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To: All Members of the Cabinet

Please ask Douglas Campbell (Telephone  
for: 07779 413886)  
email:  
committeeservices@swindon.gov.uk

Dear Councillor,

**Cabinet – Wednesday, 22 April 2020**

I refer to the agenda for the above meeting and enclose report(s) in relation to the following Agenda Item(s):

Yours faithfully,

Douglas Campbell (Telephone 07779 413886)  
for Chief Legal Officer (Monitoring Officer)

- 12. Amendments to the Constitution and Delegated Decision-making CLO**  
(CM: DR) **All Wards** (Pages 3 - 116)

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## **Amendments to the Constitution and Delegated Decision-making**

**Cabinet**

**Date: 22<sup>nd</sup> April 2020**

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Author:	Leader of the Council Chief Legal Officer (Monitoring Officer)
Wards:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 This report seeks Cabinet's support for changes to the Council's Constitution which includes necessary changes as a result of the ongoing global coronavirus Covid-19 situation.
- 1.2 It is usual practice for the Council to renew and update its constitution on an annual basis. The changes proposed seek to augment the Members' and Officers' ability to make decisions in a timely manner that can adjust to any external needs, especially the current response to the Covid-19 virus.
- 1.3 Efficient, transparent and accountable decision-making is central to the Member-led governance of the local authority.

### **2. Recommendations**

Cabinet is recommended to recommend to Council that:

- 2.1 Council adopts the proposed changes to the Annual Council meeting to ensure that it is a civic occasion (see Appendix One).
- 2.2 The Chief Executive be authorised to undertake any delegation that Members have previously authorised at Annual Council on 17th May 2019 (Council Minute 11 2019/20 refers) and at Council on 20th February 2020 or reallocate these to other officers in order to ensure the efficient dispatch of the Council's business.
- 2.3 Council adopts the updated the Scheme of Delegations to reflect current post titles and reporting lines along with update delegation numbers (see Appendix Two).
- 2.4 The Chief Legal Officer, in consultation with the Leader of the Council, the leaders of the other political party groups and the Chief Executive be authorised to add to or vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business.
- 2.5 Council approves the changes to delegated decision-making as set out in the report below (attached at Appendix Three).

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Further information on the subject of this report can be obtained from Douglas Campbell, 07779 413886 or docampbell@swindon.gov.uk

# Amendments to the Constitution and Delegated Decision-making

**Cabinet**

**Date: 22<sup>nd</sup> April 2020**

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- 2.5.1 The augmented the wording of Article 14.06 to allow Officers to act once the Chief Executive has activated the “Gold command”/strategic response to an incident.
  - 2.5.2 To revise the scope of who may make key or strategic decisions in line with legislation.
  - 2.5.3 To permit delegated decisions that are neither high profile nor contentious and which would otherwise have been made and publicised through the Council’s website using Cabinet Member Briefing Notes to be made, recorded, and made public via the Officer Decision Note process.
- 2.6 The Chief Legal Officer be authorised on behalf of Council to grant a leave of absence for reasons relating to Coronavirus Covid-19 to any Councillor who may apply.

## Cabinet is recommended to

- 2.7 To approve the use of electronic signatures from councillors’ registered email addresses to sign or provide consent for the exercise of Cabinet Members’ and Officers’ delegated powers.
- 2.8 Note the Leader of the Council can act in respect of any executive powers and responsibilities as set out in legislation.

## **3. Detail**

### Making Annual Council a Civic Event

- 3.1 Members reviewed a report at Corporate Governance Review Working Group on 11<sup>th</sup> March 2020, which recommended that the business at Annual Council be limited almost exclusively to the civic functions of mayor making. The Working Group noted that Standing Orders already excluded motions and petitions for debate at Annual Council and agreed that public questions and Standing Order 15 questions could also be removed. However, the Working Group emphasised that should there be urgent business that required a Council meeting, one could be requested of the Mayor or, as permitted by the Local Government Act 1972, and as set out in the Constitution, requisitioned by an appropriate number of Members.
  - 3.1.1 Members are invited to approve the changes to Council Standing Orders relating to Annual Council as attached at Appendix One.

### Updating the Scheme of Delegations (part 8 of the Constitution)

- 3.2 The law and the Constitution already provide for a wide range of delegations to Officers to make decisions. Members exercise oversight of this firstly through the

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# Amendments to the Constitution and Delegated Decision-making

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annual review and adoption of the constitution and secondly through the consultation process as part of the use of those delegated powers. The latter has come to mean using a Cabinet Member Briefing Note although the Current constitution only prescribes this method for a limited number of circumstances.

- 3.3 The format of the Scheme of Delegations is also historical and reflects a time when the Council's officer structure was not as dynamic as it is now to face ongoing challenges to meet rising expectations, higher demand, and more limited finances. As Members will be aware, the Chief Executive as head of paid service already has the power to rename posts and reallocate functions in order to deliver the policies and priorities set by Councillors.
- 3.4 Members are invited to support the following amendments, which are set out in full in a track-changed document attached at Appendix Two:
- 3.4.1 Authorise the Chief Executive to undertake any delegation that Members have previously authorised at Annual Council on 17th May 2019 (Council Minute 11 2019/20 refers) and at Council on 20th February 2020 or reallocate these to other officers in order to ensure the efficient dispatch of the Council's business.
- 3.4.2 To update the Scheme of Delegations to reflect current post titles and reporting lines without changing the delegation numbers.
- 3.4.3 The Chief Legal Officer, in consultation with the Leader of the Council, the leaders of the other political party groups and the Chief Executive be authorised to add to or vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business.

## Reviewing the Council's Decision-making processes

- 3.5 The Council derives its formal decision-making processes from statute, regulations, and local practice and these are set out in the Constitution. Although the Council adopted the strong leader-Cabinet executive model on 16<sup>th</sup> December 2011 (Council Minute 87 refers), the decision-making processes were not updated at that time and all key or strategic decisions (as defined in Article 13 of the Constitution) are reserved to Cabinet alone.
- 3.6 Legislation permits the Leader of the Council to delegate making decisions, including key ones, to Cabinet, Cabinet Members, or senior officers (The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012). Currently, the Constitution excludes the ability to delegate key or strategic decisions (as defined in Article 13) and reserves them to a meeting of Cabinet (Paragraphs 3 and 4, Responsibility for Functions, Part 3 of the Constitution).

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# Amendments to the Constitution and Delegated Decision-making

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The Localism Act 2011 and subsequent secondary legislation also provides the ability to delegate decisions to officers.

- 3.7 The local authority is now involved in numerous partnerships with other public agencies as well as with central government. These may require the local authority to take decisions within time constraints that would allow for Scrutiny, but not the full Cabinet-based approach.
- 3.8 If Members are supportive of the proposals to allow more flexibility in how the Council makes key or strategic decisions, it would also be necessary to update the reference in the Responsibility for Functions (part 3 of the Constitution). The amendments would retain transparency and because all key and strategic decisions would have to be listed in Cabinet's work programme and forward plan 28 clear days before a decision is made.
- 3.9 Where the decision was urgent, the Constitution's Special Urgency rules would continue to apply. These include obtaining the Chair of Scrutiny's consent that the decision is urgent, reporting the decision to the next meeting of Cabinet, and at least once a year, reporting on the use of Special Urgency to Council. Otherwise all delegated Cabinet decisions would still be liable to call-in under the Council's existing procedures.
- 3.10 Members are also invited to review the scope of delegated decision making powers to officers. Article 14.06 (Part 2 of the Constitution) provides the existing delegation to the Chief Executive, Corporate Directors, Directors and Heads of Service to carry out operational, management and administration functions within their areas of responsibilities. The Article lists a number of specific areas in which officers can act, but specifies this "... when required under Civil Contingencies and emergency planning legislation". Other local authorities have more explicit delegations to cover emergency circumstances.
- 3.11 Given that the any pandemic such as the ongoing Covid-19 Corona virus may have a number of infection peaks, each of which could adversely affect the ability of Members and Officers to make decisions, Members are invited to consider adopting the augmented wording to Article 14.06 as set out in Appendix Three
- 3.12 With regard to how the delegated powers in Part 8 of the Constitution are authorised, the Constitution adopted in May 2019 states the following. "...A Cabinet Member Briefing Note should be used when officers are to make decisions of a "high-profile" or potentially contentious nature and where the agreement of the Cabinet Member with portfolio responsibility for the service concerned is felt to be necessary either for the use of the delegated power or to confirm that the decision should not be made at Member level. However, custom and practice has evolved into the use of a Cabinet Member Briefing Note as a means of exercising all powers in Part 8, and has added an additional and

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# Amendments to the Constitution and Delegated Decision-making

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unintended level of bureaucracy to decision making. It is therefore intended that decisions that are not 'high profile' or contentious in nature shall be made using the. Officer Decision Notices to record these and make them public where required.

- 3.13 To allow the process to reflect what the current constitution says as well as to ensure both efficient and accountable decision-making, Members are invited to support the following proposals: The full, track-change text is attached at Appendix Three
- 3.13.1 To augment the wording of Article 14.06 to allow Officers to act once the Chief Executive has activated the "Gold command"/strategic response to an incident.
- 3.13.2 To clarify the consultation and endorsement process required so that it is proportionate and permits electronic signatures.
- 3.13.3 To revise the scope of who may make key or strategic decisions in line with legislation, to permit the Leader of the Council to determine whether they shall be made by Cabinet, a Cabinet Member, or a senior officer.
- 3.13.4 To permit decisions that are neither high profile nor contentious and which would otherwise have been made and publicised through the Council's website using Cabinet Member Briefing Notes to be made, recorded, and made public via the Officer Decision Note process.
- 3.14 The key principles behind any changes to the delegations are that the Leader or designated Cabinet Members must be consulted, the scope of any delegations needs to be proportionate, and that the decisions must be documented appropriately.

## Granting Leave of Absence to avoid disqualifying Members

- 3.15 Under Section 85(1) of the Local Government Act 1972, if a councillor does not attend a meeting for six months, her or his seat can be declared vacant unless that councillor had obtained approval from Council to be absent prior to this six-month deadline. Previously, Council has made such a decision as a collective body (Council Minute 70, 8<sup>th</sup> November 2017 refers).
- 3.16 In the current medical emergency, given that meetings may be cancelled, Members may have to self-isolate, or Members may have additional care duties at short notice that last for a period of time, there is a risk that a councillor could by accident fail to attend a meeting in six months. To avoid this possibility it is recommended that Cabinet recommends to Council that

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Date: 22<sup>nd</sup> April 2020

3.16.1 The Chief Legal Officer be authorised on behalf of Council to grant a leave of absence for reasons relating to Coronavirus Covid-19 to any Councillor who may apply.

3.17

3.18

3.18.1

## Financial Procedure Rules and Contract Standing Orders – Part 4 of the Constitution

3.19 In order to comply with legislation and regulation, the Council has adopted necessary rules to regulate its financial management and procurement processes. These provide clear guidance for staff and ensure that there is adequate transparency and accountability for all financial transactions.

3.20 As part of the national response to the ongoing Covid-19 emergency, the government has issued Procurement Policy Note 01/20 updating the rules on how the Council may procure goods and services. These rules could be subject to further amendment and at short notice.

3.21 Given that the local council spends a considerable amount on goods and services and in order not to delay any this process so as to support those suppliers, Members are invited to approve the following recommendation.

3.21.1 The Corporate Director of Finance and Assets, in consultation with the Leader of the Council, the Cabinet Member for Finance, and the Chief Legal Officer, be permitted to review and update the Council's Financial Procedure rules and Contract Standing orders

## Other Changes to decision making processes and issues

3.22 It is custom and practice for Cabinet Members to sign Cabinet Member Decision Notes and Briefing Notes. Given the current medical advice for people to avoid coming to offices, it seems prudent to permit the use of electronic signatures.

3.23 The Electronic Communications Act 2000 makes provision for the use of Electronic signatures. This legislation also enables the Council to complete contracts and deeds by electronic means. It is considered appropriate to review this and to implement processes to facilitate this to make provision for the immediate need to avoid coming into offices and to streamline processes to provide for efficient modern and effective services.

3.23.1 It is therefore proposed that the Chief Legal Officer and the Corporate Director of Finance and Assets be authorised to review and if appropriate

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# Amendments to the Constitution and Delegated Decision-making

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to implement suitable proposals for the completion of documents by electronic methods, subject to approval of any proposals by the Leader, the Cabinet Member for Finance, Education, and Skills, and the Cabinet Member for Customer Services and Organisational Excellence.

- 3.24 For the purpose of identity, the registered email address used for such electronic signatures shall be Members' Council (@swindon.gov.uk) addresses.

## 4. Alternative Options

- 4.1 Members could choose not to recommend the changes to the Council's Constitution. However, this could adversely affect the authority's ability to respond effectively in a timely manner.
- 4.2 Members could choose not to recommend the changes to Council Standing Orders. This would run counter to the practice of making Annual Council a civic spectacle.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 There are no specific financial or procurement implications from this report. Any proposed changes to financial procedure rules will address those issues at that time.

### Legal and Human Rights Implications

- 5.2 It is important that the Constitution enables the Council to operate in an efficient effective and modern and way that is open and transparent. The proposed changes to the Constitution enable the Council to do this and also provide the ability for the Council to provide appropriate and swift responses to emergency situations.
- 5.3 Legal and human rights implications have been taken into account in preparing this report. It is considered that the recommendations are compatible with Convention Rights.

### Climate Change Impact

- 5.4 The proposals would not bring a change in service delivery and Officers believe that there is no expected effect on the Council's carbon footprint.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 None.

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# Amendments to the Constitution and Delegated Decision-making

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## Diversity Impact Assessment

- 5.6 No Diversity Impact Assessment (DIA) has been undertaken as this report proposes no change in services. Any formal decisions will consider the need for a DIA as it might affect any of those in the statutory protected characteristics or the locally adopted additional categories of children in care and care leavers (Cabinet Minute 54, 4<sup>th</sup> December 2019 refers).

## Risk Management

- 5.7 None.

## **6. Consultees**

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None.

## **8. Appendices**

- 8.1 Appendix One: Draft Standing Orders (Part 4 of the Constitution) with and without track changes
- 8.2 Appendix Two: Draft Scheme of Delegations (Part 8 of the Constitution) with and without track changes
- 8.3 Appendix Three Draft Amendments to Decision Making (Parts 2 and 3 of the Constitution) with and without track changes

8.4

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is not a Key Decision and is not included in the Cabinet Work Programme and Forward Plan.

