangements and structures within approved budgets subject to: <ul style="list-style-type: none"> <li>(i) Agreement on grading/salary with the Head of Human Resources and Organisational Development;</li> <li>(ii) Conformance with approved Council policies and procedures; and</li> <li>(iii) Cabinet approval for structural changes which may have a significant impact on the customer or the corporate objectives.</li> </ul> </li> <li>(b) Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures.</li> <li>(c) Power to deal with voluntary severance, early retirement, redundancy and redeployment issues subject to compliance with Council policies and procedures.</li> <li>(d) Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures.</li> </ul> <p>All of the above to be performed in consultation with the Head of Human Resources and Organisational Development where the decision is of a sensitive nature and/or has financial consequences to the Council. In the absence of the Head of Human Resources and Organisational Development, the directors will consult the Chief Executive.</p> <p>Notwithstanding the above, other officers can be authorised to deal with human resource matters and must carry them out in accordance with the Council's approved human resource policies</p>
<p>4.</p>	<p><b>Miscellaneous</b> The delegated powers of the Chief Executive and the directors include:</p> <ul style="list-style-type: none"> <li>(a) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and issuing and serving statutory notices, licences, permits, consents and certificates of all kinds.</li> <li>(b) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005.</li> <li>(c) Submitting a planning application for development linked to their area of responsibility.</li> </ul>

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| <p>(d) Service of requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(e) authorising directed surveillance under the Regulation of Investigatory Powers Act 1990 in accordance with the Council's corporate guidelines.</p> |
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### Sub-Section C – Specific Scheme of Delegation

C1	In addition to the powers given to the directors in Sub-Section B, these specific delegations also apply	
<b>Corporate Director – Finance and Resources</b>	C1.1	To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to Members, including the setting of the Council Tax Base under the Local Authorities (Calculation of Tax Base) Regulations 1992.
	C1.2	To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.
	C1.3	To take all steps that are considered appropriate for the administration of the financial affairs of the Council.
	C1.4	To be responsible for all treasury management matters including the borrowing of money, management of investment funds, banking arrangements and to act in accordance with the CIPFA's Code of Practice on Treasury Management in Local Authorities
	C1.5	To pay salaries, wages, honoraria and other gratuities.
	C1.6	Write off bad debts – unlimited value when by reason of bankruptcy and in accordance with the limits set out in the Financial Procedure Rules for all other reasons
	C1.7	To carry out the following asset management services (subject to any financial limits in the Financial Procedure Rules): <ul style="list-style-type: none"> <li>▫ To acquire and dispose of land and property, and to agree the grant and renewal of leases, mortgages and loans, easements and licences, the variation and relaxation of covenants and other miscellaneous property transactions.</li> <li>▫ To vary the terms of, and grant consent under, any lease, licence or covenant</li> <li>▫ To terminate mortgages, leases, tenancies and licences.</li> <li>▫ To agree rent reviews.</li> <li>▫ To take any necessary steps to protect the Council's interest in its property.</li> </ul>
	C1.8	To maintain an adequate and effective system of internal audit, as required under the Accounts and Audit Regulations 1996
	C1.9	To deal with all insurance matters, including the settlement of insurance claims

	C1.10	Housing which includes: <ul style="list-style-type: none"> <li>▫ Providing housing assistance, including but not limited to the provision of advice, and homelessness decisions.</li> <li>▫ The allocation of housing.</li> <li>▫ Taking any steps open to the Council in relation to privately owned dwellings, including but not limited to enforcing standards and dealing with grants.</li> </ul>
<b>Corporate Director – Environment &amp; Community</b>	C1.11	To discharge the Council’s functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
	C1.11a	<b>Regulatory Services</b> , which include: <ul style="list-style-type: none"> <li>▫ Environmental Health (including but not limited to environmental protection, health and safety, public health, clean neighbourhoods and control of dogs)</li> <li>▫ All Licensing matters not reserved to the Licensing Committee, any Licensing Sub-Committee, a Corporate Director or the Assistant Chief Executive</li> <li>▫ Building control</li> <li>▫ Naming and numbering of streets</li> <li>▫ Road closures for special events under the Police Clauses Act 1847</li> </ul>
	C1.11b	<b>Community safety and the reduction of crime and disorder</b>
	C1.11c	<b>Waste management and street scene</b> which include: <ul style="list-style-type: none"> <li>▫ Waste collection</li> <li>▫ Waste treatment / disposal</li> <li>▫ Street cleansing</li> <li>▫ Clean Neighbourhoods</li> <li>▫ Untidy sites (S 215 Town &amp; Country Planning Act 1990)</li> <li>▫ Litter on land</li> <li>▫ Abandoned vehicles</li> <li>▫ Emergency services operational (salting and snow removal from public highways, debris / unsafe surface, oil removal from beaches)</li> <li>▫ Maintenance and servicing of public toilets</li> </ul>
	C1.11d	Parks, gardens, open spaces, trees and high hedges
<b>Service Director –</b>	C1.12	To discharge the Council’s functions (including but not

