

The delegations to officers include any officers and officer roles employed by another authority including, in particular the Council's strategic partner, High Peak Borough Council.

## **Delegation to the Chief Executive**

**(Head of the Paid Service and designated Proper Officer for the purposes of the Local Government Act 2000 and in accordance with the Council's Constitution).**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

1. Authorisation and Powers

The Chief Executive is hereby authorised to act in all relevant matters required to be discharged or enforced by the Council under these delegations and under but not limited to the provisions of the Acts and Regulations listed in Appendix 1; s/he shall maintain a list of posts, the holders of which are authorised to act on behalf of the Council under these delegations and the Acts and Regulations listed in Appendix 1, together with details of the limits of their authority - such list to be deposited with the Executive Director and Monitoring Officer.

### **EMPLOYEES**

1. Performance Appraisal Scheme

To manage and administer the Performance Appraisal Scheme as agreed by the Council and to award or withhold salary increases in accordance with the provisions of the scheme.

2. Recruitment

- (a) To use an internal recruitment process, where appropriate, following consultation with the recognised Unions.
- (b) Not to resort to external advertisements if suitable individuals who respond to previous external advertisements are available for interview.
- (c) To appoint a Recruitment Agency where s/he deems it appropriate.

3. Health and Safety at Work Act 1974 - Review of Safety Policies - Visual Display Units (VDU's)

To approve expenditure arising from eyesight tests.

4. Disciplinary and Grievance Procedures

- (a) To appoint an Appeals Panel of Councillors from the membership of the Appeals Board to hear appeals against disciplinary action (the Panel shall have delegated authority to act).
- (b) To appoint a Panel of Councillors from the membership of the Appeals Board to hear grievances (the Panel shall have delegated authority to decide the issue).

- (c) To convene disciplinary hearings and to take any necessary action; in the case of dismissal, in consultation with the Leader and the Resources Portfolio Holder.
5. To sponsor Student Training.
6. Car Leasing  
To waive the requirement for six months' service before an application can be considered.
7. Appointment of Officers to Serve on Professional Institutes and Associations  
Where appropriate, to approve special leave of absence and payment of out-of-pocket expenses where an Officer is appointed to serve on the National body of his professional Institute or Association or a similar National or Regional body.
8. Expenses  
To approve the payment of first class travel by Officers when it is in the Council's interest, together with the payment of incidental expenses, following consultation with the Head of OD and Transformation, where appropriate.
9. Post Entry Training Scheme - Training Courses for Employees  
To approve the enrolment of employees upon Day Release, Correspondence or Revision Courses, and to grant paid leave of absence together with financial assistance in accordance with the provisions of the District Council's Post Entry Training Scheme.
10. Vacant Posts  
To delete from the establishment, where appropriate, posts that have remained vacant for more than six months.
11. Appointment of Staff  
(a) To authorise substitutes for all Officers designated in the appointment process.  
  
(b) To authorise the appointment of temporary staff in both substantive and non-substantive posts.
12. Provision of Occupational Health Services to the District Council  
To negotiate a satisfactory agreement for the provision of Occupational Health Services on behalf of the District Council.
13. Honoraria  
To agree staff honoraria where an Officer operates at a level above their substantive post or otherwise enhances service provision.
14. Staff Structural Revision  
To approve staff structure changes unless they involve redundancies in which case the proposals and costs must be considered by Cabinet.

**CONTRACTS AND TENDERS**

1. Tenders  
To accept the lowest tender provided that it has been received and opened in accordance with the provisions of Contract Procedure Rules and is recommended for acceptance by the appropriate Chief Officer; this delegation shall not apply to

contracts when the Council's Contract Services submit a tender (see also relevant provisions within the Contract Procedure Rules).

2. Transfer of Undertakings (Protection of Employment) Regulations, 1981, (TUPE)  
To decide whether or not the Council should proceed as if TUPE applies and, if he considers it necessary, to instruct Counsel to advise on any contract where it is considered that TUPE does apply.

## **LEGAL**

1. Flooding from Watercourses - Land Drainage  
To serve the appropriate notices subject to the approval of the Portfolio Holder responsible for environmental issues in order to prevent flooding or remedy or mitigate any damage caused by flooding.
2. Entertainments Organised for Public Gain Outside Licensing Regulations  
The power to join the Council with the Police and County Council in applying to the High Court for an injunction to secure the abatement, prohibition or restriction of any potential noise nuisance arising from entertainments not licensed under the Licensing Act 2003 within the Staffordshire Moorlands area.
3. Anti-Social Behaviour Orders
  - (a) In consultation with the Portfolio Holder responsible for community safety issues to consult with the Police and make application to the Court for an Anti-Social Behaviour Order in any case in which he considers that an application is justified.
  - (b) Where appropriate, to apply for or agree to variations and any other terms in relation to any Order obtained under (a) above.
4. The Anti-Social Behaviour, Crime and Policing Act 2014  
Delegated authority to issue a Closure Notice for a period of up to 48 hours under Part 4 (Chapter 3) of the Act.

Delegated authority to authorise Council officers to issue fixed penalty notices for failure to comply with a Public Space Protection Order.

## **FINANCIAL**

1. Financial Procedure Rules  
For the purposes of Financial Procedure Rule D3, to submit to the Executive Director and Chief Finance Officer, a list of posts, the holders of which are authorised to sign orders for goods and services and to certify accounts, together with specimen signatures and details of the limits of their authority.
2. Planning Appeals - Taxation of Costs  
To make payment of the taxed bills of costs and negotiated settlements relating to Planning Appeals.

## **HEALTH AND SAFETY**

1. Responsibility for ensuring the maintenance and implementation of satisfactory Health and Safety policies and arrangements across the Council.
2. Health and Safety responsibilities as they apply to the Council as employer and owner of land and premises.
3. The Council's functions under the Civic Contingencies Act and any other emergency planning powers: to implement and take any necessary action under the Council's Emergency Plan including the authorisation of expenditure.

**MARKETS**

1. To manage the Council owned retail markets including enforcement of conditions, allocation and layout of stalls and any other day to day management issues.

**MISCELLANEOUS**

1. Matters of Urgency
  - (a) In the event of a matter requiring urgent action when it cannot be considered by the appropriate Cabinet or Committee (and where the matter does not make or change policy), the Chief Executive or, in his absence, the Executive Director and Monitoring Officer, in consultation with the appropriate Director and the Leader or appropriate Portfolio Holder or the Chair and Vice-Chair of the Committee, shall have delegated authority to take such action.
  - (b) In the case of (a) above, the action taken shall be reported to the next available meeting of the Cabinet or Committee as appropriate.
2. Emergency Powers

Delegation to take all necessary steps under section 138 of the Local Government Act 1972 and the Civil Contingencies Act 2004 including incurring expenditure where an emergency or disaster affecting the District or any part of it occurs. The Chief Executive will report to Cabinet as soon as practicable following any specific exercise of this delegation.



## Delegation To The Executive Director (Governance and Regulatory Services)

(Monitoring Officer and designated Proper Officer for the purposes of the Local Government Act 2000 and in accordance with the Council's Constitution).