# Council Procedure Rules

## —(Standing Orders)

### 4. ORDER OF BUSINESS

4. - (1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-

- (a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
- (b) To deal with any business required by statute to be done before any other business.
- (c) To receive such communications as the Mayor or the Chief Executive may desire to lay before the Council.
- (d) To approve as a correct record and sign the minutes of the previous meeting of the Council
- (e) To receive any declarations of interest from members of the Council.
- (f) To permit the asking of questions by members of the Public in accordance with Standing Order 11 (with the exception of the Annual Meeting of Council).
- (g) To dispose of business (if any) remaining from the last meeting.
- (h) To receive and consider reports from officers in relation to:
  - the appointment of the Leader of the Council;
  - the appointment of Chairs and Vice-Chairs of such Committees and other Council bodies as the Council may decide;
  - political balance;
  - the appointment of Committees and other Council bodies;
  - the Council's Constitution;
  - appointment to other bodies;
  - dates and times of Council meetings; and
  - such other matters as the Chief Executive shall determine
  - and to pass any consequent resolutions; on receipt of such reports any member may propose a motion in relation to such matters and once a motion has been seconded and discussed and any proposed amendments disposed of, the Mayor shall put the motion to the vote. If further motions are required to deal with such matters the same procedure shall be followed.
- (i) To consider petitions for debate referred to Council under the Council's Petitions Scheme, as referred to in Part 4 of the Constitution (with the exception of the Annual Meeting of Council or at an extraordinary meeting of the Council, which is not convened to consider the subject matter of the petition).
- (j) To receive and consider those minutes of Cabinet /Committees that are reserved to Council for decision under the Council's Constitution (with the exception of the Annual Meeting of Council). These may be considered as part of relevant Cabinet or Committee Report).
- (k) To consider notices of motion in the order in which notice has been received (with the exception of the Annual Meeting of Council),
- (l) To receive and consider reports relating to those community strategies, key policies and plans referred to in Article 4 of Council's

Constitution (with the exception of the Annual Meeting of Council).

- (m) To receive and consider any reports from the relevant Chair on any conflict between decisions and recommendations of the Cabinet and of an Overview Committee or the Scrutiny Committee (with the exception of the Annual Meeting of Council).
- (n) To receive and consider any reports from the Chair of the Scrutiny Committee on the reasons for refusing requests for scrutiny under the scrutiny call in process. The process being described in Part 4 of the Constitution (with the exception of the Annual Meeting of Council).
- (o) To receive and consider written reports from the Cabinet and from Cabinet members on decisions taken relating to their portfolio responsibilities (with the exception of the Annual Meeting, Budget and Council Tax Setting Meeting and any extraordinary Council meetings).
- (p) To receive and consider reports of chairs on the minutes of committees and other bodies (with the exception of the Annual Meeting, Budget and Council Tax Setting Meeting, and any extraordinary Council meeting).
- (q) To answer questions asked under Standing Order 15 (with the exception of the Annual Meeting of Council).
- (r) Other business, if any, specified in the summons.

(2) Business falling under items (a) or (b) of paragraph (1) shall not be displaced, but, subject thereto, the foregoing order of business may be varied:

- (a) by the Mayor at his/her discretion;
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **Part 8**

# **Scheme of Delegations and Designations of Proper Officers**

**SWINDON BOROUGH COUNCIL**

**SCHEME OF DELEGATIONS  
DESIGNATIONS OF "PROPER OFFICERS"**

~~May~~ March 20192020

## KEY

Chief Executive	CE
<u>Corporate</u> Director of Finance <u>and Assets</u> (s151 Officer)	<u>CDFCDFAA</u>
Head of Revenues and Benefits	HRB
Head of Property Assets	HPA
Chief Legal Officer	CLO
Chief Operating Officer	COO
Chief Legal Officer <u>and Monitoring Officer</u>	CLO
Head of Customer Services, Registrars and Bereavements	HCSR
Director of Human Resources & Organisational Development	DHROD
Head of Internal Audit	HIA
<del>Corporate Director Communities and Housing</del> (Communities)	<del>GDCHDO</del>
Head of Housing	HH
Head of Streetsmart	HS
<del>Head of Highways</del> Head of Highways and Transport, and New Eastern Villages Programme Lead	<del>HH</del> HHTNEV
Head of Planning, Regulatory Services and Heritage	HPRSH
Corporate Director of Children's Services	CDCS
Corporate Director of Adult Social Services	CDASS
Director of Housing	DH
Director of Public Health	DPH

# Swindon Borough Council - Scheme of Delegations ~~2019~~2020/2021

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## SCHEME OF DELEGATIONS

### General

- (a) This scheme of delegations is part of the Council's Constitution and sets out the powers/functions delegated to ~~specific~~ officers.
- (b) All references to Acts, Orders, regulations etc. in the Scheme of Delegations shall be deemed to include references to amending, substituted or extending legislation in force from time to time.
- (c) Any reference to the power to prosecute or to enforce the provisions of any Act, Order or Regulation etc., or to commence or institute legal proceedings in respect of any matter shall include the power to decide whether to prosecute, enforce provisions or judgements or commence proceedings, as well as all other action in the matter (including in appropriate cases, the power to withdraw proceedings).
- (d) Any officer or officers exercising powers under the Scheme of Delegations shall have regard to any resolution of the Council on any matter of principle or policy relating to the power being exercised and shall consult, as appropriate, with the relevant Cabinet Member and/or Ward Councillor(s). ~~A~~ Cabinet Member Briefing Note should only be used as a means of consultation when officers are to make decisions of a "high-profile" or potentially contentious nature and where the agreement of the Cabinet Member with portfolio responsibility for the service concerned is felt to be necessary either for the use of the delegated power or to confirm that the decision should not be made at Member level.
- (e) To facilitate the accountability, openness, transparency and scrutiny of decisions made under delegated authority, any officer dealing with a matter under a delegated authority shall keep an adequate record of the exercise of that power in accordance with the Council's reporting arrangements, in a form determined by the Chief Legal Officer.
- (f) In any case where an Officer is appointed or authorised to exercise powers and/or functions under the Scheme of Delegation s/he may
  - (i)      authorise such other Officer under his or her direct control to exercise the powers and/or functions on his/her behalf as s/he may determine and
  - (ii)      may make such arrangements for the exercise of such powers and/or functions in the event of his/her being absent or otherwise unable to act, by any other Officer of the Council under his/her direct control as s/he considers appropriate; subject to such authorisation and /or such arrangements being in written form indicating the Officers empowered to exercise the powers and/or functions, and the powers and/or functions involved, and to a copy being lodged with the Chief Legal Officer.

- (g) The Chief Executive, Corporate Directors, Chief Operating Officer, Directors and Heads of Service, and other officers nominated by them, in consultation with the appropriate Cabinet Member, are authorised to approve Members' attendance at external conferences, courses, seminars and similar meetings.
- (h) The Chief Executive, Corporate Directors, Chief Operating Officer, Directors and Heads of Service, and other officers nominated by them, are hereby authorised to enter and inspect land and premises and carry out tests in pursuance of such of the Council's statutory functions as are within their respective terms of reference, and to act as designated officers in any contracts entered into by the Council which are being administered by them.
- (i) The Chief Legal Officer is authorised to affix the Common Seal to contracts required by Standing Orders to be executed under the Common Seal and to all other documents required to be sealed, including the use of electronic seals where possible.
- (j) ~~Except when acting in an emergency situation, The Chief Executive, Corporate Directors, Chief Operating Officer, Directors and Heads of Service are authorised to exercise the 'General Power of Competence' in their respective service areas, in consultation with the relevant Cabinet Member through the Cabinet Member Decision Note process~~ . The Chief Executive, Corporate Directors, Chief Operating Officer, Directors and Heads of Service are authorised to exercise the 'General Power of Competence' in their respective service areas, in consultation with the relevant Cabinet Member and relevant Ward Councillors, provided that any resource implications are fully assessed and can be contained within existing budgets and, except in an emergency or urgent situation, are in accordance with the following Protocol for delegated use of the power:-
- ~~Publish proposals in Members Bulletin~~
  - a) Identify the relevant resource and service planning.
  - b) Give time period for responses.
  - c) Confirm that the proposals are legal and funded.
  - d) If no objection from Ward Councillors, Cabinet Member or other Members, proceed and produce a Cabinet Briefing Note to confirm action.
  - e) If objections or other proposals are raised, do not proceed without agreement of Cabinet or the Leader.
- (k) In an Emergency situation, the Chief Executive, Chief Operating Officer and Corporate Directors, following consideration at a Gold Meeting, are authorised to exercise the 'general power of competence' in their respective service areas in consultation with the Leader and the relevant Cabinet Member, and ~~Where~~ a matter would ordinarily be reported to full Council, following consideration by the section 151 officer and in consultation with the Leaders of all political Groups, provided such decisions are recorded using a Officer Decision Note and are reported to the next appropriate Cabinet or Council Meeting
- (l) If necessary, in the best interests of the Council, the Chief Executive is authorised to act in any urgent situation, subject to consultation with the

Leader or in his absence, the ~~Mayer~~Deputy Leader, -and provided that such use of power is referred to the next appropriate meeting of Cabinet or Council with an explanation for the use of such power.

- (~~km~~) In the event of any of the Corporate Directors, Chief Operating Officer, Director or Head of Service posts being unfilled or removed from the establishment, the Chief Executive shall be authorised to appoint an appropriate officer to carry out the duties of that post, unless statute otherwise directs
- (~~ln~~) In the event of any post exercising delegated powers being unfilled or no longer on the establishment, or for operational necessity to maintain the Council's services the Chief Executive may authorise such delegation to be exercised by such other officer under his or her direct control as he/she may determine, including by the Chief Executive, subject to
- (i) such arrangements being in written form, indicating the officers empowered to exercise that delegation, and
  - (ii) to a copy being lodged with the Chief Legal Officer (Monitoring Officer).
  - iii) In the absence of any such authorisation, the Chief Executive shall be empowered to exercise the delegated authority.
- (~~mo~~) With regard to Article 15.03, that changes to the Constitution will only be approved by the full Council (or Special Committee), such article will not apply in relation to proposed changes in the job title and delegations to of an officer in the Council's Management Structure (Part 7 of the Council's Constitution refers). The approval of such changes is delegated to the Chief Executive (rather than by Council or Special Committee), in consultation with the Group Leaders, with the Chief Legal Officer then authorised to make the necessary changes to the Management Structure chart in the Constitution.

## CHIEF EXECUTIVE

Subject/ Enabling Statute	Authority	
Inspections		CE
1	Inspections Local Government Changes for England Regulations 1994 Paragraph 26(2)	With the Chief Legal Officer, together with such other officers as they shall determine, to be authorised to inspect and take copies of any books, documents, papers or records of whatever description, wherever held and in whatever form.
Indemnities		CE
2	Indemnities Local Authorities (Indemnities for Members and Officers) Order 2004	To approve the granting of an indemnity in accordance with the Council's Indemnity Policy.
Council's Management Structure		CE
3	Changes in the job title of an officer <a href="#">and responsibilities</a> in the Council's Management Structure	To approve changes in the job title <a href="#">-and role-</a> of an officer in the Council's Management Structure in consultation with the Group Leaders. ( <i>The Chief Legal Officer is authorised to make consequent changes to the Management Structure chart <a href="#">and scheme of delegations</a> in the Constitution.</i> )



<b>Elections</b>		<b>CE</b>
4	Elections	To be (a) the Electoral Registration Officer for the Constituencies of North Swindon and South Swindon, and (b) the Returning Officer for the elections of Councillors of the Borough of Swindon and Councillors of Parish Councils within the Borough, and the conduct of other elections and referenda under relevant legislation.

## CORPORATE DIRECTOR OF FINANCE AND ASSETS (S151 OFFICER)

**Subject/  
Enabling Statute**

**Authority**

### Council - Financial Management

**CDF  
A**

5	Financial Management of the Council <i>Accounts and Audit (Amendment)(England) Regulations 2006</i>	To be responsible for ensuring that the Financial Management of the Council is adequate and effective and has a sound system of internal control which facilitates the effective exercise of its functions and which includes the management of risk.
6	Award of Government Grants	In consultation with the appropriate Cabinet Member, to be the authorised officer to accept the award of Government Department grants.

### Council Tax and National Non-Domestic Rates

**CDF  
A**

7	Collection and General funds <i>Local Government Finance Act 1988</i>	To establish, maintain and manage a Collection Fund and General Fund.
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### Core Finance

**DFC  
DFA**

8	Accounting policies and procedures <i>Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976</i>	To determine accounting policies and procedures in accordance with legislative provisions and professional codes of practice.
9	Writing off losses	To write off losses and deficiencies of stocks and stores or irrecoverable amounts in accordance with Financial Regulations.
10	Investment	To invest and reinvest monies forming part of all funds under the control of the Council.

<b>Subject/ Enabling Statute</b>		<b>Authority</b>
<b>Core Finance</b>		<b>CDF A</b>
11	Loans	To borrow from the Public Works Loans Board or such other sources as may be deemed advisable such sums as may be required.
12	Premature repayment of loans	To approve the premature repayment of loans made to the Council.
13	Determination of Rate of Interest <i>Public Health Acts or the Housing Acts</i> <i>Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976</i>	To determine what reasonable rate of interest should be charged on any outstanding cost in relation to work carried out by the Council in default and on any expense in accordance with Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976.
14	Banking arrangements	To make and manage such banking arrangements as may be deemed necessary.
15	Banking arrangements - collection and payment	To make arrangements for the collection and payment into the Authority's bank accounts of all monies due to the Council.
16	Leasing of Assets	To negotiate and agree leasing arrangements in relation to asset acquisitions.
17	Superannuation and retirement due to ill health or disability	In accordance with such Council policies as may from time to time be determined, to implement in favour of any employee or his/her dependants, the legislation, rules and regulations relating to Superannuation, retirement due to ill health or disability and any payments or gratuities arising and to exercise any options open to the Council hereunder.
18	Insurance	To manage the Council's insurances.
19	Children in Care - Acceptance of money or other gifts from third parties	Jointly with the Chief Legal Officer, to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Core Finance</b>		<b>CDFA</b>
20	Purchase Agency Agreements	To enter into such "Purchase Agency Agreements" as are considered consistent with current Council Policy.
21	Magistrates Courts and Probation Services	To authorise capital or revenue expenditure in excess of approved estimates where the item is supported and funded in full or in part by the Lord Chancellor's Department and/or Home Office.
22	Signing and endorsement of cheques etc.	To sign and endorse cheques, certificates and the like on behalf of the Council.
23	Debt Management	To write off irrecoverable amounts in accordance with the Corporate Debt Management Policy.
24	Mortgage Interest Rates	To vary the Council's mortgage interest rates in accordance with variations in the Standard National Rate.

<b>Grants</b>		<b>CDFA</b>
25	W.G. Little Scholarship and Band Concert Fund	In accordance with the agreed mechanism, to approve the making of grants to individuals and organisations up to a maximum of £1000.
26	Powell Ground Trust	In accordance with the agreed mechanism, to approve the making of grants to individuals.
27	Charles Langley Brooke Charity	In accordance with the agreed mechanism, to approve the making of grants to individuals.

<b>Money Laundering</b>		<b>CDFA</b>
28	Money Laundering <i>Proceeds of Crime Act 2002</i> <i>Money Laundering Regulations 2007</i> <i>Terrorism Act 2000</i>	To be responsible for devising, implementing and maintaining the Council's policies and procedures in relation to money laundering.