<b>Economy and Planning</b>		limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
	C1.12a	<ul style="list-style-type: none"> <li>▫ Town and Country Planning (as described in C2)</li> <li>▫ Dangerous buildings</li> <li>▫ Diversion of footpaths</li> </ul>
	C1.12b	<ul style="list-style-type: none"> <li>▫ Economic development</li> <li>▫ Regeneration</li> <li>▫ Leisure facilities and events, including indoor and outdoor venues</li> <li>▫ District promotion</li> <li>▫ Markets</li> </ul>
<b>C2 Planning</b>	<p><b>Development Control</b></p> <p>In this section, ‘application’ means any application for: planning permission (outline/full/reserved matters) including temporary permissions, renewal of unimplemented permissions and variation/removal of conditions; listed building consent; conservation area consent; advertisement consent; certificates of proposed or existing lawfulness, hazardous substances consent, prior approval applications under the General Permitted Development Order, applications by Essex County Council or Braintree District Council under the Town &amp; Country Planning General Regulations and consultation on proposed development by statutory undertakers, Government Departments or in adjoining districts.</p>	
	C2.1	<p><b><i>Administration and Processing of Applications</i></b></p> <p>1.1 All aspects of processing applications submitted under the Town &amp; Country Planning Act 1990 as amended, Planning (Conservation &amp; Listed Buildings) Act 1990 as amended and the Hazardous Substances Act 1990, including <i>inter alia</i>: decisions to advertise applications in the press and on site; neighbour notification; statutory and non-statutory consultations, in accordance with statutory requirements and Council procedures.</p> <p>1.2 Decisions as to the validity of submitted applications.</p>
	C2.2	<p><b><i>Consideration of Submitted Applications</i></b></p> <p>2.1 Decisions to seek amendments to applications to achieve compliance with Council policy requirements of statutory consultees or in the interests of the area and affected third parties.</p> <p>2.2 Decisions as to the extent of further publicity and</p>

		<p>consultation on revised or amended applications.</p> <p>2.3 Decisions as to whether representations received raise material planning considerations.</p>
	C2.3	<p><u>Decisions on Submitted Applications</u></p> <p>3.1 Determinations as to whether planning permission is required under relevant legislation;</p> <p>3.2 Refusal of any application that in the view of the Corporate Director would be contrary to the relevant development plan, planning policy or Supplementary Planning Guidance adopted by the Council, except where a Member exercises his/her rights in accordance with sub-paragraph 3.3(c) below to ask for the application to be considered by the appropriate Committee.</p> <p>3.3 Determination of all other applications with the exception of the following:</p> <ul style="list-style-type: none"> <li>(a) all major applications within Development Codes 1 to 5 (inclusive), residential development within Development Codes 6 or 12, wind turbines and telecommunications development within Development Code 10 where at least one written representation that either satisfies sub-paragraph 2.3 above or that cannot be resolved by appropriate conditions, is contrary to the proposed decision of the Corporate Director;</li> <li>(b) applications where at least five written representations, or one written representation by a Parish or Town Council, that either satisfy sub-paragraph 2.3 above or that cannot be resolved by appropriate conditions, are contrary to the proposed decision of the Corporate Director;</li> <li>(c) approval of any application proposing development that, in the view of the Corporate Director, would be contrary to the relevant development plan, planning policy or Supplementary Planning Guidance adopted by the Council;</li> <li>(d) any application where prior to the expiration of the overall consultation period, a Member advises the Corporate Director, or his/her nominee, in writing and setting out reasons based on material planning considerations, that the Member wishes the application to be considered by the appropriate Committee;</li> </ul>

		<p>3.4 Authority to enter into suitable legal agreements under S106 of the Town and Country Planning Act, or agree payments in lieu where appropriate, on applications that can be determined by the Corporate Director under paragraph 3.1 above.</p> <p>3.5 Authority to sign decision notices on all applications (also delegated to the Head of Development and the Area Development Control Managers in the absence of the Corporate Director and the Head of Development).</p> <p>3.6 Authority to issue refusal notice or deemed refusal on an application that has been the subject of resolution to grant subject to a legal agreement, and where that agreement has not been completed within 6 months of the said resolution.</p>
	C2.4	<p>4. <u>Post Decision</u></p> <p>4.1 Decisions as to whether changes to an approved plan can be accepted as a minor amendment without a further application.</p> <p>4.2 Approval or refusal of submissions to comply with conditions of any permission or consent.</p>
	C2.5	<p>5. <u>Appeals</u></p> <p>5.1 The Corporate Director, or his/her nominee shall represent the Council for all planning and enforcement appeals, except where the Council has refused an application contrary to his/her recommendation. In such cases the Director, or his nominee, shall act in an advisory capacity to a nominated Member(s).</p> <p>5.2 Authority to instruct and appoint Counsel, solicitors, and consultants as necessary and subject to the Contracts Procedure Rules.</p>
	C2.6	<p>6. <u>Enforcement</u></p> <p>6.1 Authority to issue Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Conservation Area Notices, Stop Notices, Requisitions for Information, Planning Contravention Notices under the Town &amp; Country Planning Act 1990 as amended and Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for all breaches of planning legislation in accordance with the Council's adopted Enforcement Policy.</p>