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

### LEGAL

1. Authorisation and Powers  
The Executive Director (Governance and Regulatory Services) is hereby authorised to act in all relevant matters required to be discharged or enforced by the Council under these delegations and under but not limited to the provisions of the Acts and Regulations listed in Appendix 1; s/he shall maintain a list of posts, the holders of which are authorised to act on behalf of the Council under these delegations and the Acts and Regulations listed in Appendix 1, together with details of the limits of their authority - such list to be deposited with the Chief Executive.
2. Cancellation of Entries to HM Land Registry  
To sign, or affix the Common Seal of the Council, to any necessary application to HM Land Registry.
3. Court Proceedings
  - (a) Authority in consultation with the relevant Portfolio holder or the Chair of the appropriate Committee to retain and instruct Counsel and/or agents in respect of:-
    - (i) the conduct of any planning inquiries, and
    - (ii) matters of litigation in the Courts on behalf of the District Council and for the purpose of obtaining advice, and also to employ specialist witnesses.
  - (b) Authority to institute proceedings in a Magistrates Court in respect of failure to comply with the requirements of all Statutory Notices or failure to supply information required by statutory notices.
  - (c) Authority to commence, pursue and defend proceedings on the Council's behalf in all tribunals and Courts of Civil or Criminal jurisdiction including authority to determine all matters incidental to such proceedings and settlement thereof.
4. Section 106 Agreements  
To prepare and enter into Section 106 Agreements where these are considered as the most appropriate way of implementing decisions of the Council in respect of conditions attached to planning approvals.
5. Authorisation of Legal Executives to appear on behalf of the Council in Legal Proceedings  
To assist in the conduct of legal proceedings in the Magistrates' Courts, Legal Executives employed by the Council are authorised to appear on behalf of the

Staffordshire Moorlands District Council in legal proceedings before Summary Courts of jurisdiction pursuant to Section 223 of the Local Government Act 1972.

6. Advertisement Control - Powers to Control Unauthorised Advertisements  
Authorisation to remove or obliterate placards/posters under Section 225 of the Town and Country Planning Act 1990.
7. Planning Appeals  
Authorisation to:
  - (a) obtain Counsel's advice on appeals thought to be questionable; and
  - (b) lodge appeals with the High Court.
8. Certificates of Lawfulness (CLD's)  
Authorisation to determine applications for Lawful Development Certificates as appropriate.
9. Service of Planning Contravention Notices  
Authorisation to serve Planning Contravention Notices and to prosecute following failure to comply with a Breach of Condition Notice in accordance with Section 187A of the Town and Country Planning Act 1990.
10. Wallbridge Park Estate, Leek  
After consultation with the Portfolio Holder for responsible for regeneration issues, to approve applications for approval for works carried out in accordance with the terms of the Conveyance with respect to the Wallbridge Park Estate.
11. Town Police Clauses Act 1847 - Road Closures
  - (a) To determine annual and other non-contentious closure requests in consultation with the Portfolio Holder responsible for building control and engineering issues.
  - (b) In the event of a contentious request or as a result of objections from any consultee the matter shall be referred to the Cabinet for deliberation.
12. Town Police Clauses Act 1847/Local Government Miscellaneous Provisions Act 1976 - Licensing of Hackney Carriages and Private Hire Vehicles
  - (a) In consultation with the Chair of the Licensing and Regulatory Committee, to approve applications to operate Hackney Carriage/Private Hire Vehicles together with applications for persons to drive such vehicles.
  - (b) Any applications recommended for refusal shall be referred to the Licensing and Regulatory Committee.
13. Hackney Carriage/Private Hire Operators and Drivers – Access to Police National Computer  
The Executive Director (Governance and Commissioning, Head of Legal and Election Services, Licensing and head of Environmental Health and the Licensing Officer are nominated Officers for the purpose of accessing information on criminal records under Section 47 of the Road Traffic Act 1991 and for the issue, suspension, revocation and enforcement notices in respect of any infringement of licence conditions.
14. Street Trading - Local Government (Miscellaneous Provisions) Act 1982

To take enforcement action against unlawful trading in streets designated by the Council as prohibited for the purpose of street trading under Section 2 of Schedule 4 of Part III of the Act. Delegation extends to the Principal Solicitor and the Licensing Officer.

15. Licences

The grant, renewal, transfer or variation of the following:-

- Lottery Registration
- Theatre Licences
- Cinema Licences
- Amusements with Prizes Permits
- Street Collections Permits
- House to House Collections Permits
- Street Trading Permits

except where:-

- (a) an application relates to Council functions;
- (b) objections are received to an application;
- (c) there is a recommendation for refusal;
- (d) there is a power to revoke a licence; and
- (e) none of the above apply but the Executive Director considers that issues are raised of general public importance.

16. Licensing Act 2003

The Executive Director (Governance and Commissioning), Head of Environmental Health, and Licensing Officer are authorised to issue personal and premises licences, club premises certificates and permitted temporary events notices under the 2003 Act where no representations or objections are received to their issue, and in the case of premises licences and club premises certificates, minor variations thereof.

17. The Anti-Social Behaviour, Crime and Policing Act 2014

The Executive Director (Governance and Commissioning) and Monitoring Officer be authorised to:

- apply for Injunctions to Prevent Nuisance and Annoyance;
- apply for Criminal Behaviour Orders;
- issue Community Protection Notices and take action in relation to failure to comply with such Notices;
- take action in respect of failure to comply with a Public Space Protection Order;
- issue a closure notice for a period of up to 24 hours;
- apply to the Court for a Closure Order and to take all associated action including enforcing orders, accessing premises and recovering costs; and
- authorise Staffordshire Police's police constables and Police Community Support Officers to use the local authority's fixed penalty notice booklets for the purposes of issuing fixed penalties for failure to comply with a



Community Protection Notice, a Public Space Protection Order, a littering offence under the Environmental Protection Act 1990, or failure to comply with a Dog Control Order introduced under the Clean Neighbourhoods and Environment Act 1990.

**FINANCIAL**

1. Financial Procedure Rules  
For the purposes of Financial Procedure Rule D3, to submit to the Chief Finance Officer, a list of posts, the holders of which are authorised to sign orders for goods and services and to certify accounts, together with specimen signatures and details of the limits of their authority.
  
2. Housing Act 1985 (As Amended) - Priority for Repayment of Discount  
In consultation with the Chief Finance Officer, to give written notice to any of the specified bodies postponing the discount charge in the following circumstances:
  - (a) Where the lender is re-financing a mortgage granted originally by the Authority.
  - (b) Where the lender is re-financing another mortgage.
  - (c) Where the lender is advancing the sum required by the purchaser/tenant to exercise the right to buy (or indeed to re-finance another mortgage) and the purchaser/tenant requires additional finance from the lender e.g. because he/she wishes to carry out improvements to the property.

**MEMBERS**

1. Provision of Transport  
To hire, when considered necessary, a chauffeur driven car for use by representatives of the Council when attending Civic functions.
  
2. Members' Training  
After consultation with Group Leaders and the Member Development Working Group, to approve the attendance of Councillors at appropriate seminars and training events on matters connected with the conduct of Local Government Business.
  
3. In consultation with the Leader of the Council, to nominate Members for election as school governors when time does not permit a vacancy to be referred to Council.

**ENVIRONMENTAL SERVICES**

1. The Riding Establishments Acts 1964 and 1970  
To employ a Veterinary Surgeon as may from time to time be required for the purpose of issuing licences in connection with the Act, and for further inspections that may be required during the period of an operative licence.
  
2. Building Act 1984 - Section 59  
To serve Statutory Notices without prior reference to the Cabinet providing the action taken in each case is subsequently reported back to the Cabinet.