## HEAD OF REVENUES AND BENEFITS

<i>Subject/ Enabling Statute</i>		<i>Authority</i>
<b>Council Tax and National Non-Domestic Rates</b>		<b>HRB</b>
29	Council Tax and National Non-Domestic Rates discounts and exemptions <i>Local Government Finance Acts 1988 and 1992</i>	To administer & review Council Tax and National Non-Domestic Rates discounts and exemptions in accordance with the Local Government Finance Acts 1988 and 1992.
30	Billing and Collection	To bill and collect the Council Tax, National Non-Domestic Rate and Miscellaneous debts, including instituting and carrying on enforcement proceedings.
31	Mandatory and Discretionary Relief <i>Local Government Finance Act 1988</i>	To determine applications from charitable and non-profit making organisations for mandatory and discretionary relief in respect of liability for National Non-Domestic Rates in consultation with the Director of Finance (s151 Officer).
32	Village Shop Relief <i>Non-Domestic rating (Rural Settlements) (England) Order 1997</i>	To determine applications for discretionary rate relief from businesses in rural settlements ("Village Shop Relief") in consultation with the Director of Finance (s151 Officer).
33	Hardship Relief <i>Local Government Finance Act 1988</i>	To determine applications for discretionary relief from businesses sustaining hardship Rates in consultation with the Director of Finance (s151 Officer).
34	Legal Proceedings <i>Section 223(1), Local Government Act 1972</i>	To (a) prosecute or defend on behalf of the Council or (b) appear on the Council's behalf in proceedings before a Magistrates Court, in relation to the Council Tax, Community Charge and the National Non-Domestic Rate Rates in consultation with the Director of Finance (s151 Officer).

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Council Tax and National Non-Domestic Rates</b>		<b>HRB</b>
35	<p>Tribunal guidance that all local Councils should adopt policies for discretionary discounts</p>	<p>In consultation with the Cabinet Member Finance and Corporate Services and the Director of Finance (s151 Officer) be authorised to:</p> <ul style="list-style-type: none"> <li>• determine applications for Council Tax Discretionary Discounts.</li> <li>• determine applications for exemption from the Council Tax Empty Homes Premium.</li> </ul>

<b>Recovery</b>		<b>HRB</b>
36	Distraint and Recovery	To distraint (taking control of goods) for rent, council tax and national non-domestic rates owing to the Council and recover costs to which the Council are entitled.

<b>Benefits</b>		<b>HRB</b>
37	<p>Administration of Benefits Schemes  <i>Housing Benefit (General) Regulations 1987</i>  <i>Council Tax Benefit (General) Regulations 1992</i>  <i>Community Charge Benefit (General) Regulations 1989</i></p>	To administer the Council Tax and Housing Benefits Schemes in accordance with current legislation.
38	<p>Discretionary Housing Payments  <i>Discretionary Financial Assistance Regulations 2001 and Local Welfare Assistance Payments</i></p>	To determine applications for discretionary housing payments and any similar discretionary payment scheme in consultation with the Director of Finance (s151 Officer).
39	<p>Fraud Investigation  <i>The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013</i></p>	In conjunction with Internal Audit, to undertake fraud investigations and implement sanctions.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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	<b>Benefits</b>	<b>HRB</b>
40	Contract for outsourced Benefits services	To be the Council's "Authorised Officer" as defined in the contract for outsourced Benefits and Revenues services.
41	Partial Empty Rate Relief <i>Section 44A of the Local Government Finance Act 1988</i>	To grant partial empty rate relief in respect of hereditaments which are partly occupied.

## HEAD OF PROPERTY ASSETS

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
<b>Property Services</b>	
	<b>HPA</b>
42 Applications for Vendor Consent	To determine applications for vendor consent in respect of (a) non-residential properties, and (b) community buildings in consultation with the Chief Executive and relevant Cabinet Member(s) and Ward Members.
43 Acquisition or Disposal of land	<p>In agreement with the Chief Legal Officer, the Director of Finance (s151 Officer) and the appropriate Officer(s) and Cabinet Member(s) <u>in all matters</u> (and following consultations at both the initial and detailed stages with the relevant ward councillors in respect of (a), (b) and (c) <u>for transactions above £500,000</u> and in respect of (e) following consultation with tenant farmers representatives), <u>to</u></p> <p>(a) <del>to</del> agree terms for the disposal of land and property interests up to a value of £1m,</p> <p>(b) <del>to</del> investigate, evaluate, negotiate and agree terms for land and property acquisition up to a value of £1m,</p> <p>(c) <del>to</del> agree terms in respect of the Council's leasehold and freehold estate, <u>and</u></p> <p>(d) <del>to</del> carry out commission valuations, <del>and (e) to approve, acquire and dispose of milk quota assets relevant to the effective management of the Borough Farm Estate.</del></p>
<b>Right To Buy</b>	
	<b>HPA</b>
44 Right to Buy <i>Housing Act 1985, the Housing and Planning Act 1986 and the Housing Act 1988 and the Leasehold Reform, Housing and Urban Development Act 1993</i>	<u>In conjunction with the Chief Legal Officer, <del>to</del></u> carry out the Council's functions concerning the Right to Buy.



<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Assets of Community Value</b>		<b>HPA</b>
45	Localism Act 2011	To maintain the List of Assets of Community Value and take all necessary steps to promote and implement the proposed arrangements.

<b>Mapping Services</b>		
46	Mapping Services <i>Mapping Services Agreement (MSA)</i>	In conjunction with the Chief Legal Officer, to discharge the Council's duties under the MSA.
		<b>HPA</b>

## DIRECTOR OF HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Recruitment and Selection</b>		<b>DHROD</b>
47	Employment Practices	To implement any other matters relating to such employment practices as may have been approved by the Council.
48	Grading of Posts	To determine the grading of posts.
49	Lodging Allowances	To approve requests for extensions to the Council's Lodging Allowance Scheme.
50	Disclosure and Barring Service	To undertake the role of lead Counter signatory on behalf of the Council.

<b>Employee Relations</b>		<b>DHROD</b>
51	Trades Unions	To negotiate on behalf of the Council with any Trades Union recognised by the Council in respect of i) industrial action being taken or threatened by employees and ii) the terms and conditions of employment of Council employees.

<b>Employer Discretion Policy</b>		<b>DHROD</b>
52	Local Government Pension Scheme <i>Local Government Pension Scheme (Administration) Regulations 2008</i> <i>(Administration) Regulations 2008</i>	To determine the exercise of the Council's discretion in relation to the Employer Discretion policy, in consultation with the Director of Finance (s151 Officer) and the relevant Cabinet Member and other Corporate Director.

<b>National and Provincial Negotiations</b>		<b>DHROD</b>
53	National and Provincial negotiations	To implement the decisions of national and provincial negotiating bodies.

## CHIEF LEGAL OFFICER

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Court Proceedings</b>	
<b>CLO</b>	
54 Legal Proceedings - Magistrates' Court, Crown Court and the Higher Courts	To prosecute, institute or defend any legal proceedings on behalf of the Council, and to appear on their behalf, and to conduct proceedings in the Magistrates' Court and the Crown Court and the Higher Courts and in any other forum.
55 Legal Proceedings - County Court, High Court and any other Tribunal	To institute and carry on, or defend civil proceedings in the County Court or High Court or any other Tribunal (including proceedings for an Injunction) on behalf of and in the name of the Council and to take such enforcement action in the Court proceedings as may be considered appropriate.
56 Legal Proceedings - Parking Offences <i>Section 112 of the Road Traffic Regulation Act 1984, Section 35(4) of the Road Traffic Regulation Act 1984 Section 112(4) of the Road Traffic Regulation Act 1984</i>	(i) To require information from any person as to the identity and address of the driver of the vehicle who is alleged to have committed an offence under Section 35(4) of the Road Traffic Regulation Act 1984, (Failure to comply with or contravention of Off-Street Parking Places Order); and (ii) To institute legal proceedings against any person who fails to give information requested under paragraph (i) above.
57 Legal Proceedings - Conclusion and Settlement	To conclude or settle any legal proceedings to which the Council is a party or in order to avoid legal action.
58 Solicitor to the Council	To act as Solicitor to the Council and to instruct other Solicitors or Barristers to represent the Council.
59 Removal of Vehicles/Property <i>Section 78 of the Criminal Justice and Public Order Act 1994</i>	At the request of the relevant Director, where appropriate to apply to the Magistrates Court for an order providing for the removal of any vehicle or other property present on land within the Borough Council's area, and any person residing in a vehicle.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Court Proceedings</b>	
<b>CLO</b>	
63 Legal Proceedings – Advertisements <i>Town and Country Planning Act (1990) – Section 224</i>	At the request of the Head of Streetsmart, <a href="#">where appropriate</a> to prosecute pursuant to Section 224 of the Town and Country Planning Act (1990) any person who displays an advertisement in contravention of the regulations under section 220 of the Town and Country Planning Act 1990.
64 Legal Proceedings – Housing and Council Tax Benefits Fraud <i>Sections 111, 112 and 116 of the Social security Administration Act 1992 and Section 35 of the Fraud Act</i>	To prosecute and delegate the authority for the prosecution of cases of Housing and Council Tax Benefits Fraud: S111 - Dishonestly making false claims or statements or withholding information about relevant changes S112 - Knowingly making false claims or statements or withholding information about relevant changes (Section 112) S116 - to give authority to prosecute or delegate authority under section 111 or 112 for cases where the offence may have been committed in excess of 12 months previous, but the offence has only recently been discovered. S35 (Fraud Act) – fraud by false representation and fraud by failing to disclose information.

Health and Public Protection		CLO
65	Certificates in respect of Summary Proceedings <i>Section 34(3) of the Health and Safety at Work etc. Act 1974</i>	to issue certificates in respect of summary proceedings for an offence under Section 34(3) of the Health and Safety at Work etc. Act 1974.
66	Burial Grants	To issue burial grants for such periods up to 100 years as he shall determine.
67	Right of Burial <i>Local Government Act 1972 and the Cemeteries Order</i>	To sign grants of right of burial.
68	<del>Health and Safety Explosives Act 1875 Explosives Act 1975 Health and Safety at Work etc. Act 1974 Fire Precautions Act 1971</del>	<del>To be an inspector and exercise the Council's functions.</del>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Planning and Development Control</b>		<b>CLO</b>
69	Planning Agreements <i>Section 106 of the Town and Country Planning Act 1990, and Sections 38 and 278 of the Highways Act 1980</i>	On the request of the Head of Planning, Regulatory Services and Heritage, to enter into Planning Agreements.
70	Planning Notices <i>Sections 171C, 172, 183, 187A, 187B and 215 of the Town and Country Planning Act 1990 (as amended) and Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)</i>	On the request of the Head of Planning, Regulatory Services and Heritage <a href="#">where appropriate</a> , to: (a) issue or withdraw notices and; (b) serve notices requisitioning information needed prior to the issuing of notices under (a) above; except that this Authorisation does not extend to breaches of planning control which would have constituted major development had the development been the subject of a planning application or breaches of planning control which are in accordance with the approved or draft development plan.
71	Community Infrastructure Levy Regulations, 2010 (as amended)	On the request of the Head of Planning, Regulatory Services and Heritage, to provide advice on the interpretation and application of the CIL Regulations and the issue of the CIL Notices and undertake CIL Enforcement Action.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Housing</b>		<b>CLO</b>
72	Notices and Possession Action <i>The relevant Housing Acts and the Law of Property Act 1925</i>	To sign notices and take possession action under the Housing Acts, to sign notices to determine licences and notices to quit premises held under non-secure tenancies. <i>(The authorisation to sign notices under Section 83 of the Housing Act 1985 is exercised concurrently with the Head of Housing Management and Community Safety)</i>

<b>Property</b>		<b>CLO</b>
73	Acquisition or disposal of land	To conclude agreements for the acquisition or disposal of land (including leasehold interest) as authorised by the Council or as requested by the Head of Property Assets in the exercise of his delegated powers.
74	Notices - Agricultural Tenancies	To sign notices in relation to agricultural tenancies.
75	Notices - Business Tenancies	To sign notices relating to business tenancies.

<b>Appointments</b>		<b>CLO</b>
76	Education Appeals Panels	To appoint suitably qualified persons to serve on Education Appeals Panels.
77	Wiltshire Valuation Tribunal	To exercise the Council's powers to fill tribunal vacancies, such appointments and lists of persons nominated to be reported to the Cabinet.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Town Twinning</b>		<b>CLO</b>
78	Town Twinning Grants	Within the resources available, and following consultation with the appropriate Cabinet Member, the Chief Executive and the Town Twinning Network, to approve grants to support twinning activities.

<b>Indemnities</b>		<b>CLO</b>
79	Indemnities <i>Local Authorities (Indemnities for Members and Officers) Order 2004</i>	To approve the granting of an indemnity in accordance with the Council's Indemnity Policy. To arrange additional insurance cover for legal costs for Members in relation to Code of Conduct claims and to extend the insurance cover for Libel and Slander claims made against them by capping the 10% Members Contribution at £1,000.
79b	To issue dispensations <u>to Members</u> regarding Council Tax (Section 33, Localism Act 2011)	For the Chief Legal Officer (Monitoring Officer) to grant any applications for a dispensation on the subject matter of Council Tax for a four year period.
79c	<u>To issue urgent dispensations to Members (Section 33, Localism Act 2011)</u>	<u>For the Chief Legal Officer (Monitoring Officer) to grant applications for urgent dispensations on any subject matter in between meetings of the Standards Committee.</u>

<b>Clean Neighbourhoods</b>		<b>CLO</b>
80	Cleaning up of land in private ownership <i>Clean neighbourhoods and Environment Act 2005 Section 215 of the Town and Country Planning Act (1990)</i>	At the request of the Head of Planning, Regulatory Services and Heritage, to issue notices requiring the clean-up of land in private ownership, where the amenity of the neighbourhood is adversely affected, and to take legal action if such notices are not complied with, including recovery of costs.