		<p>6.2 Authority to prosecute the unauthorised display of advertisements, unauthorised works to a listed building, breach of tree preservation or Hedgerow Regulations, non-compliance where enforcement action has previously been authorised.</p> <p>6.3 Authority to take the appropriate enforcement action, including serving an injunction, where the Corporate Director, or his nominee, considers the circumstances to be urgent.</p> <p>6.4 Authority to vary steps required to comply with enforcement notices already authorised, including altering period required for compliance, service of further notices and withdrawal of notices.</p> <p>6.5 Authority to comment upon and represent the Council on applications for Goods Vehicle Operator Licences.</p> <p>6.6 The authority set out in paras. 6.1-6.5 is delegated to the Corporate Director, Head of Development and the Assistant Chief Executive or nominee in the absence of these officers.</p>
	C2.7	<p>7. <u>Other Planning Matters</u></p> <p>7.1 Authority to serve Building Preservation Notices.</p> <p>7.2 Authority to provide information and advice to Members of the public and professionals on all aspects of the planning service, including the need for permission and consent, and informal views on the acceptability of proposals. Such advice to be without prejudice to any formal decision of the Council as local planning authority</p>

**Sub-Section D – Proper Officer Provisions**

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
<i>Local Government Act 1972</i>		
13(3)	Parish Trustee	Chief Executive
83(1) to (4)	Witness and receipt of Declarations of Acceptance of Office	Chief Executive
84	Receipt of Declaration of Resignation of Office	Chief Executive
88(2)	Convening of Meeting of the Council to fill casual vacancy in the office of Chairman	Assistant Chief Executive
89(1)(b)	Receipt of notice of casual vacancy from two local Government electors	Assistant Chief Executive
96(1)	Receipt of notices of pecuniary interest	Assistant Chief Executive
92(2)	Keeping records of disclosures of pecuniary interests under Section 94 and of notices under Section 96(1)	Assistant Chief Executive
115(2)	Receipt of money due from Officers	Corporate Director – Finance & Resources
146(1)(a)	Declarations and certificates with regard to securities	Corporate Director – Finance & Resources
151	Overall responsibility for the proper administration of the Council's financial affairs including the provision of a continuous internal audit	Corporate Director – Finance & Resources
191	Functions with respect to ordnance survey	Assistant Chief Executive
204(3)	Receipt of application for Licence under Schedule 2, Licensing Act, 1964 (replaces Clerk to Rating Authority)	Corporate Director – Environment & Community
212(1) & (2)	Proper Officer to act as Local Registrar for Land Charges Act, 1925 ('proper officer' for this section as defined by Section 19 of that Act)	Service Director – Economy & Planning
225(1)	Deposit of documents	Assistant Chief Executive

<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
228(3)	Accounts of 'any proper officer' to be open to inspection by any member of the authority	Corporate Director – Finance & Resources
229(5)	Certification of photographic copies of documents	Assistant Chief Executive
234(1) & (2)	Authentication of documents	Assistant Chief Executive
236(9)	To send copies of Byelaws for Parish records	Assistant Chief Executive
236(10)	To send copies of Byelaws to the County Council	Assistant Chief Executive
238	Certification of Byelaws	Assistant Chief Executive
248	Keeping Roll of Freeman	Assistant Chief Executive
Sch.12 Para. 4(2)(b)	Signature of summonses to Council Meetings	Chief Executive or nominee
Para.4(3)	Receipt of notices regarding address to which summons to Meetings is to be sent	Chief Executive or nominee
Sch.14 Para.13	For the purpose of Sections 152(1), 157, 158(1) and 163(1) of the Public Health Act, 1936	Corporate Director – Environment & Community
Para.25(7)	Certification of Resolutions under para. 25 of Schedule 14	Assistant Chief Executive
Sch.16 Para.28	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act, 1971)	Service Director – Economy & Planning
Sch.21 Para.66(1)	Consultation of District Council, where improvements of private street to include sewerage (Section 174(2) of the Highways Act, 1959)	Corporate Director – Environment & Planning
S.39 Representation of the People Act 1983	Registration of Electors	Chief Executive
S.47 National Assistance Act 1948	Removal to suitable premises of people in need of care and attention	Corporate Director – Environment & Community