3. Food Act 1984 (as amended) - Control of Food Premises  
After full consultation with the Portfolio holder responsible for Environment issues, to take all necessary steps under the Food Act 1984, Sections 21 and 22 to deal with the closure of food premises or stalls where such premises or stalls are considered to be dangerous to health or where there is imminent risk of danger to health, including the service of notices and institution of legal proceedings, and to submit a report on any action taken to a subsequent meeting of the Cabinet.
4. Public Health Act 1961 - Section 17 (as amended) - Powers to Repair Drains etc. and to Remedy Stopped-Up Drains etc.  
To take action in respect of any drain, private sewer, water closet waste pipe or soil pipe in the interests of public health, all such action taken to be reported to a subsequent meeting of the Cabinet.
5. Milk and Dairies (General) Regulations 1959 (REG. 27) Dirty Milk Containers  
After consultation with the Portfolio holder responsible for Environment issues, to refer urgent cases of contraventions of Regulation 27 of the Milk and Dairies (General) Regulations 1957 to the Executive Director and Monitoring Officer who can authorise the commencement of the proceedings.
6. Dogs Act 1906 as amended by the Staffordshire Act 1983
  - (a) The Area Environmental Health Lead Officers, Technical Officers and Pest Control Officers are duly authorised to exercise the powers of seizure of any dog for the purpose of the Dogs Act 1906 as amended.
  - (b) The employees of companies contracted to provide a Dog Warden Service to the Council are similarly authorised whilst in the performance of their duties in connection with the service.
7. Building Act 1984 - Section 76 - Defective Premises  
To administer and service notices under Section 76 of the Building Act 1984 and to report on any action taken to the subsequent meeting of the Cabinet.
8. Dog Fouling  
To undertake publicity exercises as and when requested or deemed necessary.
9. Straying Dogs and the Warden Service  
Following consultation with the Portfolio holder responsible for Environment issues, and in exceptional circumstances, power to waive the charge imposed on all owners who have to collect their dogs from the kennels.
10. Dog (Fouling of Land) Act, 1996
  - (a) Designation of areas within the control of the Council (should this prove necessary) any designations undertaken to be reported to a subsequent meeting of the Cabinet.
  - (b) Any potentially contentious declarations shall be reported to the Committee for a decision.
  - (c) To institute legal proceedings in respect of dog fouling incidents, subject to the Monitoring Officer being satisfied with the evidence, a later report being presented to Cabinet on each case.
11. Public Health (Control of Disease) Act 1984 - Section 46

- (a) To cause to be buried or cremated the body of any person who has died or been found dead in the district, in any case where no suitable arrangements for the disposal of the body have been or are being made.
  - (b) To recover from the estate of the deceased person or from any other appropriate person the expenses incurred under (a) above.
12. Zoo Licensing Act 1981  
To employ a Veterinary Surgeon as may from time to time, be required for the purpose of issuing licences in connection with the Act, and for further inspections that may be required during the period of an operative licence.
13. Water Act 1989 - Section 56 - Water Quality  
To notify the water undertaker of anything appearing to the authority to suggest:-
- (a) That any supply by that undertaker of water for domestic purposes to any premises in the area of that authority, is, has been or is likely to become unwholesome or (so far as any such premises are concerned) insufficient for those purposes.
  - (b) That the unwholesomeness or insufficiency of any such supply is, was or is likely to be such as to cause a danger to life or health.
  - (c) That the duty imposed on that undertaker by virtue of Section 52(1)(b) above, is being, has been or is likely to be so contravened as to affect any supply of water to premises in that area.
14. Control of Pollution Act 1974 - Section 60 - Environmental Protection Act 1990 - Section 80  
All Environmental Health Officers and Pollution Officers have delegated authority to serve notices relating to noise under Section 60 of the Control of Pollution Act 1974 and Section 80 of the Environmental Protection Act 1990 where deemed necessary and, in the event of non-compliance with the terms of the notice, to prosecute accordingly.
15. Environmental Protection Act 1990  
To serve the following Notices and to report the service of all such Notices to the Cabinet -
- Enforcement Notices
  - Variation Notices
  - Revocation Notices
  - Prohibition Notices
  - Section 19 Notices
16. Sunday Trading Act, 1994  
The Executive Director (Governance and Commissioning), Head of Environmental Health, Area Environmental Health Lead Officers and Environmental Health Officer undertaking inspection of retail premises are authorised Officers to act in all relevant matters required to be discharged or enforced by the Council under the provisions of the Sunday Trading Act, 1994.
17. Gypsy Sites and Unauthorised Camping

- (a) In consultation with the Chief Executive and the Monitoring Officer to take action in the case of unauthorised camping on District Council owned land as defined by Section 77 - 80 of the Criminal Justice and Public Order Act, 1994.
- (b) In the case of an authorised encampment on land owned by a third party excluding land owned by the County Council, that action is only taken using the powers contained within the Criminal Justice and Public Order Act, 1994, when a hazard arises to public health or a statutory nuisance or in such circumstances as the Council deem appropriate having considered a report and in the interests of the community.
18. Nuisances and Recurring Nuisances  
Authority to authorise the service of statutory notices within the terms of Part III of the Environmental Protection Act, 1990.
19. Contaminated Land  
To authorise Officers to act under the provisions of the Contaminated Land (England) Regulations 2000 in respect of enforcement.
20. Removal and Disposal of Dumped Refuse  
To serve the requisite notices under Section 23 of the Civic Amenities Act prior to arranging for refuse to be removed.
21. Powers of Entry  
The Executive Director (Governance and Commissioning), Head of Environmental Health, Environmental Health Area Lead Officers, Health and Safety Officers Environmental Health Officers, Pollution Officer, Pest Control Officers and Technical Officers are authorised to have such right of entry as provided for and under such conditions as stated under the Acts and Regulations listed in attached Appendix 1.
22. Authentication of Documents  
To sign any relevant notice, consent, demand or other written document which the Council is authorised or required by or under the Acts and Regulations listed in the attached Appendix 1 to give, make or issue.
23. Delegated Authority - Licences  
The grant, renewal, transfer or variation of the following licences:-
- Acupuncture - Persons and Premises
  - Animal Boarding
  - Caravan Sites
  - Dangerous Wild Animals
  - Dog Breeding
  - Ear Piercing - Persons and Premises
  - Electrolysis - Persons and Premises
  - Food Hawkers - Persons and Premises
  - Game Dealers
  - Knackers Yard
  - Motor Salvage Operators
  - Offices, Shops and Railway Premises
  - Pet Shops
  - Riding Establishments
  - Scrap Metal Dealers
  - Sex Establishments

- Tattooing - Persons and Premises
- Zoos

(Only where a licence is recommended for refusal or revocation, shall it be submitted to the Licensing and Regulatory Committee with delegated powers of determination).

24. Caravan Sites and Control of Development Act 1960 - Licensing of Sites  
To vary the Standard Conditions to be attached to any licence, should circumstances warrant such variation.
25. Health and Safety at Work Etc. Act 1974 - Section 20(2)(c)(i) - Powers of Inspectors  
To authorise other appropriate persons to accompany inspectors appointed by the Council under the Health and Safety at Work Etc. Act 1974, when carrying out an inspection of premises under the Act.
26. Health and Safety at Work Etc. Act, 1974 - Appointment of Inspectors  
(a) The Executive Director (Governance and Commissioning), Head of Environmental Health, Environmental Health Area Lead Officers, Health and Safety Officers, Environmental Health Officers, Pollution Officer, Pest Control Officers and Technical Officers having been appointed as Inspectors under the Health and Safety at Work Etc. Act, 1974, Section 19, are entitled to exercise powers of an inspector specified in:-
- (i) sections 20, 21, 22 and 25;
  - (ii) any health and safety regulation;
  - (iii) the provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of that schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified, as in force from time to time.
- (b) Officers not listed in (a) above who have been appointed as inspectors by virtue of being deemed as being suitably qualified by the Executive Director are entitled to exercise the powers specified under (a)(i), (ii) and (iii) at the discretion of the Director.
- (c) Every appointment of an Officer as an Inspector under Section 19 of H.A.S.A.W.A., shall be made by an instrument in writing/certificate of appointment specifying which of the powers conferred on Inspectors by the relevant statutory provisions are to be exercisable by the person appointed; and an Inspector shall in right of their appointment be entitled to exercise only such of those powers as are so specified and only within the field of responsibility of the Council.
- (d) Inspectors at the discretion of the Executive Director are authorised to prosecute before a Magistrates Court proceedings for an offence under any of the relevant statutory provisions (Section 39, Health and Safety at Work Act)
27. Health and Safety at Work Etc. Act 1974 (as amended) - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985  
To exercise his discretion on the accidents to be investigated and to prosecute for failure to report such occurrences.