Anti-Social Behaviour		CLO
81	Community Protection Notices <i>Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	At the request of the Head of Housing and Community Safety, to seek Civil Injunctions and, where appropriate, make applications for breach.
82	Public Space Protection Orders <i>Chapter 2 Anti-Social Behaviour, Crime and Policing Act 2014</i>	To make Public Space Protection Orders following consultation with the appropriate Cabinet Member and relevant Officer.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>General</b>	
	<b>CLO</b>
83 Entering Premises	On the advice of the relevant Officer, to apply to a court for a warrant in order to enter premises or commence proceedings for obstruction where lawful entry has been refused.
84 Information as to Ownership and Occupation <i>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 330 of the Town and Country Planning Act 1990, and Section 93 of the Control of Pollution Act 1974</i>	To sign requisitions for information as to ownership and occupation on all persons having an interest in premises.
85 Data Protection and Freedom of Information <i>Data Protection Act 1998 Freedom of Information Act 2000</i>	To be responsible for devising, implementing and maintaining the Council's policies and procedures in relation to Data protection and Freedom of Information.
86 Petitions	To co-ordinate the receipt and consideration of petitions and to refer the matter to the appropriate Corporate Director, Director or Head of Service, Cabinet Member or Council body.
87 Children in care - Acceptance of money or other gifts from third parties	jointly with the Director of Finance (s151 Officer) , to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.
89 Investigatory Powers <i>Regulation of Investigatory Powers Act 2000</i>	To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>General</b>		<b>CLO</b>
90	Joint arrangements with Wiltshire Council	To renew the joint agreement with Wiltshire Council for the provision of support services to the Lord Lieutenant and High Sheriff of Wiltshire.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Amendments to the Constitution</b>		<b>CLO</b>
90A	Adding to or varying the constitution	in consultation with the Leader of the Council, the leaders of the other political party groups and the Chief Executive to add to or vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<p><b>HEAD OF CUSTOMER SERVICES, REGISTRARS AND BEREAVEMENTS</b></p>
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<b>Marriages and Registration Service</b>		<b>HCS RB</b>
88	<b>Fees</b> <i>Marriage Act 1994</i>	<p>On an annual basis, to increase fees charged by the Council under the provisions of the Marriage Act 1994 to ensure that the Council's costs are met.</p>

<b>Citizenship and Civil Partnership</b>		
91	<b>Non-standard Citizenship and other non-statutory Ceremonies, events and activities</b>	<p>To set future fees for non-standard Citizenship and other non-statutory Ceremonies, events and activities (including Weddings at the Civic Offices) in consultation with the Leader of the Council.</p>
92	<b>Civil Partnerships</b> <i>Civil Partnership Act 2004</i>	<p>To have overall responsibility for civil partnership issues within the Council, including authorising people to attest notices of proposed Civil Partnership and designating Civil Partnership Registrars. To set fees associated with Civil Partnership and associated ceremonies.</p>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>HEAD OF INTERNAL AUDIT</b>
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<b>Fraud Investigation</b>		<b>HIA</b>
93	Fraud Investigation <i>Social Security Administration Act 1992 &amp; The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013</i>	In conjunction with the Head of Revenues and Benefits, to undertake fraud investigations and implement sanctions.
94	Fraud Investigation <i>Prevention of Social Housing Fraud Act 2014</i>	In conjunction with the Head of Revenues and Benefits, to undertake investigations under the Fraud Act and the Prevention of Social Housing Fraud Act 2014

<b>Health and Safety</b>		<b>HIA</b>
95	Health and Safety <i>Explosives Act 1875 Explosives Act 1975 Health and Safety at Work etc. Act 1974</i>	To be an inspector and exercise the Council's functions. <i>(exercised concurrently with the Head of Planning, Regulatory Services and Heritage)</i>
96	Health and Safety at Work <i>Health and Safety at Work etc. Act 1974</i>	To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. <i>(exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage)</i>
97	Sanitary Conveniences in Workplaces <i>Section 65, Building Act 1984</i>	To serve notices requiring the provision of sanitary conveniences in workplaces. <i>(exercised concurrently with the Director of Public Health)</i>
98	Sunday Trading <i>Sunday Trading Act 1994</i>	To enforce the provisions of the Act. <i>((exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage)</i>

## DIRECTOR OF OPERATIONS (COMMUNITIES)

**Subject/  
Enabling Statute**

**Authority**

### Regeneration and Acquisition Fund

**CDCH  
DOO**

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| 99 | Regeneration and Acquisition Fund | In consultation with the Corporate Director, <del>Resources and Growth</del> <u>Finance and Assets (Section 151 Officer)</u> , the <del>Head Director</del> of Housing and the Cabinet Member with portfolio responsibility for Housing, to use the Regeneration and Acquisition fund of up to £1m, to purchase 1 and 2 Bedroom accommodation to enable these properties to be included with the Council's housing stock. |
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### Cleaner Neighbourhoods

**DOO**

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| 358 | Nuisance Parking Offences<br><i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i> | To exercise the powers of the Council in relation to the enforcement of Nuisance Parking Offences under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate. |
| 359 | Illegally parked Vehicles<br><i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i> | To exercise the powers of the Council in relation to the enforcement of Illegally parked Vehicles under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate. |
| 360 | Litter and Refuse<br><i>Part 3 of the Cleaner Neighbourhoods and Environment Act 2005</i>         | To exercise the powers of the Council in relation to the enforcement of litter and refuse under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.         |

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Cleaner Neighbourhoods</b>		<b>DOO</b>
361	Graffiti and other defacement <i>Part 4 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Graffiti and other defacement under Part 3 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.
362	Sale of aerosol paint to children <i>Anti-Social Behaviour Act 2003 section 54.</i> <i>Part 4 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of the provisions to prevent the sale of aerosol paint to children contained in the Anti-Social Behaviour Act 2003 section 54 as amended by Part 4 of the Cleaner Neighbourhoods and Environment Act 2005.
363	Abandoned Vehicles <i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Abandoned Vehicles under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005.
364	Transport of Waste <i>Control of Pollution (Amendment) Act 1989 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council to stop, search and seize vehicles believed to be carrying controlled waste or to have been used in the commission of an offence under these provisions and to take enforcement action including the use of fixed penalties when appropriate.
365	Offences relating to waste receptacles <i>Environmental Protection Act 1990 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to offences concerning waste receptacles and to take enforcement action including the use of fixed penalties when appropriate.
366	Removal of waste on land. <i>Environmental Protection Act 1990 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council requiring the owner of land to remove waste unlawfully deposited and to take enforcement action including the use of fixed penalties when appropriate.

Waste Management		DOO
369	Penalty notices for graffiti and fly-posting <i>Section 43 of the Anti-Social Behaviour Act 2003</i>	To issue fixed penalty notices against any person that an Authorised Officer of the Authority has reason to believe has committed a relevant offence in the area of the Authority. <i>(exercised concurrently with the Head of Streetsmart)</i>
370	Graffiti removal notices <i>Section 48 of the Anti-Social Behaviour Act 2003</i>	To serve graffiti removal notices upon any person who is responsible for a surface which has been defaced. This notice shall require that the defacement is remedied within a period specified in the notice of not less than 28 days. <i>(exercised concurrently with the Head of Streetsmart)</i>
371	Duty to produce authority transport controlled waste <i>Section 5 of the Control of Pollution (Amendment) Act 1989</i>	To stop and search any vehicle that appears to an Authorised Officer to be transporting waste in contravention of S.1 of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
372	Rights of entry and inspection etc. <i>Section 91 of the Control of Pollution Act 1974</i>	To allow Authorised Persons to enter upon any land or vessel in carry out their duties under the Provisions of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>



<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Waste Management</b>		<b>DOO</b>
373	Seizure and disposal of vehicles used for illegal waste disposal <i>Section 6 of the Control of Pollution (Amendment) Act 1989</i>	Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal. The Authority may dispose of the vehicle in accordance with the Provisions of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
374	Further enforcement provision <i>Section 7 of the Control of Pollution (Amendment) Act 1989</i>	To exercise provisions as prescribed in S. 91 to 94 of the Control of Pollution Act 1974. <i>(exercised concurrently with the Head of Streetsmart)</i>
375	Powers of authorities to obtain information <i>Section 93 of the Control of Pollution Act 1974</i>	To serve a notice on any person requiring him to furnish information, required by the Authority to carry out any functions conferred by the Act, to the Authority within a period or at a time specified in the notice and in a form so specified. To request the Chief Legal Officer to prosecute or caution any person failing to recognise the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
376	Powers of enforcing authorities and persons authorised by them <i>Section 108 of the Environment Act 1995</i>	To carry out all Provisions as prescribed in S.108 of the Act in relation to the "enforcing authority" including powers of entry. <i>(exercised concurrently with the Head of Streetsmart)</i>
377	Prohibition on unauthorised or harmful Deposit, treatment or disposal etc. of waste <i>Section 33 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against persons committing an offence in relation to this section. <i>(exercised concurrently with the Head of Streetsmart)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Waste Management</b>		<b>DOO</b>
378	Duty of care etc. as respects waste <i>Section 34 of the Environmental Protection Act 1990</i>	To serve notice requiring the production of information that is required to be kept in accordance with this section. To request the Chief Legal Officer to prosecute or caution any person failing to recognise the notice and prosecute or caution any person who has committed an offence under this section of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
379	Receptacles for household waste <i>Section 46 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of household waste in a manner prescribed by the Authority. To request the Chief Legal Officer to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
380	Receptacles for commercial industrial waste <i>Section 47 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of commercial or industrial waste in a manner prescribed by the Authority in the event that existing or proposed arrangements may be detrimental to the amenities of the locality. To request the Chief Legal Officer to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
381	Powers to require removal of waste unlawfully Deposited <i>Section 59 of the Environmental Protection Act 1990</i>	To serve notice on the occupiers of land to ensure removal of any waste deposited in contravention of Section 33 and to take steps with a view to eliminating or reducing the consequences of the deposit of the waste. To request the Chief Legal Officer to take prosecutions or issue cautions against any persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Waste Management</b>		<b>DOO</b>
382	Interference with waste sites and receptacles for waste <i>Section 60 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against any person interfering with waste receptacles provided by the Authority. <i>(exercised concurrently with the Head of Streetsmart)</i>
383	Offence of leaving litter <i>Section 87 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against any person dropping litter in a manner prescribed by the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
384	Fixed penalty notices for leaving litter <i>Section 88 of the Environmental Protection Act 1990</i>	To issue Fixed Penalty Notices against any person committing an offence under Section 87, in conjunction with the Head of Planning, Regulatory Services and Heritage and the Head of Streetsmart.
385	Litter control areas <i>Section 90 of the Environmental Protection Act 1990</i>	To designate areas as Litter Control Areas. <i>(exercised concurrently with the Head of Streetsmart)</i>
386	Summary proceedings by authorities <i>Section 92 of the Environmental Protection Act 1990</i>	<a href="#">In consultation with the Chief Legal Officer</a> To serve litter abatement notices imposing requirements or prohibitions on relevant land. <i>(exercised concurrently with the Head of Streetsmart)</i>
387	Street litter control notices <i>Section 93 of the Environmental Protection Act 1990</i>	To serve street litter control notices imposing requirements in relation to litter or refuse on occupiers of premises to ensure they control any litter or refuse generated from their property, in accordance with this section and Section 94. <i>(exercised concurrently with the Head of Streetsmart)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Waste Management</b>		<b>DOO</b>
388	Powers in relation to abandoned shopping and luggage trolleys <i>Section 99 of the Environmental Protection Act 1990</i>	To make resolutions under this Section to resolve that Schedule 4 of the Act shall apply in its area. <i>(exercised concurrently with the Head of Streetsmart)</i>
389	Penalty for unauthorised dumping <i>Section 2 of the Refuse Disposal (Amenity) Act 1978</i>	To request the Chief Legal Officer to take prosecutions against persons found abandoning waste, including motor vehicles. <i>(exercised concurrently with the Head of Streetsmart)</i>
390	Powers of entry etc. <i>Section 8 of the Refuse Disposal (Amenity) Act 1978</i>	To allow Authorised Persons to enter upon any land for the purpose of ascertaining whether any of the functions conferred by S.3 or S.6 of the Act should be exercised. <i>(exercised concurrently with the Head of Streetsmart)</i>

<b>Enforcement Policy</b>		<b>DOO</b>
391	Fixed Penalty Notices <i>Clean Neighbourhoods and Environment Act 2005</i>	To set levels of fixed penalty charges for offences. The level of the fixed penalty charge shall be set having regard to: - <ul style="list-style-type: none"> <li>Any Government guidance on the level at which the fixed penalty charge should be set;</li> <li>The likely level of fine that a court would impose for a similar offence;</li> <li>The need to deter offenders from opting for prosecution because they believe that the court would impose a lower level of penalty; and</li> <li>The cost of bringing a prosecution where fixed penalties were not paid.</li> </ul>

Refuse Collection		DOO
393	Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood ( <i>exercised concurrently with the Head of Streetsmart</i> ).
394	Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified ( <i>exercised concurrently with the Head of Streetsmart and the Head of Planning, Regulatory Services and Heritage</i> ).
395	Abandoned Vehicles <i>Section 3(2) and 3(5) of the Refuse Disposal (Amenity) Act 1978 and Section 99(3) and 99(4) of the Road Traffic Regulation Act 1984</i>	To sign and serve notices, or to sign and affix a notice to an abandoned vehicle (as appropriate). ( <i>exercised concurrently with the Head of Streetsmart</i> ).

## HEAD OF STREETSMART

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Refuse Collection</b>	
	<b>HS</b>
112 Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood. <i>(exercised concurrently with the Director of Public Health)</i>
113 Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified. <i>(exercised concurrently with the Director of Public Health and Head of Planning, Regulatory Services and Heritage)</i>
114 Abandoned Vehicles <i>Section 3(2) and 3(5) of the Refuse Disposal (Amenity) Act 1978 and Section 99(3) and 99(4) of the Road Traffic Regulation Act 1984</i>	To sign and serve notices, or to sign and affix a notice to an abandoned vehicle (as appropriate). <i>(exercised concurrently with the Director of Public Health)</i>
<b>Waste Management</b>	
	<b>HS</b>
115 Penalty notices for graffiti and fly-posting <i>Section 43 of the Anti-Social Behaviour Act 2003</i>	To issue fixed penalty notices against any person that an Authorised Officer of the Authority has reason to believe has committed a relevant offence in the area of the Authority. <i>(exercised concurrently with the Director of Public Health)</i>
116 Graffiti removal notices <i>Section 48 of the Anti-Social Behaviour Act 2003</i>	To serve graffiti removal notices upon any person who is responsible for a surface which has been defaced. This notice shall require that the defacement is remedied within a period specified in the notice of not less than 28 days. <i>(exercised concurrently with the Director of Public Health)</i>
117 Duty to produce authority transport controlled waste <i>Section 5 of the Control of Pollution (Amendment) Act 1989</i>	To stop and search any vehicle that appears to an Authorised Officer to be transporting waste in contravention of S.1 of the Act. <i>(exercised concurrently with the Director of Public Health)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Waste Management</b>	
118 Seizure and disposal of vehicles used for illegal waste disposal <i>Section 6 of the Control of Pollution (Amendment) Act 1989</i>	Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal. The Authority may dispose of the vehicle in accordance with the Provisions of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
119 Further enforcement provision <i>Section 7 of the Control of Pollution (Amendment) Act 1989</i>	To exercise provisions as prescribed in S. 91 to 94 of the Control of Pollution Act 1974. <i>(exercised concurrently with the Director of Public Health)</i>
120 Rights of entry and inspection etc. <i>Section 91 of the Control of Pollution Act 1974</i>	To allow Authorised Persons to enter upon any land or vessel in carry out their duties under the Provisions of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
121 Powers of authorities to obtain information <i>Section 93 of the Control of Pollution Act 1974</i>	To serve a notice on any person requiring him to furnish information, required by the Authority to carry out any functions conferred by the Act, to the Authority within a period or at a time specified in the notice and in a form so specified. To request the Chief Legal Officer to prosecute or caution any person failing to recognise the notice. <i>(exercised concurrently with the Director of Public Health)</i>
122 Powers of enforcing authorities and persons authorised by them <i>Section 108 of the Environment Act 1995</i>	To carry out all Provisions as prescribed in S.108 of the Act in relation to the "enforcing authority" including powers of entry. <i>(exercised concurrently with the Director of Public Health)</i>
123 Prohibition on unauthorised or harmful Deposit, treatment or disposal etc. of waste <i>Section 33 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against persons committing an offence in relation to this section. <i>(exercised concurrently with the Director of Public Health)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Waste Management</b>	
124 Duty of care etc. as respects waste <i>Section 34 of the Environmental Protection Act 1990</i>	To serve notice requiring the production of information required to be kept in accordance with this section. To request the Chief Legal Officer to prosecute or caution any person failing to recognise the notice and prosecute or caution any person who has committed an offence under this section of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
125 Receptacles for household waste <i>Section 46 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of household waste in a manner prescribed by the Authority. To request the Chief Legal Officer to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>
126 Receptacles for commercial industrial waste <i>Section 47 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of commercial or industrial waste in a manner prescribed by the Authority in the event that existing or proposed arrangements may be detrimental to the amenities of the locality. To request the Chief Legal Officer to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>
127 Powers to require removal of waste unlawfully Deposited <i>Section 59 of the Environmental Protection Act 1990</i>	To serve notice on the occupiers of land to ensure removal of any waste deposited in contravention of Section 33 and to take steps with a view to eliminating or reducing the consequences of the deposit of the waste. To request the Chief Legal Officer to take prosecutions or issue cautions against any persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>