28. Environmental Protection Act 1990 - Noise Abatement  
In consultation with the Ward Member(s) and Portfolio holder for the Environment to commence legal proceedings for non-compliance with Noise Abatement Notices where there is clear evidence of non-compliance with the terms of the Notice and where the Monitoring Officer is satisfied with the evidence. Delegation extends to the Head of Environmental Health.
29. Establishing a Housing Agency  
To accept tenders submitted from contractors, where the grant aided works are likely to be £30,000 or less, but where the grant aided works are likely to be in excess of £30,000, these may be accepted in consultation with the Portfolio holder responsible for regeneration issues.
30. The Housing Grants, Construction and Regeneration Act, 1996  
The approval of all mandatory and discretionary disabled facilities grants.
31. Staffordshire Moorlands Housing Renewals Assistance Policy  
The approval of all discretionary grants within the criteria of the Staffordshire Moorlands Housing Renewals Assistance Policy.

## **PLANNING**

1. Planning Applications relating to County Matters - Determination  
The determination as to whether a particular application relates to a county matter.
2. Advertisement Control - Powers to Control Unauthorised Advertisements  
With the Executive Director, the power to remove or obliterate placards/posters under Section 225 of the Town and Country Planning Act 1990.
3. The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988
  - (a) To determine all requests received pursuant to Regulations 5(1) of the Regulations (Applicant asking if ES needed).
  - (b) To give notice of the need for an ES pursuant to Regulation 9(1) (where LPA requests an ES).
4. Section 106 Agreements  
With the Executive Director, to prepare and enter into Section 106 Agreements where these are considered as the most appropriate way of implementing decisions of the Council.
5. Section 215 Notices  
Following consultation with the Executive Director, the service of a Section 215 Notice requiring the tidying of land which has been deemed by the Head of Development Services and Principal Officer Communities and Partnerships to be adversely affecting the amenity of the area.
6. Certificates of Appropriate Alternative Development  
In consultation with the Head of Legal and Elections Services the determination of applications for Certificates of Appropriate Alternative Development.

7. Planning Applications

Any matter which is within the Terms of Reference of the Planning Applications Committee, as fully defined in Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and identified in Part III of the Council's Constitution shall be delegated to the Head of Development Services except where:-

- (i) a matter is requested in writing by a Member giving planning reasons for consideration and determination by the Committee;
- (ii) a matter is contrary to agreed local plan policy, such that its approval or refusal would be defined as a departure.
- (iii) in the view of a Member of the Council or the Head of Development Services, a matter is of significant public interest, and/or, is believed to be controversial the matter shall be considered and determined by the Committee;
- (iv) notwithstanding the foregoing clauses (i) - (iii) the Head of Development Services may at his discretion refer any other matter to the Committee for consideration/ determination
- (v) in the event that the Head of Development Services is unwilling to refer an application to the Committee because he considers the proposed planning reasons to be insufficient, and the Member requesting the referral disagrees, the matter shall be determined by a panel consisting of the Chair of the Planning Applications Committee, the Executive Director and the Head of Legal and Election Services.

8. Public Footpath Orders

In consultation with the Executive Director, the confirmation of Public Footpath Stopping-Up, Diversion, Creation or Extinguishment Orders under the following legislation where no objections or representations have been received:-

Section 116/117, Highways Act 1980 – Request to Highway Authority to make a Stopping-Up or Diversion Order.

Section 26, Highways Act 1980 – Public Footpath Creation Order.

Section 119, Highways Act 1980 – Public Footpath Diversion Order.

Section 118, Highways Act 1980 – Public Path Extinguishment Order.

Section 257, Town and Country Planning Act 1990 – Public Path Stopping-Up or Diversion Order.

Section 258, Town and Country Planning Act 1990 – Public Path Extinguishment Order.

9. Town and Country Planning (General Development) Order - Procedures 1990

To serve the appropriate notices under the above Order.

10. Approval of Reserved Matters

To agree details whether reserved matters or not of particular developments such as materials, landscaping, levels, precise siting, highway requirements.

11. Temporary Listing of Buildings  
To issue Building Preservation Notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. Listed Building Enforcement Notices  
To issue Listed Building Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. Enforcement Notices  
The Head of Development Services or the Head of Communities and Climate Change, in consultation with the Monitoring Officer, may issue Enforcement Notices under Section 172 of the Planning Act 1990 and in the event of non-compliance with the terms of such Notices, proceed with prosecution.
14. Stop Notices  
In consultation with the Monitoring Officer, to issue Stop Notices and Temporary Stop Notices under the Planning Act 1990.
15. Town and Country Planning Permitted Development Order 1995 - Agricultural Buildings and Operations  
The Executive Director and the Head of Development Services are authorised to determine whether or not a planning application is required in respect of 'notifications' made under the Town and Country Planning General Development Order.
16. Planning Appeals  
With the Executive Director, subject to satisfaction of the evidence of the case to:-
  - (a) Gain Counsel advice on appeals thought to be questionable;
  - (b) To lodge appeals with the High Court.
17. Considerations in the Choice of Procedure for Appeals against Refusal of Planning Permission, Enforcement Notice Appeals and other similar Appeals within the Planning System
  - (a) The choice of procedure on appeal will have regard to the criteria established by the Council from time to time, the written representations procedure being agreed to where this is appropriate.
  - (b) In the following instances to consult with the Chair or Vice-Chair of the Planning Applications Committee before the choice of procedure is indicated to the Secretary of State:-
    - (i) There is known to be considerable local interest arising out of the planning application.
    - (ii) The decision to refuse has been taken by the Committee against the Officer's recommendation.
    - (iii) The decision is considered to be a matter of sufficient importance to justify the additional time and costs involved in an inquiry.
    - (iv) When a District Councillor makes known his/her view that a public inquiry should be held.



18. Planning Inquiries and Certificates of Lawful Development (CLD's)  
To determine applications for Lawful Development Certificates.
19. Planning Controls Over Demolition  
Determination and approval in relation to notification applications for the control of demolition.
20. Service of Planning Contravention Notices  
In consultation with the Monitoring Officer, the service of Planning Contravention Notices.
21. Notifications of Proposed Development by Telecommunications Code System Operators  
Determination and approval in relation to notification applications for proposed development by Telecommunications and Code System Operators.
22. Signing of Planning Decision Notices  
In addition to the Executive Director, authority to sign Planning Decision Notices shall rest with the Head of Development Services or in his/her absence the Senior Planning Officer.
23. Breach of Condition Notices
  - (a) The service of Breach of Condition Notices in accordance with Section 187A of the Town and Country Planning Act, 1990.
  - (b) In conjunction with the Head of Legal and Election Services, to prosecute following failure to comply with a breach of condition notice in accordance with Section 187A of the Town and Country Planning Act, 1990.
24. Historic Buildings Repair Grants  
The consideration and dispersal of the grants budget for the repair of historic buildings.
25. Advertisement Control - Powers to Control Unauthorised Advertisements  
Authorisation to remove or obliterate placards/posters under Section 225 of the Town and Country Planning Act 1990.
26. Planning Appeals  
Authorisation to:
  - (a) obtain Counsel's advice on appeals thought to be questionable; and
  - (b) lodge appeals with the High Court.
27. Certificates of Lawfulness (CLD's)  
Authorisation to determine applications for Lawful Development Certificates as appropriate.
28. Service of Planning Contravention Notices  
Authorisation to serve Planning Contravention Notices and to prosecute following failure to comply with a Breach of Condition Notice in accordance with Section 187A of the Town and Country Planning Act 1990.
29. Public Rights of Way (PROWs)

- (a) Respond to Staffordshire County Council on consultations over proposals to create, divert or close PROWs, subject to prior notification to Members under a similar system to protected trees and Hedgerow Removal Notices.
- (b) In consultation with the Monitoring Officer to make orders under the Town and Country Planning Act 1990 for the diversion of PROWs required to implement a planning permission, where the proposed diversion is considered acceptable.

**BUILDING CONTROL**

1. **Building Regulations - Delegation**
  - (a) The approval or rejection of applications under Section 16 of the Building Act 1984 for Building Regulations consent (delegation includes Building Control Manager, Team Leader Building Control and Building Control Surveyors.
  - (b) To sign plans and decisions under the Building Regulations and authority to agree, where necessary, to the employment of the services of a specialist consultant in connection with the Building Regulations.
  - (c) To decide which applications deposited in accordance with the Building Regulations should be dealt with by way of conditional and/or stage approvals, in accordance with Section 16 of the Building Act 1984.
2. **Amendment to the Building Regulations 1991**
  - (a) The Executive Director, Head of Development Services and Building Control Surveyors are authorised under Section 191 of the Local Government Act, 1972 to request the opening of work, making tests and taking samples as set out in Regulations 15(6), 18, 19, 21(4) of the Building Regulations, 2000 and Regulation 13A(3) of the Building Regulations, 1991, as amended.
  - (b) The Executive Director, Head of Development Services and Building Control Surveyors are authorised under Section 101 of the Local Government Act , 1972 to issue a schedule of any works required and, if necessary, issue a Regularisation Certificate as set out in Regulation 21 of the Building Regulations 2000.
3. **Temporary Grandstands**
  - (a) The Executive Director, Head of Development Services and Building Control Surveyors are authorised to administer Section 37 of the Public Health Acts Amendment Act 1890.
  - (b) The Executive Director and Head of Development Services are granted delegated authority to approve or refuse applications referred to in (a) above.
4. Signing of Requisition for Information Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 for all instances relating to Building Act 1984 and Building Regulations 2000.
5. The setting of Building Regulation charges as required under the Building (Local Authority Charges) Regulations 2010. The charges shall be such that the income derived, or which it is reasonably expected will be derived, from them during the relevant period shall not be less than the costs directly or indirectly incurred by the service.

6. In consultation with the Monitoring Officer, to institute legal proceedings and/or the serving of notices under Sections 35 and 36 of the Building Act 1984;
7. In consultation with the Monitoring Officer, to institute legal proceedings under sections 77 and 78 of the Building Act 1984 relating to dangerous and dilapidated structures and to take any necessary action thereunder.
8. Response to consultations on road Traffic orders from the Highways Agency and the Highways Authority, subject to notification of local Members who shall have the opportunity to require the proposals to be considered by the Cabinet.
9. Flooding - Maintenance of Screens and Ditches  
To undertake the maintenance of screens and ditches where the works have been carried out by the Council.
10. Building Act 1984 - Section 80 - Duty to Give Local Authority Notice of Intended Demolition  
To serve all Notices and to report any action taken to the Cabinet.

## **ARBORICULTURE**

1. Protected Trees
  - (a) In consultation with the Monitoring Officer to make provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990.
  - (b) In consultation with the Monitoring Officer, to confirm provisional TPOs to which no objection or representation has been received.
  - (c) To approve applications to carry out work to trees protected by Tree Preservation Orders where such work does not have a detrimental effect on the amenity value of protected trees or because the reasons for the proposal are considered to outweigh any loss in amenity.
  - (d) To approve applications to fell trees protected by a TPO, where such work is considered acceptable either because there would be no detrimental effect on amenity or because the reasons for the proposal are considered to outweigh any loss in amenity. Such applications shall be included on the weekly list notifying Members of work to TPO trees and trees in Conservation Areas together with Hedgerow Removal Notices. Members shall have the opportunity to comment and request that any matter be referred to the Planning Applications Committee.
  - (e) Where considered appropriate, to waive the normal requirement to plant a replacement for a tree protected by a TPO which is to be removed either by consent or under legal exemption from TPO controls.
2. Hedgerow Regulations
  - (a) Issue Hedgerow Retention Notices (HRNs) where allowed by the Hedgerow Regulations 1997.
  - (b) Not issue HRNs where issue of a HRN would be allowed by the Regulations but where, having regard in particular to reasons given for the proposal, there are circumstances which are considered to justify removal of the hedgerow or section of hedgerow.

3. Anti-Social Behaviour Act 2003 - High Hedges
  - (a) To determine complaints about high hedges under Part 8 of the Act.

**MISCELLANEOUS**

1. Authority to Act in the Absence of the Chief Executive

To act during the Chief Executive's extended absence in respect of the following:-

  - (a) Summons to attend meetings of the Council.
  - (b) Photographic copies of documents.
  - (c) Co-ordinating responses to external communications and events where more than one Directorate is involved.
  - (d) Operation of the Emergency Plan.
  - (e) Matters of urgency which cannot be considered by the appropriate Council body (*see delegation to Chief Executive*).
  - (f) Any other powers and duties delegated to the Chief Executive and not otherwise allocated to another Chief Officer during the Chief Executive's absence.
2. The Data Protection Act 1998

To undertake the role of Data Protection Officer for and on behalf of the District Council.
3. Disposal of Equipment

To dispose of surplus materials, stores and equipment in accordance with Financial Procedure Rules.
4. Naming of Streets and Numbering of Properties

In consultation with the Portfolio Holder responsible for planning matters, the naming, re-naming and marking of streets or parts thereof and the numbering of properties as appropriate, under the following legislation:-

  - (a) Town Improvement Clauses Act 1847 Section 64;
  - (b) Public Health Act 1907 Section 21; and
  - (c) Public Health Act 1925 Section 18.
5. Moorlands Partnership
  - (i) To increase a grant already offered in principle by up to 15%, or £1,500, whichever is the greater, in consultation with the Chair of the Partnership and the Executive Director.
  - (ii) To bring to the attention of the Secretary of State for Culture, Media and Sport any buildings or structures which he/she considers to be of

such historic interest or architectural quality that it merits inclusion on the statutory list;

- (iii) To bid for any external funds from European, Central Government or National Lottery sources consistent with the Council's policies relating to the built environment providing that the bidding itself does not commit the Council to any expenditure not already approved in its Budget Strategy;
- (iv) To attach to any grant offer made by the Cabinet or the Moorlands Partnership a condition relating to the technical performance of materials and workmanship consistent with Council guidance;
- (v) To issue in consultation with the Executive Director and the Chair of the Planning Applications Committee, an Urgent Works Notice under Section 54 of the Planning (Listed Buildings & Conservation Areas) Act 1990, where the condition of the building is such that, in the opinion of the Head of Development Services, urgent preservation is required prior to the next appropriate meeting of the Planning Applications Committee.