<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Waste Management</b>		<b>HS</b>
128 Interference with waste sites and receptacles for waste <i>Section 60 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against any person interfering with waste receptacles provided by the Authority. <i>(exercised concurrently with the Director of Public Health)</i>	
129 Offence of leaving litter <i>Section 87 of the Environmental Protection Act 1990</i>	To request the Chief Legal Officer to take prosecutions and issue cautions against any person dropping litter in a manner prescribed by the Act. <i>(exercised concurrently with the Director of Public Health)</i>	
130 Fixed penalty notices for leaving litter <i>Section 88 of the Environmental Protection Act 1990</i>	To issue Fixed Penalty Notices against any person committing an offence under Section 87. <i>(exercised concurrently with the Director of Public Health)</i>	
131 Litter control areas <i>Section 90 of the Environmental Protection Act 1990</i>	To designate areas as Litter Control Areas. <i>(exercised concurrently with the Director of Public Health)</i>	
132 Summary proceedings by authorities <i>Section 92 of the Environmental Protection Act 1990</i>	To serve litter abatement notices imposing requirements or prohibitions on relevant land. <i>(exercised concurrently with the Director of Public Health)</i>	
133 Street litter control notices <i>Section 93 of the Environmental Protection Act 1990</i>	To serve street litter control notices imposing requirements in relation to litter or refuse on occupiers of premises to ensure they control any litter or refuse generated from their property, in accordance with this section and Section 94. <i>(exercised concurrently with the Director of Public Health)</i>	

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Waste Management</b>	
134 Powers in relation to abandoned shopping and luggage trolleys <i>Section 99 of the Environmental Protection Act 1990</i>	To make resolutions under this Section to resolve that Schedule 4 of the Act shall apply in its area. <i>(exercised concurrently with the Director of Public Health)</i>
135 Penalty for unauthorised dumping <i>Section 2 of the Refuse Disposal (Amenity) Act 1978</i>	To request the Chief Legal Officer to take prosecutions against persons found abandoning waste, including motor vehicles. <i>(exercised concurrently with the Director of Public Health)</i>
136 Removal of abandoned vehicles <i>Section 3 of the Refuse Disposal (Amenity) Act 1978</i>	To remove any vehicles that it appears to the authority to have been abandoned.
137 Disposal of abandoned vehicles <i>Section 4 of the Refuse Disposal (Amenity) Act 1978</i>	To dispose of any vehicles which are in their custody in pursuance of S.3 in accordance with the conditions as set out by the Act.
138 Recovery of expenses connected with removed vehicles <i>Section 5 of the Refuse Disposal (Amenity) Act 1978</i>	To recover charges for costs incurred in carrying out S.3(1) of the Act. These charges are as set by the Secretary of State.
139 Removal and disposal of other refuse <i>Section 6 of the Refuse Disposal (Amenity) Act 1978</i>	To remove any waste which appears to the Authority to have been abandoned on any land in the open air or on any other land forming part of a highway.
140 Powers of entry etc. <i>Section 8 of the Refuse Disposal (Amenity) Act 1978</i>	To allow Authorised Persons to enter upon any land for the purpose of ascertaining whether any of the functions conferred by S.3 or S.6 of the Act should be exercised. <i>(exercised concurrently with the Director of Public Health)</i>

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Town Centre Management</b>		<b>HS</b>
142 Promotions and Entertainments <i>Highways Act 1980</i>	To authorise promotions and entertainments in the Town Centre pedestrianised area.	

<b>Parks and Amenities</b>		<b>HS</b>
143 Dangerous Trees <i>Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976</i>	To exercise the Council's power to deal with dangerous trees.	
144 Leisure Gardens and Allotments	To sign Tenancy Agreements and give Notices to Quit.	

## HEAD OF HIGHWAYS AND TRANSPORT, AND NEW EASTERN VILLAGES PROGRAMME LEAD

***Subject/  
Enabling Statute***

***Authority***

### Town Centre Management

**HHTN  
EV**

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| 141 Street Cafes | <p>☞ To authorise the siting of tables and chairs for outside refreshments in the Town Centre pedestrianised area and to recover from each applicant the Council's reasonable costs based on the size of the area the subject of the permission.</p> |
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### Traffic Management

**HHTN  
EV**

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| 145 Traffic Management<br><i>Traffic Management Act 2004</i> | <p>In consultation with the relevant Cabinet Member, to exercise any powers, rights and duties under parts of the Traffic Management Act 2004 that fall to be exercised by the Council, as follows:</p> <ul style="list-style-type: none"> <li>○ Part 2 (Network Management)</li> <li>○ Part 3 (Permit Schemes)</li> <li>○ Part 4 (Street Works)</li> <li>○ Part 5 (Highways and Roads)</li> <li>○ Part 6 (Civil Enforcement of Traffic Contraventions)</li> <li>○ Part 7 (Miscellaneous and General).</li> </ul> |
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### Highway Management

**HHT  
NEV**

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| 146 Bus Shelters<br>Bus Shelters Agreement           | To manage, give effect to and take action Where enabled to do so, under the bus shelters agreement.   |
| 147 Damage to footways or street                     | To make good damage to footways or streets caused by excavation or other works on land adjoining the street and recover the expenses incurred.                                      |
| 148 Entry – Powers to Highways Act 1980 ss.293 & 294 | In accordance with the provisions and to fulfil the purposes laid down under ss.293 & 294 an authorised officer/person may enter onto land or enter, examine and lay open premises. |

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Highway Management</b>	
149 Fees and Costs	Where enabled to do so, to exercise the power to set fees, recover costs and cancel such fees and costs.
150 Fencing of Dangerous Land Highways Act 1980 s.165	To serve notices requiring the fencing of dangerous land adjoining the street and/or a forecourt.
151 Highway Activities Highways Act 1980 s.171	To grant consent in respect of activities within the highway.
152 Licences - General	Where empowered to do so to issue, revoke, enforce and take enforcement actions for licences issued in relation to highway matters.
153 Outward Opening Doors Highways Act 1980 s.153	To grant consent for an outward opening door onto the highway and to serve notices requiring outward opening doors onto a street to be altered.
154 Ownership of Land Highways Act 1980 s.297	Power of the Highway Authority or Council to require information as to the ownership of land.
155 Removal of – Barbed Wire Highways Act 1980 s.164	To issue notice for the removal of barbed wire causing a nuisance to the highway.
156 Removal of - Obstructions Highways Act 1980 ss.143 & 149	To serve notices to remove obstructions from the highway and take urgent action to remove dangerous obstructions which need to be removed without delay.
157 Removal of – Items from the highway Highways Act 1980 s.149	To sign and serve notices in respect of the removal of things from the highway which are creating a nuisance.
158 Removal of – Snow, collapsed banks and/or obstructions Highways Act 1980 s.150	To arrange for the removal of accumulations of snow or collapsed banks on the side of the highway or anything else causing an obstruction to the highway.
159 Rope etc across the highway Highways Act 1980 s.162	To commence proceedings where a person has not taken all necessary means to give adequate warning of the danger.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Highway Management</b>		<b>HHT NEV</b>
160	Scaffolding Highways Act 1980 s.169	To grant licences for the erection of scaffolding on the highway.
161	Skips Highways Act 1980 s.139 & 140	To grant permission to site builders skips on the highway and to exercise the Council's powers relating to the removal or repositioning of skips in the highway.
162	Street Works – Inspections New Roads & Street Works Act 1991 s.72	To carry out street works inspections and to require undertakers to carry out works to defective reinstatements or where necessary to carry out works on behalf of the undertaker and recharge for said works.
163	Street Works – Unauthorised Street Works New Roads & Street Works Act 1991 s.51	To give direction to any person to remove apparatus or carry out reinstatement works and upon failure to comply with such a direction to remove apparatus and/or carry out reinstatement works and recover from that person any costs of doing so.
164	Street Works – Utility Apparatus (Maintenance of) New Roads & Street Works Act 1991 s.81	To issue notice of and undertake works to enable the inspection and/or maintenance of apparatus and recover the costs incurred in doing so from the undertaker.
165	Vehicles and Appliances Highways Act 1980 s.300	Right of local authorities to use vehicles and appliances on footpaths and bridleways.
166	Water on the Highway	To serve notices requiring the prevention of water falling or flowing onto the highway.
167	Highway Management – Overarching Power	To exercise any powers, rights and duties under the Highways Act 1980 and any other enabling power.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Highway Management</b>		<b>HHT NEV</b>
168	Adoption of highway to be maintained at the public expense Highways Act 1980 ss.38 & 228	To adopt highway as that to be maintained at the public expense either by agreement, by the issue of the appropriate notice or by fulfilling the requirements of any other enabling power. To give consideration to, and where considered necessary, to implement provisions available to call in any bond or security in relation to the adoption of highway to be maintained at the public expense.
169	Agreement with neighbouring authorities (Moiety Agreements)	To enter into agreements with neighbouring authorities in order to maintain cohesive network management duties.
170	Agreements for the use of Highway Land Highways Act 1980 s.253	To enter into agreements to mitigate the effects of construction, improvement, existence or use of a highway upon the surroundings of the highway.
171	Agreements for drains and sewers Water Industries Act 1991 s.115	To enter into agreements with sewage undertakers to use highway drains as sewers and/or sewers as highway drains.
172	Classification of Roads	To designate the classification of a road and identify and designate a road as traffic sensitive or that of special engineering difficulty. Where appropriate to do so to vary or revoke such classifications or designations.
173	Closure and Diversion of Roads	To agree, advertise and implement road closures and diversions.
174	Conversion of a footpath to cycleway Cycle Tracks Act 1984.	To convert a definitive footpath to a cycle track following the procedure set out in the Cycle Tracks Regulations 1984 and obtaining the written consent of any persons with a legal interest in the land.
175	Construction within the Highway Highways Act 1980 s.179	To grant consents to permit construction of any part of a building, vault, arch or cellar etc. within the public highway.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Highway Management</b>		<b>HHT NEV</b>
176	Creation of footpaths and bridleways Highways Act 1980 s 26.	To enter into a creation agreement where it is expedient that a path should be created, having regard to the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public.
177	Dedication of Highway	To consider, and where appropriate, enter into or instruct the drafting of an agreement for the dedication of land as highway maintained at the public expense.
178	Definitive Map and Statement Wildlife and Countryside Act 1981 ss.53, 56 and 57	Duty to keep the definitive map and statement under continuous review, the effect of the definitive map and statement to the particulars contained therein and the supplementary provisions as to the definitive map and statement in relation to the scale of maps.
179	Fencing Highways Highways Act 1980 s.80	To exercise the power to fence highways.
180	Footways – Cellar openings Highways Act 1980 ss.179 & 180	To exercise control in relation to openings in footways for cellars.
181	Gating Orders Highways Act 1980 Part 8A	In accordance with the provisions of Part 8A of the Highways Act 1980 to consider all the circumstances and determine, after consultation with interested parties where necessary, whether it is appropriate and expedient to make a gating order where premises adjoining the highway are affected by crime or anti-social behaviour.