## **Delegation To The Executive Director (Resources)** **(Chief Finance Officer)**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

### **LEGAL**

#### **1. Authorisation and Powers**

The Executive Director (Resources) is hereby authorised to act in all relevant matters required to be discharged or enforced by the Council under these delegations and under but not limited to the provisions of the Acts and Regulations listed in Appendix 1; s/he shall maintain a list of posts, the holders of which are authorised to act on behalf of the Council under these delegations and the Acts and Regulations listed in Appendix 1, together with details of the limits of their authority - such list to be deposited with the Chief Executive.

### **FINANCIAL**

#### **1. Financial Procedure Rules**

- (a) For the purposes of Financial Procedure Rule D3, a list of posts, the holders of which are authorised to sign orders for goods and services and to certify accounts, together with specimen signatures and details of the limits of their authority, shall be maintained by the Executive Director.
- (b) The Bank is authorised to accept all requests and receipts for the delivery of security papers or other property if signed by the Executive Director or Head of Finance.
- (c) The Bank shall be given a list of names of the signing Officers, and be advised in writing under the hand of the Chief Executive of any changes that may take place, and the Bank shall be entitled to act upon the signatures so given.
- (d) These delegations shall be communicated to the Bank and remain in force until revoked by notice in writing to the Bank, signed by the Chairman or the Chief Executive acting or purporting to act on behalf of the Council, and the Bank shall be entitled to act upon such notice.
- (e) To prove debts in liquidation and bankruptcy and carry on any proceedings in relationship thereto under the Companies Acts.
- (f) The Executive Director shall maintain a list of posts the holders of which are authorised to appear on behalf of the Council in proceedings before a Magistrates' Court by virtue of Section 233 of the Local Government Act 1972 for the purposes of the Local Government Finance Act 1988 (as amended) and all regulations made thereunder.
- (g) The Bank is authorised to honour all cheques or other order for payment drawn upon any account or accounts for the time being kept with the Bank in the name of the Council, notwithstanding that any such account or accounts

to be overdrawn or increase any existing overdraft provided they are signed by either:

- (i) The Executive Director Resources  
(+ Head of Audit; or Head of Finance or Principal Finance Officer for handwritten cheques only)  
for amounts up to £10,000;
- (ii) The Executive Director Resources  
+ Head of Audit; or Head of Finance  
for amounts up to £50,000;
- (iii) The Executive Director Resources  
+ Chief Executive Officer; or Executive Director & Monitoring Officer  
for amounts in excess of £50,000.

3. Finance and Administration  
*1988 Local Government Finance Act*

Sections 89 and 90 - Establishment and maintenance of a Collection Fund.

Sections 91 and 92 - Establishment and maintenance of a General Fund.

Sections 95, 96, 97 and 98 - Calculations relating to the Collection and General Funds.

Section 99 - Discharge of liabilities relating to the Collection Fund.

Executive Director or his duly authorised representative: To prove debts in liquidation and bankruptcy proceedings.

6. Accounts and Audit Regulations 1996 - Responsibility for Internal Audit  
The Council's responsibilities under the Accounts and Audit Regulations 1996.

7. Appointment of Insurance Brokers  
After consultation with the Portfolio-holder responsible for Resources issues, to appoint Insurance Brokers to advise on the future insurance options available to the District Council.

8. Treasury Management Policy  
*(See also Financial Procedure Rule C9)*

- (a) To arrange appropriate personnel from within current resources to operate the Treasury Management function.
- (b) To prepare and maintain written treasury systems documentation that covers dealing procedures, transmission procedures, levels of delegated responsibility, reporting lines and procedures for absence cover.
- (c) To produce and maintain a list of bodies and financial institutions to which the Council will lend money.
- (d) To produce and maintain a list of Brokers with which Treasury Management staff may complete transactions.

- (e) To arrange borrowing from such bodies and at such times and terms as the Executive Director feels appropriate (within the Council's borrowing limits).

**REVENUES**

1. Council Tax and National Non-Domestic Rating

(a) Council Tax

Executive Director or any member of his Revenues Section: Council Tax administration.

Executive Director or any member of his Revenues Section: Council Tax enforcement.

(b) Non-Domestic Rating

Executive Director or any member of his Revenues Section: administration, collection and enforcement of non-domestic rates.

2. Council Tax - Delegation of Administration Procedures

- (a) Executive Director or his authorised representative: The administration of Council Tax, including matters relating to the valuation process.

3. Council Tax - Delegation of Recovery Procedures

- (a) The engaging of a nationally recognised company of Bailiffs for the execution of Liability Orders relating to the Council Tax.

- (b) The Executive Director shall maintain a list of posts the holders of which are authorised to appear on behalf of the Council in proceedings before a Magistrates' Court by virtue of Section 233 of the Local Government Act 1972 for the purposes of the Local Government Finance Act 1988 (as amended) and all regulations made thereunder.

**BENEFITS**

1. Housing Benefits

The Executive Director or any members of their Benefits Section: Calculation and granting of benefits under the statutory and local scheme.

2. Changes to the Assessment of Housing Benefit Support for Rents of Private Sector Tenants

The discretion to determine cases of Individual Exceptional Need.

3. Housing Benefit - Recovery of Overpaid Housing Benefit from a Landlord

Authority to exercise discretionary powers relating to the recovery of benefit overpayments from Landlords.



**CAR PARKS**

1. The collection of car parking fees and the imposition of fixed penalties for contravention of the Council's Off-Street Parking Orders.
2. The management of the Council's car parks including the making of minor amendments to the Car Parking Orders.
3. Managing the day-to-day activities of any contractors employed in order to provide civil parking enforcement for the Council.
4. Representing the Council and making such decisions as are necessary for the ongoing operation of civil parking enforcement.
5. Use of Council owned car parks  
Authorisation to determine applications for the short term use (up to three months) of Council owned car parks for purposes other than car parking.

**PROPERTY SERVICES**

1. Property Management
  - (a) To take action in respect of the Council's property in accordance with the approved Asset Management Plan and associated budget.
  - (b) Day-to-day management of the Council's buildings including routine repairs, minor improvements and energy conservation matters.
  - (c) To determine applications for the use of land and property for charitable, promotional and similar purposes on an occasional basis.
  - (b) To determine and make application for assignments, sub-lettings, terminations, alterations, extensions and other variations to agreements in respect of property held on lease, licence or tenancy from or by the Council. To apply to court for agreement to contract out tenants' rights to renewal of a lease under the Landlord and Tenant Act 1954 on its expiry.
  - (c) To negotiate and agree lease renewals and rent reviews in respect of properties held on lease, license or tenancy from or by the Council.
  - (d) In consultation with the relevant Cabinet Member to accept and action reports on non-contentious valuation and property management matters produced by in-house staff or retained consultants resulting from instructions issued by the Council, Cabinet or a Committee.
  - (e) To enforce payment of rent and/or other conditions or covenants included in tenancy agreements, licences, leases or deriving from the title to land held by the Council including legal proceedings subject to the Executive Director and Monitoring Officer being satisfied with the evidence or legal powers to act.
  - (f) To hire out accommodation available for public use within Council offices in accordance with the Council's charging and usage policies as approved from year to year.

- (g) To grant prospective purchasers, lessees or other parties taking an interest in Council owned land or property access for the purposes of making surveys or investigations and to obtain similar consents for the benefit of the Council.
- (h) To grant easements, wayleaves, rights of way and agreements of a similar nature to cross Council owned land or property and to obtain similar consents for the benefit of the Council.
- (i) In consultation with the relevant Cabinet Member, to receive and act upon tenders for land and property transactions including all leaseholds, tenancies and licences together with freehold disposals to a value not exceeding £25,000 (classed as minor disposals).
- (j) To make all applications for planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for development of land in the Council's ownership.

2. **Enforcement**

To take action to safeguard the Council's interests including taking legal proceedings in respect of encroachments, boundary disputes and other challenges to the Council's tenure of land and its property interests.

3. **Estate Management and Valuation**

To determine applications for Deeds of Surrender.

4. **Encroachment**

To take action to safeguard the Council's interests including Court action in respect of encroachment and boundary disputes affecting Council owned land.

**MISCELLANEOUS**

1. **Disposal of Equipment**

To dispose of surplus materials, stores and equipment in accordance with Financial Procedure Rules.

2. **Authority to Act in the Absence of the Chief Executive**

Authority to act during the Chief Executive's extended absence in respect of the following:-

- (a) Members' attendance allowances;
- (b) Tenders;
- (c) Travelling and subsistence allowances; and
- (d) Special payment to Officers working outside normal hours (after consultation with the Head of OD and Transformation).
- (e) Any other powers and duties delegated to the Chief Executive and not otherwise allocated to another Chief Officer during the Chief Executive's absence.

3. **Business Grant Scheme**

To make grants to businesses under the Council's Business Grant Scheme.

## **Delegation To The Executive Director (Community Services)**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

### **LEGAL**

1. **Authorisation and Powers**

The Executive Director (Community Services) is hereby authorised to act in all relevant matters required to be discharged or enforced by the Council under these delegations and under but not limited to the provisions of the Acts and Regulations listed in Appendix 1; s/he shall maintain a list of posts, the holders of which are authorised to act on behalf of the Council under these delegations and the Acts and Regulations listed in Appendix 1, together with details of the limits of their authority - such list to be deposited with the Chief Executive.

### **FINANCIAL**

1. **Financial Procedure Rules**

(a) For the purposes of Financial Procedure Rule D3, a list of posts, the holders of which are authorised to sign orders for goods and services and to certify accounts, together with specimen signatures and details of the limits of their authority, shall be maintained by the Executive Director.

### **LEISURE SERVICES**

1. **Byelaws - Recreation Grounds and Open Spaces**

To exhibit suitable notices of a robust nature exhibiting salient features of the byelaws considered essential to specific areas as appropriate.

2. Authorisation to approve arts and sports grant schemes.

3. Authorisation to reduce 'core' Leisure Centre charges for the purpose of promoting increased usage to react to market conditions.

### **HORTICULTURAL SERVICES**

1. **Leek Cemetery - Grant of a Plot**

Powers to sign 'Grant of a Plot' documents. (In the absence of the Horticultural Services Manager, the Senior Horticultural Manager is similarly authorised under this delegation).

2. **Adoption of Public Open Space**

Powers to instruct Legal Services to carry out and complete the conveyancing of open space within private developments, providing that :-

(a) the Council has previously approved the adoption in principle whether or not subject to conditions; and

(b) any conditions set out in (a) above have been complied with to the satisfaction of the Horticultural Services Manager.

- (b) The posts of Horticultural Services Manager, Senior Horticultural Officer and Trees and Woodlands Officer are designated as authorised officers to enter land for the purposes of Part 8 of the Act
3. Countryside Protection and Development Scheme Grants  
Approval of countryside protection and development scheme grants and award of free trees under the "Free Trees" Scheme.

**HOUSING**

1. Land Compensation Act 1973 - Home Loss Payments  
Certification of Home Loss Payments
2. Land Compensation Act 1973 - Disturbance Payments  
Certification of Disturbance Payments, being the removal expense actually incurred (i.e. the cost of transporting furniture from one house to another).
3. Housing Act 1985 - Homelessness  
To take whatever action is deemed necessary in relation to Homelessness including where appropriate, the provision of overnight accommodation on a bed and breakfast basis and the purchase of furniture, bedding etc. to equip accommodation for homelessness persons in accordance with the terms of the Act.
4. Housing Act 1985 - Section 156 Priority for Repayment of Discount  
In consultation with the Executive Director, to give written notice to any of the specified bodies postponing the discount charge in the following circumstances:-
- (a) Where a mortgage granted originally by the Authority is being re-financed.
- (b) Where another mortgage, e.g. bridging loan, is being re-financed.
- (c) Where the sum required by the purchaser/tenant to exercise the right to buy (or indeed to re-finance another mortgage) is being advanced and the purchaser/tenant requires additional finance, e.g. because he/she wishes to carry out improvements to the property.
5. Housing Act, 1985 - Section 502 House Renovation Grants - Certificates of Occupation  
To determine when to serve a notice on an owner requiring him to certify within a period of twenty-one days that he is abiding by the Conditions and in default to issue a letter of warning and to report to the Cabinet and case where the Conditions are not being complied with by the owner.
6. Housing Act 1985 - Part XI  
To consult the owner or mortgagee of Houses in Multiple Occupation (HMO's) and accept undertakings or make Closing Orders in respect of any part of such houses (Sections 365 and 368 - Means of escape from fire: power to secure that part of house not used for human habitation).
7. Local Government and Housing Act 1989 - Discretionary House Renovation Grants  
(a) To approve or refuse discretionary grants and to report all such action taken.

- (b) To extend the time for completion of grant works providing the work is making satisfactory progress.
- (c) To serve notice on the owner of a dwelling requiring him/her, within a period of twenty-one days from the date the notice is served, to furnish a statement showing how the condition of the grant relative to the letting or occupancy of the dwelling throughout the five year period following the date of completion of the works is being fulfilled.

## **Delegation To All Chief Officers**

1. Authority to Act in the Absence of the Chief Executive  
The allocation of responsibilities during the Chief Executive's extended absence is as follows:-

(a) Scheme of Delegation

- (i) Members' Attendance Allowances - Approved Duties:  
*Executive Director (Governance and Regulatory Services)*
- (ii) Provision of Civic Transport:  
*Executive Director (Governance and Regulatory Services)*
- (iii) Summonses to attend meetings of the Council:  
*Executive Director (Governance and Regulatory Services)*
- (iv) Photographic copies of documents:  
*Executive Director (Governance and Regulatory Services)*
- (v) Tenders:  
*Executive Director (Governance and Regulatory Services)*
- (vi) Member's Training:  
*Executive Director (Governance and Regulatory Services)*
- (vii) Travelling and Subsistence Allowances:  
*Executive Director (Resources)*
- (viii) Disciplinary Appeals and Grievance Procedure:  
*Head of Organisational Development and Transformation*
- (ix) Post-Entry Training Scheme:  
*Head of Organisational Development and Transformation*
- (x) Special Payment to Officers working outside normal hours:  
*Executive Director (Resources) after consultation with the Head of Organisational Development and Transformation*

(b) Other Responsibilities

- (i) Co-ordinating responses to external communications and events where more than one Directorate is involved:  
*Executive Director (Governance and Regulatory Services)*
- (ii) Operation of the Emergency Plan:  
*(Governance and Regulatory Services)*
- (iii) Any other powers and duties delegated to the Chief Executive and not otherwise allocated to another Chief Officer during the Chief Executive's absence:  
*Executive Director (Governance and Regulatory Services)*

2. Authority to Act in Absence of Directors

Authority is given to the post holders listed below for the signing of formal documents where authority has been given by Council resolution to Directors, and in their absence:-

Head of Audit

Head of Democratic Services  
Head of Community and Climate Change  
Head of Legal and Election Services  
Head of Environmental Health  
Head of Finance  
Head of Housing Services  
Head of Organisational Development and Transformation  
Head of Leisure and Environmental Services  
Head of Development Services  
Head of Assets  
Head of Regeneration  
Head of Customer Services  
Head of Revenues and Benefits

3. Compassionate Leave Arrangements

- (a) Authority to grant up to one week's compassionate leave to employees is given to the Chief Executive or Executive Directors at their discretion.
- (b) Special leave without pay may be granted by the Chief Executive or an Executive Director to an employee in his/her Service Area in other circumstances, but if an employee requires payment the matter shall be referred to the Cabinet for its decision.