<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Highway Management</b>		<b>HHT NEV</b>
182	Gateways Highways Act 1980 s.145	To serve notices requiring gateways to be enlarged or gates to be removed from across the highway, footpaths or bridleways.
183	Drainage Land Drainage Act 1991	To exercise the powers of the Council under the Land Drainage Act 1991.
184	Enforcement – General power	Where empowered to do so to issue notices, take and manage enforcement action and to initiate proceedings either upon a breach, to ensure compliance or to fulfil a duty in accordance with highway legislation.
185	Highway Bridges Highways Act 1980 ss.176 & 177	To issue licences in respect of ‘over-sailing’ and building bridges over the public highway.
185	Highway Register - List of Streets Highways Act 1980 s.36	To maintain and make available the list of streets maintained at the public expense and to provide this information in any other format that may be suitable in the circumstances.
186	Highway Works Highways Act 1980 s.278 Town and Country Planning Act 1990 s.106	To enter into an agreement for the execution of highway works and to exercise any rights and enforce any provision within any such agreement.
187	Hoardings Highways Act 1980 ss.172 & 173	To issues or refuse consents and/or licences and where appropriate manage and enforce the erection of hoardings and to commence proceedings for breach or non-compliance.
188	Improvements	To identify and implement Highway, Street Lighting, Traffic and Safety improvements subject to the approval of the members project board.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Highway Management</b>		<b>HHT NEV</b>
189	Interference of Right of Way Highways Act 1980 s.137A	To issue notice for the interference of a right of way by crops.
190	Licences - General	Where empowered to do so to issue, revoke, enforce and take enforcement actions for licences issued in relation to highway matters.
191	Local Access Forum Countryside and Rights of Way Act 2000 ss.94 & 95	To establish and appoint members to a Local Access Forum.
192	Maintenance of the Highway Highways Act 1980 s.41	To manage, as client, the duty to maintain highways maintainable at the public expense.
193	Network Management Duty Traffic Management Act 2004 Part II	Carry out the network management duty in accordance with Part II of the Traffic Management Act.
194	Ownership of Land Highways Act 1980 s.297	Power of the Highway Authority or Council to require information as to the ownership of land.
195	Overhead Beams etc Highways Act 1980 s.178	To grant consent for overhead beams, rails, pipes, cables, wires etc over the highway.
196	Path Creation Orders Countryside & Rights of Way Act 2000 s.58	To make an application for the purposes of enabling access to land.
197	Permit Schemes Traffic Management Act 2004 Part III	To prepare and submit permit schemes.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Highway Management</b>		<b>HHT NEV</b>
198	Planting and Maintenance of Shrubs and Trees Highways Act 1980 ss.141 & 142	To issue notice and to act in relation to the prohibition of the planting of shrubs and trees as described under s.141 and to grant licences to plant and maintain trees and shrubs etc within the public highway under s.142.
199	Ploughing/Disturbance of a footway or bridleway Highways Act 1980 s.134 (as amended) and Countryside and Rights of Way Act 2000 s.70(2)	To issue notices for the ploughing/disturbance of a footpath or bridleway.
200	Removal of – Signs	To require the removal of signs for the guidance or direction of road users and to enter land to remove signs in default.
201	Road Markings and Signs	To determine the style, extent and location of road markings and signs.
202	Roads Used as Public Paths (RUPPs) Wildlife and Countryside Act 1981 s.54	Duty to reclassify RUPPs as public paths.
203	Retaining Walls	Where enabled to do so, to grant consent for the erection of retaining walls near streets and the service of notices requiring the repair of dangerous retaining walls.
204	Rights of Way Highways Act 1980 sch.12	To issue all necessary authorisations and notices required to enable the Council to protect the definitive rights of way network.
205	Highway Activities Highways Act 1980 s.171	To grant consent in respect of activities within the highway.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Highway Management</b>		<b>HHT NEV</b>
206	Stiles on footpaths and bridleways Highways Act 1980 ss.146 & 147	To take all reasonable steps to fulfil the Council's duty to maintain stiles on footpaths and bridleways and to authorise the erection of stiles etc.
207	Stopping Up and/or Diversion of Highway Highways Act 1980 Town and Country Planning Act 1990 Countryside and Rights of Way Act 2000	Where enabled to do so, to make application to the relevant body, and in accordance with the relevant procedure, to proceed with the 'stopping up', 'diversion' or extinguishment of public highway or rights of way.
208	Street Decorations Highways Act 1980 s.144	To permit the erection of flagpoles, pylons and other structures on the highway for displaying decorations.
209	Street Events Town and Police Clauses Act 1847 s.21	To determine applications in respect of orders for temporary street closures to enable events and processions to be held.
210	Street Furniture	To grant consents to parish councils to provide bus shelters, seats, lampposts etc where there are no financial implications for this Council.
211	Street Works Highways Act 1980 New Roads & Street Works Act 1991	Where empowered to do so to grant highway and street works licences.
212	Street Works – Inspections New Roads & Street Works Act 1991 s.72	To carry out street works inspections and to require undertakers to carry out works to defective reinstatements or where necessary to carry out works on behalf of the undertaker and recharge for said works.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Highway Management</b>	
213 Street Works - Charge for occupation of the Highway New Roads & Street Works Act 1991 s.74	To levy charges upon undertakers where the undertakers work in the publicly maintained highway is unreasonably prolonged.
214 Street Works - Co-ordination of Works New Roads & Street Works Act 1991 s.59	To exercise the duty of the Council, as Highway Authority, to co-ordinate street works.
215 Street Works Register New Roads & Street Works Act 1991 s.53	To carry out the Council's duty, as Highway Authority, to maintain a street works register.
216 Street Works - Restriction of Works New Roads & Street Works Act 1991 s.58	Where substantial road works have been undertaken to exercise a restriction of future works as appropriate.
217 Street Works - Streets with special engineering difficulties New Roads & Street Works Act 1991 s.63 and Sch 4	To exercise the powers of the Council as Highway Authority in respect of streets with special engineering difficulties.
218 Street Works – Timing of New Roads & Street Works Act 1991 s.56	To enable the issue of a direction upon an undertaker as to the timing of proposed street works.
219 Street Works - Traffic Sensitive Streets New Roads & Street Works Act 1991 s.64	To designate a street or part of a street as traffic sensitive.
220 Street Works – Unauthorised Street Works New Roads & Street Works Act 1991 s.51	To give direction to any person to remove apparatus or carry out reinstatement works and upon failure to comply with such a direction to remove apparatus and/or carry out reinstatement works and recover from that person any costs of doing so.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Highway Management</b>	
221 Street Works – Utility Apparatus (Location of) New Roads & Street Works Act 1991 s.80	To inform undertakers of any utility apparatus that is unmarked or incorrectly marked.
222 Street Works – Utility Apparatus (Maintenance of) New Roads & Street Works Act 1991 s.81	To issue notice of and undertake works to enable the inspection and/or maintenance of apparatus and recover the costs incurred in doing so from the undertaker.
223 Traffic Regulation Road Traffic Regulation Act 1984	To advertise and make Traffic Regulation Orders for whatever permitted purpose and where objections have been received to approve Traffic Regulation Orders in consultation with the relevant Cabinet Member and Ward Councillors.
224 Vehicle Crossings Highways Act 1980 s.184	To serve a notice that the Council proposes to construct a vehicle crossing or impose conditions on the use of a footway as a vehicle crossing.
225 Vehicles and Appliances Highways Act 1980 s.300	Right of local authorities to use vehicles and appliances on footpaths and bridleways.
226 Walkway Agreements Highways Act 1980 s.35	To implement the Council's powers, as Highway Authority, to create walkways by agreement.
227 Place orders for Statutory Undertakers where required for highway works	To enter into agreements with statutory undertakers to carry out works to their plant where this work is required under the NRSWA and the Highway Act.
228 Removal of illegal advertising	To remove and service notice in respect if removal of advertising signs on the public highway
229 Removal of items from the highway <i>Section 149 of the Highways Act 1980</i>	To sign and serve notice in respect of the removal of things from the highway which are creating a nuisance.

<b>Subject/ Enabling Statute</b>		<b>Authority</b>
<b>Passenger Transport</b>		<b>HHT NEV</b>
230	Licences - Objections <i>Transport Act 1968 and the Goods Vehicle (Operators Licences Qualifications and Fees) Regulations 1974.</i>	To lodge formal objections to the Licensing Authority.
231	Bus Services <i>Transport Act 1985 (as amended in 2000 and 2008)</i>	To provide bus services if required
<b>Car Parks Administration</b>		<b>HHT ENV</b>
232	Car Park Maintenance Budget	To determine and implement individual schemes within the Council's agreed Car Park Maintenance Budget, subject to the approval of the relevant Cabinet Member.
<b>Traffic Regulation</b>		<b>HHT ENV</b>
233	Traffic Regulation	To advertise and <a href="#">request the Chief Legal Officer to</a> make Traffic Regulation Orders.
234	Traffic Regulation	To approve Traffic Regulation Orders in consultation with the relevant Cabinet Member and Ward Councillors, where objections have been received.
<b>Flood and Water Management</b>		<b>HHT ENV</b>
235	Flood and Water Management <i>Flood and Water Management Act 2010</i>	To fulfil the Council's functions as Lead Local flood authority.

## HEAD OF PLANNING, REGULATORY SERVICES AND HERITAGE

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
	<b>Licensing</b>
	<b>HPRSH</b>
236 Skin Piercing, Acupuncture, semi-permanent make-up, Tattooing and Invasive Skin Treatment <i>Part VIII of the Local Government (Miscellaneous Provisions) Act 1982</i>	To issue registrations and licences of persons and premises carrying on the practice of acupuncture, skin piercing, semi-permanent make-up, tattooing and invasive skin treatment or the business of tattooing, ear piercing or electrolysis and invasive skin treatment. To inspect registered premises and enforce the provisions of the Act.
237 House to House/Street Collections <i>House to House Collections Act 1939 Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended</i>	To grant licences and permits relating to house-to-house collections and issue street collection permits.
238 Scrap Metal Dealers <i>Scrap Metal Dealers Act 2013</i>	To administer and enforce the provisions of the Act in respect of all applications and renewals together with licensed operator of sites and mobile collection.
239 Poisons <i>Poisons Act 1972</i>	To register persons to sell non-medicinal poisons and to enforce the provisions of the Act.



<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Licensing</b>	
240 Licensing <i>Licensing Act 2003</i>	To determine licence applications under the Licensing Act 2003 pursuant to the scheme of delegation contained within the Council's Statement of Licensing Policy.
241 Petroleum Licensing	To exercise the functions of the Council with regard to Petroleum Licensing. <i>(exercised jointly with the Director of Public Health)</i>
242 Licensing of sex shops, sex cinemas and sex establishments <i>Local Government Miscellaneous Provisions Act 1982</i> <i>Local Policing Act 2007</i>	To exercise the Council's powers under the Local Government Miscellaneous Provisions Act 1982 (as amended by the Local Policing Act 2007) in respect of sex shops, sex cinemas and sex establishments
243 Health and Safety <i>Explosives Act 1875</i> <i>Explosives Act 1975</i> <i>Health and Safety at Work etc. Act 1974</i> <i>Fire Precautions Act 1971</i>	To be an inspector and exercise the Council's functions. <i>(exercised concurrently with the Director of Public Health)</i>
244 Health and Safety at Work <i>Health and Safety at Work etc. Act 1974</i>	To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. <i>(exercised concurrently with the Director of Public Health)</i>
245 Sunday Trading <i>Sunday Trading Act 1994</i>	To enforce the provisions of the Act. <i>(exercised concurrently with the Director of Public Health)</i>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Taxi Licensing</b>		<b>HPRSH</b>
246	Licences - Taxi and Private Hire <i>Town Police Clauses Act 1847 (as amended)</i> <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To: - (a) grant or renew Hackney Carriage and Hackney Carriage Drivers' licences and (b) grant or renew licences for private hire vehicles, and for drivers and operators of such vehicles.
247	Taxi Licensing <i>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Road Traffic Act 1991</i>	Where it appears that the interests of public safety require it, to suspend or revoke with immediate effect or otherwise a Hackney Carriage or Private Hire Drivers Licence in the light of evidence obtained through operations or checks, or as a result of details provided by the Police or other partners.
248	Taxi Licensing <i>Local Government (Miscellaneous Provisions) Act 1976 Part 2</i>	To appoint authorised officers for Taxi Licensing duties.
249	Inspections <i>Part 1 of the Local Government (Miscellaneous Provisions) Act 1976</i>	To nominate officers from time to time to inspect and test, for the purposes of ascertaining fitness, any Hackney Carriage or Private Hire Vehicle licensed or proposed to be licensed by the Council or any taxi meter affixed to such vehicle, and for the purpose as maybe required under the enabling statute.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Gambling</b>	
250 Licensing Administration and Enforcement <i>Gambling Act 2005</i>	To exercise the Council's powers under the Gambling Act 2005 pursuant to the scheme of delegation contained within the Council's Statement of Licensing Policy.
<b>Development Control</b>	
251 Enforcement Action	To deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including Stop Notices, Breach of Condition Notices, S215 Notices, Planning Contravention Notices, listed building enforcement, Building Preservation Notices and urgent works notices and taking any further action, including <a href="#">requesting the Chief Legal Officer to prosecute and/or to take</a> <del>and</del> direct action in respect of any breach of control);
252 Applications for vendor or lessor consent in respect of residential properties.	To determine applications for vendor or lessor consent in respect of residential properties, but in cases where he/she is doubtful whether to issue such consent he shall refer the matter to the Planning Committee for decision. If the Head of Planning, Regulatory Services and Heritage intends to refuse any consent which does not follow a refusal of planning permission for the same proposed development then the matter must be referred to the Planning Committee.
253 Tree Preservation Orders ( <i>Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012</i> )	To make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to <a href="#">request the Chief Legal officer to</a> prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters; determine requests to lop, top, or fell trees in Conservation Areas or covered by Tree Preservation Orders

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<p data-bbox="552 320 887 353" style="text-align: center;"><b>Development Control</b></p> <p data-bbox="1329 320 1441 353" style="text-align: right;"><b>HPRSH</b></p> <p data-bbox="153 387 612 712">254 Determination of planning and other related applications and submissions (LB Consent, Non Material Amendments, etc.) <i>Town and Country Planning Act, 1990 and related legislation</i></p>	<p data-bbox="699 387 1433 1193">To determine all planning and related applications (including the negotiation of s106 agreements) under delegated powers, except where (a) the Head of Planning, Regulatory Services and Heritage determines it should be determined by the Planning Committee; or (b) an application in writing requesting consideration by the Planning Committee has been received from a Member no later than 21 (or 14*) calendar days following validation of the application or the expiration of any consultation period; or (c) a Parish or Town Council has requested in writing no later than 21 (or 14*) calendar days following notification of the application that the Planning Committee consider an application because it raises significant planning issues and/or is locally controversial (such requests from a Parish or Town Council shall clearly set out the reasons why an application is considered to raise significant planning issues). (d) The Secretary of State has indicated the application is to be called in under section 77 of the Town and Country Planning Act 1990</p> <p data-bbox="699 1227 1406 1339">* The reference to 14 calendar days shall apply in respect of applications for Permission in Principle and Technical Details Consent.</p> <p data-bbox="699 1373 1390 1451">In the event a s106 Deed of Obligation has been entered into, thereafter to:</p> <ul style="list-style-type: none"> <li data-bbox="794 1451 1414 1529">a) monitor and secure compliance with the planning obligations contained therein;</li> <li data-bbox="794 1529 1441 1753">b) to instruct the <del>Director of Law &amp; Democratic Services</del><u>Chief Legal Officer</u> in respect of enforcement of obligations and to act on completion of the transfer of land to the Council where bound by planning obligation</li> </ul>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Development Control</b>	
<b>HPRSH</b>	
255 Planning Responses	To deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance.
256 Certificates of lawfulness of existing use or development (CLUEDs) and Certificates of lawfulness of proposed use or development (CLOPUDs)	Following consultation with the <del>Director of Law and Democratic Services</del> <u>Chief Legal Officer</u> , where necessary, to determine under delegated powers all matters concerning certificates of lawfulness including CLUEDs and CLOPUDs.
257 Discharge conditions	To agree design codes, plan amendments and discharge conditions imposed by planning or other permissions under delegated powers
258 Planning obligations (S106)	<u>To authorise the Chief Legal officer to</u> Enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990); To prepare and publish (with the support of Finance) any reports required by Government associated with S106 obligations secured, financial payments made, allocation and use of s106 planning obligation receipts.
259 Minor) Material Amendments, Non-Material Amendments etc.	To determine whether a proposed amendment to a planning permission is material or non-material
260 Prior Approvals	To determine all prior approval applications including those for agricultural, householder, commercial or other prior approval requirements under delegated powers. Applications by telecommunications operators can only be referred to planning committee where the timescales for doing so permit.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
	<b>Development Control</b>
	<b>HPRSH</b>
261 Planning appeals and appeals against non-determination of a planning application	To deal with all types of appeal and their format; set out the position of the Local Planning Authority in respect of an appeal against non-determination of a planning application (that would fall within the scheme of delegation) as it would have determined the application if it had been able to.
262 Brownfield Register	To prepare, maintain and publish at least annually, Part 1 of the Brownfield Register.
263 Permitted development Rights <i>Town and Country Planning (General Permitted Development (England) Order) 2015.</i>	To make and confirm Article 4 directions restricting or removing permitted development rights
264 Local Development Orders <i>Planning and Compulsory Purchase Act, 2004</i>	To make and confirm Local Development Orders following relevant consultation.
265 Validation of Planning Applications <i>Town and Country Planning (Development Management Procedure (England) Order) 2015.</i>	To determine the requirements for, and review at least biannually and amend when necessary — the local validation list for planning applications.
266 Determination of planning and other related applications and submissions (LB Consent, Non Material Amendments, etc.) <i>Town and Country Planning (Development Management Procedure (England) Order) 2015.</i> <i>Town and Country Planning Act, 1990</i>	To make changes to conditions approved at Committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the Committee's decision. Any such changes will be reported back to a subsequent Committee for Members' information