4. Financial Procedure Rules

For the purposes of Financial Procedure Rule D3 the Executive Director (Transformation) shall maintain a list of posts, the holders of which have been authorised by the Chief Executive or another Executive Director, to sign orders for goods and services and to certify accounts, together with specimen signatures and details of the limits of their authority.

5. Appointment of Staff

The appointment of staff is delegated as follows:-

- (a) The Head of Organisational Development and Transformation is responsible for all action necessary to fill vacant posts.
- (b) The appointment of Senior and Principal Officers is by the Head of the Paid Service (Chief Executive), Director, a departmental Principal Officer or another Director as invited by the Head of the Paid Service.
- (c) The appointment of staff on grades Scale AG1 to AG9 inclusive is by the Director or his representative and the Head of Organisational Development and Transformation.

The Head of Organisational Development and Transformation is responsible for all action associated with the appointment of staff.

6. Recruitment

- (a) To use an internal recruitment process, where appropriate, following consultation with the recognised Unions.
- (b) Not to resort to external advertisements if suitable individuals who respond to previous external advertisements are available for interview.
- (c) To appoint a Recruitment Agency where s/he deems it appropriate.

7. Health and Safety at Work Act 1974 - Review of Safety Policies - Visual Display Units (VDU's)  
To approve expenditure arising from eyesight tests.
8. Disciplinary and Grievance Procedures
  - (a) To appoint an Appeals Panel of Councillors from the membership of the Appeals Board to hear appeals against disciplinary action (the Panel shall have delegated authority to act).
  - (b) To appoint a Panel of Councillors from the membership of the Appeals Board to hear grievances (the Panel shall have delegated authority to decide the issue).
  - (c) To convene disciplinary hearings and to take any necessary action; in the case of dismissal, in consultation with the Leader and the Finance and Resources Portfolio Holder.
9. To sponsor Student Training.
10. Leave Carry Over  
To authorise leave carry over at his/her discretion.



## **APPENDIX 1 TO DELEGATION TO THE CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS**

ACCOUNTS AND AUDIT REGULATIONS 1996

ALKALI ETC. WORKS REGULATIONS ACT 1906

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

ANIMAL HEALTH ACT 1981

ANIMAL HEALTH AND WELFARE ACT 1984

ANTI SOCIAL BEHAVIOUR ACT 2003

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

BREEDING AND SALE OF DOGS (WELFARE) ACT 1999

BREEDING OF DOGS ACT 1973 AND 1991

BUILDING ACT 1984

Sections: 24, 59, 60, 61, 62, 63, 64, 66, 69, 8-, 84, 85, 95, 126

BURIAL ACT 1867

Section: 25

CARAVAN SITES ACT 1968

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

CINEMATOGRAPH (AMENDMENT) ACT 1982

CIVIC AMENITIES ACT

Section: 23

CIVIL CONTINGENCIES ACT 2004

CLEAN AIR ACT 1993

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

CONTAMINATED LAND (ENGLAND) REGULATIONS 2000/2001

CONTROL OF POLLUTION ACT 1974

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2002  
(AMENDED 2005)

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

DANGEROUS DOGS ACT 1989 AND 1991

DANGEROUS WILD ANIMALS ACT 1976

DATA PROTECTION ACT 1998

DEER ACT 1991

DEFECTIVE PREMISES ACT 1972

DOG (FOULING OF LAND) ACT 1996

DOGS ACT 1906

Section: 3

ENVIRONMENT ACT 1995

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

ENVIRONMENTAL DAMAGE (PREVENTION & REMEDIATION) REGULATIONS 2009

ENVIRONMENTAL PROTECTION ACT 1990

Parts: I, II, III, IV and VIII

ENVIRONMENTAL PROTECTION (PRESCRIBED PROCESSES AND SUBSTANCES) REGULATIONS 1991

ENVIRONMENTAL PROTECTION (STRAY DOGS) REGULATIONS 1990

EUROPEAN COMMUNITIES ACT 1972

FACTORIES ACT 1961

FOOD AND ENVIRONMENT PROTECTION ACT 1985

FOOD HYGIENE (ENGLAND) REGULATIONS 2006

FOOD SAFETY ACT 1990

GAMBLING ACT 2005

GAME ACT 1831/1860

GUARD DOGS ACT 1975

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005

HEALTH ACT 2006

HEALTH AND SAFETY (ENFORCING AUTHORITY) REGULATIONS 1989

HEALTH AND SAFETY AT WORK ETC. ACT 1974

Sections: 2-4, 7-9, 17, 19-26, 33-38, 40, 46, 47, 51-53, 78

HEDGEROW REGULATIONS 1997

HOMELESSNESS ACT 2002

HOUSE TO HOUSE COLLECTIONS ACT 1939

HOUSING ACT 1985 to 1996

HOUSING ACT 2004  
Houses in Multiple Occupation Licensing

HOUSING ACT 2005

HOUSING AND PLANNING ACT 1986

HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

HYPNOTISM ACT 1952

LAND COMPENSATION ACT 1973  
Sections: 29, 30, 32, 33, 37, 38, 39, 40, 42, 43

LAND DRAINAGE ACT 1991

LANDLORD AND TENANT ACTS 1954 AND 1987

LATE NIGHT REFRESHMENT HOUSES ACT 1969

LICENSING ACT 2003

LITTER ACT 1983  
Sections: 1-4

LISTS OF WASTES (ENGLAND) REGULATIONS) 2005

LOCAL AUDIT AND ACCOUNTABILITY ACT 2014

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

LOCAL GOVERNMENT ACT 1988  
Schedule 10

LOCAL GOVERNMENT ACT 2000

LOCAL GOVERNMENT AND HOUSING ACT 1989  
Parts VII, VIII: Sections 163, 164, 165, 166, 167, 169

LOCAL GOVERNMENT FINANCE ACT 1988

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
Sections: 16, 20, 21

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
Sections: 13-17, 29, 31, 32

LOCAL GOVERNMENT PLANNING AND LAND ACT 1980  
Section: 114

LOCALISM ACT 2011

MILK AND DAIRIES (GENERAL) REGULATIONS 1969 (EXCLUDING REGULATIONS, 18, 19 AND 20)

MILK AND DAIRIES (SPECIAL DESIGNATION) REGULATIONS 1986 AS AMENDED

MOBILE HOMES ACT 1983

NATIONAL ASSISTANCE ACT 1948

NOISE ACT 1996

NOISE AND STATUTORY NUISANCE ACT 1993

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NON-DOMESTIC RATING (DISCRETIONARY) REGULATIONS 1989

NON-DOMESTIC RATING (MISCELLANEOUS PROVISIONS) REGULATIONS 1989

OFFICES SHOPS AND RAILWAY PREMISES ACT 1963

OPEN SPACES ACT 1906

PARTY WALL ACT 1996

PERSONAL COMMUNITY CHARGE (STUDENTS) REGULATIONS 1989

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POLLUTION PREVENTION AND CONTROL ACT 1993

PREVENTION OF DAMAGE BY PESTS ACT 1949

PRIVATE WATER SUPPLY REGULATIONS 1991 AND 2009

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ANY OTHER REGULATIONS OR ORDERS MADE UNDER THE LEGISLATION DETAILED  
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