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Development Control</b>	
267 Determination of planning and other related applications and submissions (LB Consent, Non Material Amendments, etc.) <i>Town and Country Planning Act, 1990</i>	<b>HPRSH</b>
	To refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report
268 Development Control and Judicial Reviews	To <u>request Chief Legal Officer to</u> institute and defend judicial reviews and statutory challenges <u>in consultation with the Director of Law and Democratic Services</u> <u>Chief Legal Officer;</u>

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Design, Conservation and Development</b>	
269 Environmental Statements <i>Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</i>	To decide on the need for an Environmental Impact Assessment (EIA), and the extent of an Environmental Statement, including the provision of a screening opinion and scoping opinion in connection with any planning application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
<b>Land Charges</b>	
270 Land Charges <i>Local Land Charges Act 1975</i>	To administer to local land charges function as required by the Local Land Charges Act 1975 (as amended)
<b>Community Infrastructure Levy</b>	
271 Community Infrastructure Levy Regulations, 2010 (as amended)	<p>In accord with the Community Infrastructure Levy Regulations 2010 (as amended) or any other relevant Regulations that replace them, and the requirements of the Government published on line Planning Practice Guidance relevant to the Community Infrastructure Levy (CIL):</p> <ul style="list-style-type: none"> <li>a) To oversee and implement the adoption of, and subsequent operation, enforcement and review of the Community Infrastructure Levy Charging Schedule and all associated documents, including responsibility for financial management <b>and application of</b> instalment and surcharge policy and the availability of discretionary relief and establishment of the relevant procedures and process.</li> <li>b) <b>To instruct the <del>Director of Law &amp; Democratic Services</del> <u>Chief Legal Officer</u> in respect of CIL Debt Recovery.</b></li> <li>c) <b>To prepare all required statements and evidence for the CIL Charging Authority in response to CIL Appeals</b></li> </ul> <p><b>To produce and publish (with the support and input of Finance) reports on CIL Receipts as required by Government</b></p>



<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Building Regulations</b>	
<b>HPRSH</b>	
272 Building Regulations - Applications <i>Building Act 1984.</i>	To determine applications for Building Regulation approvals.
273 Building Regulations - Notices <i>Section 32, Building Act 1984</i>	To serve notices informing the owner that, as no work has commenced, plans deposited under the Building Regulations more than three years previously shall have no effect and any work started after the service of this notice shall be treated as if no plans had been deposited.
274 Building Regulations - Relaxation <i>Section 8, Building Act 1984</i>	To determine applications for the relaxation of building regulations.
275 Building Regulations - Contraventions <i>Section 36, Building Act 1984</i>	To take appropriate action to secure the removal or alteration of work in contravention of the Building Regulations.

<b>Demolition</b>	
<b>HPRSH</b>	
276 Demolition of a building <i>Section 81, Building Act 1984</i>	To serve notices on persons undertaking the demolition of a building to ensure that it will not cause damage, danger or nuisance.
277 Dangerous Structures <i>Sections 77 and 78, Building Act 1984</i>	To take appropriate action /serve relevant notices to make building or structures safe be it either by notice to a magistrates court or under emergency powers recovering relevant costs from building owner.
278 Ruinous and Dilapidated buildings and neglected sites <i>Section 79, Building Act 1984</i>	To serve notice regarding dilapidated and ruinous sites

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Neighbourhood Planning</b>	
<b>HPRSH</b>	
279 Neighbourhood Development Plan & Neighbourhood Development Order Area <i>Neighbourhood Planning (General) Regulations 2012 (as amended).</i>	To receive, consider, publicise and determine (approve/reject) proposed neighbourhood development plans and neighbourhood development orders (including community right to build orders) area designation requests from qualifying bodies and Neighbourhood Forum designation requests and publicise decisions made, unless called in for decision by Cabinet by Cabinet or local Ward Member
280 Strategic environmental assessment and habitats regulations assessment of neighbourhood development plans and neighbourhood development orders. <i>Environmental Assessment of Plans and Programmes Regulations 2004. The Conservation of Habitats and Species Regulations 2017</i>	To carry out screening and if appropriate a strategic environmental assessment and habitats regulations assessment of neighbourhood development plans and neighbourhood development orders (including community right to build orders) and provide a statement of reasons for determination.
281 Receipt and consideration of final draft neighbourhood development plans and neighbourhood development orders <i>Neighbourhood Planning (General) Regulations 2012 (as amended).</i>	To receive and consider, including making comments on, final draft neighbourhood development plans and neighbourhood development orders (including community right to build orders), and to inform and invite representations from people who live, work or carry on business in the area to which the plan or order relates by appropriate advertising.
282 Appointment of Independent Examiner. <i>Localism Act 2011</i>	To select and appoint a suitably qualified and experienced person to conduct the independent examination of a neighbourhood development plan or neighbourhood development order (including a community right to build order) in agreement with the Parish or Town Council.

<b>Subject/ Enabling Statute</b>		<b>Authority</b>
<b>Licensing - Animal Welfare</b>		<b>HPRSH</b>
Animal Welfare <i>Animal Welfare (Licensing            of activities involving            animals)(England)            Regulations 2018</i>		To exercise the Council's functions in relation to the welfare, licensing and control of animals
283	Licences <i>Dangerous Wild Animals            Act 1976</i> <i>Pet Animals Act 1951</i>	To grant or renew licences subject to such grant or renewal being only in relation to premises which have been inspected by such officers as are authorised in accordance with the provisions of the Council's scheme of delegations.
284	Licensing <i>Dangerous Dogs Acts            1989 and 1991</i> <i>Dogs act 1871</i> <i>Dogs Protection of            Livestock Act 1953</i> <i>Guard Dogs Act 1975</i>	To exercise all the Council's powers in respect of Dangerous Dogs and Control of Dogs.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Animal Welfare</b>	
285 Licences- <i>Animals Act 1971 Control of Horses Act 2015. Control of trade in endangered species (Enforcement regulations) 1997.EU Wildlife Trade Regulations – Council regulation (EC 338/97) Hunting Act 2004 Wildlife and Countryside Act 1981</i>	To exercise the Council's powers in respect of the welfare and Control of animals.
286 Zoos <i>Zoo Licensing Act 1981</i>	To issue licences for the operation of Zoos and to enforce the provisions of the Act.
287 Illegal importation of animals - <i>The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974. Non-Commercial movement of Pet Animals Order 2011</i>	To administer and enforce the provisions of the Order in respect of illegal importation, including commercial gain.
288 Animal Welfare Act 2006 – Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018.	To exercise the Council's functions in relation to the welfare, licensing and control of animals.
288 b Farm Livestock, Animal Health Act 1981	To exercise the Council's powers in respect of the control of disease, welfare and movement of livestock.
288 c Licences - Animal Welfare Act 2006, Animals Act 1971, Control of Horses Act 2015, Control of trade in endangered species (Enforcement regulations) 1997,EU Wildlife Trade Regulations – Council regulation (EC 338/97), Hunting Act 2004, Wildlife and Countryside Act 1981	To exercise the Council's powers in respect of the welfare and Control of animals.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Licensing</b>		<b>HPRSH</b>
289	Stray Dogs <i>Section 149, Environmental Protection Act 1990</i>	To discharge the Council's functions with regard to stray dogs.

<b>Safety of Sports Grounds</b>		<b>HPRSH</b>
290	Safety of Sports Grounds and indoor sports facilities <i>Safety of Sports Grounds Act 1975</i> <i>Fire Safety and Safety of Places of Sports Act 1987</i>	To exercise the powers of the Council in relation to the Council's functions under the Safety of Sports Grounds Act (1975) and its responsibilities for indoor sports facilities under the Fire Safety and Safety of Places of Sports Act 1987 and to exercise the Council's powers to appoint the Chair of the Safety Advisory Committee and issue safety certificates on receipt of advice from all relevant parties.

<b>Refuse Collection</b>		<b>HPRSH</b>
291	Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified. ( <i>exercised concurrently with the Director of Public Health</i> )

<b>Street Trading</b>		<b>HPRSH</b>
292	Street Trading Consents	To grant, renew or revoke Street Trading Consents in accordance with the Council's approved Street Trading policy.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Health and Safety</b>	<b>HPRSH</b>
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293	Health and Safety <i>Explosives Act 1875</i> <i>Explosives Act 1975</i> <i>Health and Safety at Work etc. Act 1974</i> <i>Fire Precautions Act 1971</i> <i>Manufacture and Storage of Explosives Act 2004</i> -	To be an inspector and exercise the Council's functions.
294	Sanitary Conveniences in places serving food <i>Local Government Miscellaneous Provisions Act 1976</i>	To require the provision of sanitary conveniences for the public in places serving food. ( <i>exercised concurrently with the Director of Public Health</i> ).

Smoking in Public Places		HPRSH
295	Smoking in Public Places <i>Health Act 2006</i>	To exercise the Council's Powers in respect of smoking in public places including the service of fixed penalty notices.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Community Protection</b>		<b>HPRSH</b>
296	Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Chief Legal Officer, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices <i>(exercised concurrently with the Director of Public Health and the Head of Housing and Community Safety).</i>
297	Public Spaces Protection Order Anti-Social Behaviour, Crime and Policing Act 2014	To serve fixed penalty notices in respect of any designated Public Space Protection orders.

<b>General</b>		<b>HPRSH</b>
298	Requisitions for information <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To serve requisitions for information as to ownership/occupation on all persons having an interest in premises. <i>(exercised concurrently with the Director of Public Health)</i>
299	Entry onto and inspection of land and premises <i>Health and Safety at Work etc. Act 1974</i>	Where the enabling statute permits, to authorise persons not appointed by this Council to enter upon land or premises in order to carry out their respective duties and in particular, but without prejudice to the generality of this authority, to authorise the Chief Fire Officer and officers of the Fire Brigade to enter upon land or premises for the purpose of examination of means of escape in case of fire in accordance with the Housing Act 1985 and appropriate licensing functions <i>(exercised concurrently with the Director of Public Health)</i>

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>General</b>		<b>HPRSH</b>
300	Power of Entry Sections 196 and 324 of The Town and Country Planning Act 1990 and S88 of the Listed Buildings Act	To authorise officers to enter land and buildings in the course of their duties in accordance with the provisions of the Town & Country Planning Act and related Acts.

<b>Street Naming and Property Numbering</b>		<b>HPRSH</b>
301	Gazetteer	Implement procedures to (re)name and (re)number existing streets in consultation with residents and where appropriate ward members. To develop and maintain the relevant Gazetteer(s) in respect of streets and properties and to make available in accordance with the MSA.
302	Street Naming	To name new streets, subject to consultation with other appropriate officers as necessary, the Royal Mail and with Parish Councils where applicable.



## CORPORATE DIRECTOR OF CHILDREN'S SERVICES

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Children's Services	CDCC
303 Children's Services	<p>To exercise the functions of the Borough Council as a Children's Services Authority as set out in Section 18 of the Children Act 2004 and to take such other action which he/she considers is calculated, or is conducive or incidental to, the discharge of these functions.</p> <p>To exercise the functions of the Borough Council specific to the provision of <u>services for children with special education and disabilities</u>.</p>
304 Swindon Foster Panel	To discharge the Council's functions in respect of maintaining a Central List of persons who are considered to be suitable to be members of the fostering panel.

## CORPORATE DIRECTOR OF ADULT SOCIAL SERVICES

Adult Social Services		CDASS
305	Adult Social Services	<p>To exercise the functions of the Borough Council in respect of the provision of Adult Social Services, excepting functions specifically delegated to another Officer, and to take such other action which he/she considers is calculated to facilitate, or is conducive or incidental to, the discharge of these functions.</p> <p>To secure safeguarding and protection arrangements for vulnerable people, in line with legislation, national guidance and best practice.</p>

## DIRECTOR OF HOUSING

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Estate and Tenancy Management</b>	
	<b>DH</b>
100 Housing Management	To deal with Housing Management matters arising from the day-to-day management of the Council's housing stock.
101 Notices and Possession Action <i>The relevant Housing Acts and the Law of Property Act 1925</i>	To sign notices and take possession action, under the Housing Acts, to sign notices to determine licences and notices to quit premises held under non-secure tenancies. <i>(The authorisation to sign notices under Section 83 of the Housing Act 1985 is exercised concurrently with the Chief Legal Officer)</i>
102 Evictions	To take all necessary action with regard to the eviction of tenants in breach of suspended possession orders.
103 Protection from Eviction <i>Protection from Eviction Act 1977 (as amended)</i>	To investigate alleged breaches of the Protection from Eviction Act 1977 (as amended) by way of alleged harassment or unlawful eviction.
104 Local Lettings Plans	To introduce local lettings plans in order to maintain strong and cohesive communities.
<b>Allocations and Housing Advice</b>	
	<b>DH</b>
105 Housing Allocation Policy	To carry out the Council's allocation policy.
106 Housing Allocation Policy	To approve owner occupiers under 60 years of age with a medical issue to be allowed to bid for properties.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
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<b>Homelessness</b>		<b>DH</b>
107	Homelessness <i>Homelessness Reduction Act 2017</i>	To carry out the Council's functions regarding Homelessness.
108	Protection from Eviction <i>Protection from Eviction Act 1977 (as amended)</i>	To investigate alleged breaches of the Protection from Eviction Act 1977 (as amended) by way of alleged harassment or unlawful eviction.

<b>Housing Maintenance</b>		<b>DH</b>
109	Housing Maintenance	To deal with Housing repairs and maintenance matters arising from the day-to-day management of the Council's housing stock.
110	Adaptation of Council houses for use by disabled persons	To approve, within the estimated provision for this purpose, works of adaptation to Council houses for the use of the properties by disabled persons
111	Re-imbursement of tenants on the termination of a tenancy	To agree the re-imbursement of tenants, on the termination of the tenancy of a Housing Revenue Account dwelling.

## DIRECTOR OF PUBLIC HEALTH

<i><b>Subject/ Enabling Statute</b></i>	<i><b>Authority</b></i>
<b>Environmental Protection</b>	
	<b>DPH</b>
306 Burial and/or Cremation <i>Section 46, Public Health (Control of Disease) Act 1984</i>	Causing and arranging the burial or cremation of the body of any person where no suitable arrangements have been made for the disposal.
307 Caravan Site Licences <i>Sections 3, 8 and 10 of the Caravan Sites, Control of Development Act 1960</i>	To exercise the Council's powers in relation to the issue, amendment or transfer of Caravan Site licences.
308 Construction Sites <i>Section 60, Control of Pollution Act 1974</i>	To serve notices to reduce or prevent noise being emitted from construction sites.
309 Construction Sites <i>Section 61, Control of Pollution Act 1974</i>	To grant or refuse prior consent to measures which will attenuate noise produced on construction sites.
310 Cesspools <i>Section 50, Public Health Act 1936</i>	To serve notices to require works etc. to prevent soakage or overflow of a cesspool.
311 Cesspools <i>Section 59, Building Act 1984</i>	To serve notices requiring works to cesspools, etc. which are insufficient, prejudicial to health or a nuisance.
312 Drainage - Yards and Passages <i>Section 84, Building Act 1984</i>	To serve notices requiring the paving and drainage of yards and passages.
313 Drains and Private Sewers <i>Section 48, Public Health Act 1936</i>	To test and examine certain drains and private sewers.
314 Filthy or Verminous Articles <i>Section 84, Public Health Act 1936</i>	To authorise the cleansing, purification, disinfestation or destruction of articles considered to be filthy or verminous.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Environmental Protection</b>	
	<b>DPH</b>
315 Drains and Sewers <i>Section 17, Public Health Act 1936</i>	To serve notices and carry out works to (a) repair drains, private sewers, water closets, waste pipes and sewer pipes which are not sufficiently maintained and kept in good repair and which can be repaired at a cost not exceeding £250 and recovering the costs incurred, and (b) remedy stopped up drains, private sewers, water closets, waste pipes and sewer pipes and recovering the costs incurred.
316 Moveable Dwellings <i>Section 269, the Public Health Act 1936.</i>	To exercise the powers of the Council (Use of land for moveable dwellings etc.).
317 Notices <i>Section 80, Environmental Protection Act 1990</i>	To serve notices on behalf of the Council, in conjunction with the Head of Planning, Regulatory Services and Heritage.
318 Enforcement Action <i>Part III of the Food and Environmental Protection Act 1985</i> <i>Control of Pesticides Regulations 1986</i>	With all officers nominated by him/her under the provisions of this Scheme of Delegations, to enforce Part III of the Food and Environmental Protection Act 1985 in relation to contraventions of the Control of Pesticides Regulations 1986, in those premises for which this Council is the enforcing authority by virtue of Regulation 3 of the Health and Safety (Enforcing) Regulations 1989 and in private dwellings (non-work activities) but providing that no enforcement authority shall be given for any contravention of Regulation 4(1) of the Control of Pesticides Regulations 1986 which relates to the advertising of a pesticide.
319 Noise Nuisance	<a href="#">Request the Chief Legal officer</a> to commence proceedings in case of noise nuisance where equipment has not been seized in conjunction with the Head of Planning, Regulatory Services and Heritage.
320 Noise Offences - Seizure of Equipment	To request the Chief Legal Officer to commence proceedings in cases of noise offences leading to equipment being seized, in conjunction with the Head of Planning, Regulatory Services and Heritage.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Environmental Protection</b>	
	<b>DPH</b>
321 Notices - Enforcement <i>Section 81 (3) and Paragraph 2(3) of Schedule 3 of the Environmental Protection Act 1990</i>	To exercise the powers of the Council in relation to the enforcement of notices issued under Section 80 of the Environmental Protection Act 1990, in conjunction with the Head of Planning, Regulatory Services and Heritage.
322 Public Sewers - obstructions <i>Section 35, Local Government (Miscellaneous Provisions) Act 1976</i>	To serve notices requiring the removal of obstructions from public sewers and carrying out works in default.
323 Ruinous and Dilapidated Buildings <i>Section 79, Building Act 1984</i>	To serve notices to deal with ruinous and dilapidated buildings and neglected sites.
324 Sanitary Accommodation <i>Section 64, Building Act 1984</i>	To serve notices to require works to buildings having insufficient sanitary accommodation or sanitary accommodation which is prejudicial to health or a nuisance and which requires reconstruction.
325 Sanitary Accommodation <i>Section 45, Public Health Act 1936</i>	To serve notices to require works to sanitary accommodation which is prejudicial to health or a nuisance but which is capable of repair.
326 Verminous Premises <i>Section 83, Public Health Act 1936</i>	To serve notices in the case of filthy or verminous premises requiring works and carrying out of those works in default and recovery of the costs incurred.
327 Placards and posters <i>Town and Country Planning Act (1990) – Sections 220 and 225</i>	In consultation with the Chief Legal Officer, to issue notices to remove a placard or poster to persons who displayed, or caused it to be displayed, in contravention of regulations made under Section 220 of the Town and Country Planning Act 1990 ('the Act'), and if such notices are not complied with, to recover from the said person the costs reasonably incurred by the authority to remove the placard or poster pursuant to Section 225 of the Act.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Environmental Protection</b>		<b>DPH</b>
328	Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood.
329	Disposal of Waste on open land <i>Section 6 of the Refuse Disposal (Amenity) Act 1978</i>	To serve notices in relevant cases to deal with the proposed removal by the Council of waste abandoned on any land in the open air in this Borough.

<b>Private Sector Housing</b>		<b>DPH</b>
330	Closing Orders <i>Housing Act 1985 and Housing Act 2004</i>	To determine Closing Orders when the dwelling has been made fit for human habitation or any Category 1 Hazards assessed under the Housing Health & Safety Rating System have been removed.
331	Enforcement Housing Act 1985, Housing Act 1996, Housing Act 2004	To exercise the Council's powers under the relevant sections of the Acts, subordinate and other legislation to effect the enforcement provisions of the Acts, including those for service of notices, carrying out works in default, prosecution, fitness for number of occupants, overcrowding, recovery of costs and assessment of Housing under the Housing Health and Safety Rating system.
332	Part 2 and Part 3 of the Housing Act 2004	To exercise Council's powers to licence Houses in Multiple Occupation, including the setting of charges, imposing conditions and powers to extend the scheme to other residential properties.
333	Part 4 of the Housing Act 2004	To exercise the council's powers to make interim and final management orders in respect of Houses on Multiple Occupation, other residential accommodation and empty dwellings.
334	Works to defective premises <i>Section 76, Building Act 1984</i>	To serve notices requiring works to defective premises and, in the event of default, carrying out of those works and recovery of the costs incurred.



<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Private Sector Housing</b>		<b>DPH</b>
341	Protection from Eviction <i>Protection from Eviction Act 1977 (as amended)</i>	To investigate alleged breaches of the Act by way of alleged harassment and unlawful eviction.
342	Private Sector Housing Renewal Assistance Policy	Where variations on policy arise but they have similarity to previous cases, or where minor changes to the policy are required, to approve such changes, after consultation with Cabinet Member for Housing and Homelessness, the Chief Legal Officer, and the s151 Officer.

<b>Air Quality</b>		<b>DPH</b>
335	Chimneys <i>Section 15, Clean Air Act 1993</i>	To approve or refuse applications relating to the height of a new chimney or existing chimney serving a new furnace.
336	Control of emissions <i>Part I of the Environmental Protection Act 1990</i>	To exercise all the powers conferred on the Council in respect of the provision for controlling emissions which are harmful to the environment and requiring the owners of industrial plant at which certain specified industrial processes are carried on to apply to the local authority for authorisation to carry out that process.

<b>Dangerous Structures</b>		<b>DPH</b>
337	Dangerous Structures <i>Section 270, Housing Act 1985</i>	To serve notices on the occupier(s) of a building to which a demolition order relates requiring that person(s) to quit the building.

<b>Pest Control</b>		<b>DPH</b>
338	Damage by Pests - Rats and Mice <i>Section 4, Prevention of Damage by Pests Act 1949</i>	To serve notices requiring steps to be taken to destroy rats or mice on land.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Pest Control</b>		<b>DPH</b>
339	Damage by Pests - Rats and Mice <i>Section 6, Prevention of Damage by Pests Act 1949</i>	To carry out of works to destroy rats and mice on premises in the occupation of different persons and recovery of costs.
340	Damage by Pests - Recovery of costs <i>Section 5, Prevention of Damage by Pests Act 1949</i>	In default, to carry out works specified in notice served under Section 4 of the Act and to recover costs.

<b>Trading Standards</b>		<b>DPH</b>
341	Sunday Trading <i>Sunday Trading Act 1994</i>	To enforce the provisions of the Act, in conjunction with the Head of Planning, Regulatory Services and Heritage.
342	Trading Standards	In respect of trading standards:- (a) to exercise the powers of the Council, (b) to allow authorised officers from local authorities to act in Swindon on behalf of their Councils or on behalf of the Council in relation to trading standards, and (c) to authorise such officers of the Council as he may determine to act in an area of another local authority in relation to trading standards.
342	Trading Standards <i>Licensing Act 1964 (as amended by the Criminal Justice Act 2001)</i>	In conjunction with the Head of Planning, Regulatory Services and Heritage, Trading Standards staff are authorised to enforce those provisions of the Licensing Act (as amended) which prohibit the sale of alcohol to persons less than 18 years of age.

<b>Renovation Grants</b>		<b>DPH</b>
343	Breach of grant conditions - No discretion	Where a breach of grant conditions has occurred, and where there is no discretion in the amount of money to be reclaimed, to reclaim the required amount as required by the appropriate statute.

<b><i>Subject/ Enabling Statute</i></b>	<b><i>Authority</i></b>
344 Breach of grant conditions - discretion	Where there has been a breach of grant conditions, and where the Council has discretion whether or not to require repayment of the grant either in full or in part, to use his discretion, following consultation with the relevant Cabinet Member, to decide whether repayment of grant is required.
345 Home Repair Assistance Grants	To approve applications for Home Repair Assistance Grants in respect of minor works to dwellings, including thermal insulation, in accordance with such regulations as may from time to time be made by the Secretary of State and within the current policy of the Council.
346 Private Sector Renovation Grant	In consultation with the Director of Finance (s151 Officer) and the relevant Cabinet Member, to make further changes to the award policy for Renovation Grant, as appropriate, to ensure best use of available funds within the Council's current Housing Strategy.
347 Re-determination of grant expenditure	To re-determine the estimated expense of carrying out the eligible works for any type of grant mentioned in this section, on being satisfied that the works of improvement or repair in respect of which the grant was sought cannot be or could not have been carried out on the basis of the original estimated expense due to circumstances beyond the control of the applicant, or on being satisfied that the works cannot be or could not have been carried out without the applicant carrying out additional works unforeseen at the time of the application for a grant.
348 Reinstatement Grants	To approve Reinstatement Grants in respect of Defective Houses where a person has established eligibility for assistance, including the determination or re-determination of the eligible expense, up to 90% of the maximum limit or 100% in cases of hardship, as may be defined from time to time by the Council or the appropriate forum.
349 Refusal of applications for improvement grants	To refuse applications for all types of improvement grants which either do not meet the requirements of the legislation or which fall outside the scope of the Council's current award policy.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Renovation Grants</b>		<b>DPH</b>
350	Renovation Grants, Common Parts Grants, Disabled Facilities Grants and Houses in Multiple Occupation Grants	To approve applications, including the determination of the eligible expense and amount of grant, for Renovation Grants, Common Parts Grants, Disabled Facilities Grants and Houses in Multiple Occupation Grants and the approval of any such grant, including grants for the adaptation and use of dwellings for disabled persons, this to include situations where the works were commenced before approval was given and where in the opinion of the officer concerned there were good reasons for the works having been commenced before approval was given.
351	Disabled Facilities Grants	To approve additional Discretionary Disabled Facilities Grants for mandatory works only in situations where these cannot reasonably be carried out at or below the maximum amount currently specified for Mandatory Disabled Facilities Grants.

<b>Food Safety</b>		<b>DPH</b>
352	Food Safety - Enforcement <i>Food Safety Act 1990</i>	To request the Chief Legal Officer to commence legal proceedings following breaches of the Food Safety Act 1990 and associated regulations.
353	Food Safety <i>Public Health (Control of Disease) Act 1984</i> <i>Food Safety Act 1990</i> <i>Food and Environmental Protection Act 1985 and associated regulations</i>	With such officers as he may nominate, to enforce, on behalf of the Council, the provisions of the Acts.
354	Food Safety - Enforcement <i>Food Safety Act 1990</i>	With such officers as he/she may nominate, to enforce the provisions of the Food Safety Act 1990 (and amendments to this legislation plus subordinate and other legislation) in relation to inspection and control of unsound food and matters relating to food hygiene, food sampling analysis and food safety, service of notices, prosecution and seizure of suspected food.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
<b>Food Safety</b>	
355 Food Analysis and Examination <i>Food Safety Act 1990</i>	To appoint one or more persons to act as Public Analysts and Food Examiners for the purposes of the Act and to appoint a Deputy to act during any vacancy, absence or incapacity in the office of Public Analyst or Food Examiner.
356 Food Safety <i>National Assistance Act 1948 and 1951</i> <i>Public Health (Infectious Diseases) Regulations 1968</i>	To authorise the Council's functions under this legislation to be discharged by the Consultant for Communicable Disease Control or other registered Medical Practitioner approved by the Council.
357 Food Safety <i>Slaughter of Poultry Act 1967</i> <i>Slaughter Houses Act 1974</i>	With such officers as he/she may nominate, to enforce, on behalf of the Council, the provisions of the Acts and subordinate legislation.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>High Hedges</b>		<b>DPH</b>
367 High Hedges	To set the fees for investigating complaints of high hedges, including a discount for those who are in possession of a Swindon Card (level 2).	
368 High Hedges <i>Part 8 of the Anti-Social Behaviour Act 2003</i>	To investigate complaints about high hedges upon payment of the proper fee. To enter land to investigate complaints about high hedges. To serve notices requiring the remediation of high hedges. To exercise the powers of the Council in relation to the enforcement of notices issued under Part 8 of the Ant Social Behaviour Act 2003.	

<b>Peacetime Emergencies</b>		<b>DPH</b>
392 Peacetime emergencies	To exercise the powers of the Council in relation to planning for peacetime emergencies.	

<b>Health and Safety</b>		<b>DPH</b>
396 Health and Safety at Work <i>Health and Safety at Work etc. Act 1974</i>	To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. <i>(exercised concurrently with the Head of Internal Audit)</i>	

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>Health and Safety</b>		<b>DPH</b>
397	Sanitary Conveniences in Workplaces <i>Section 65, Building Act 1984</i>	To serve notices requiring the provision of sanitary conveniences in workplaces. <i>(exercised concurrently with the Head of Internal Audit)</i>
398	Sanitary Conveniences in places serving food <i>Local Government Miscellaneous Provisions Act 1976</i>	To require the provision of sanitary conveniences for the public in places serving food. <i>(exercised concurrently with the Head of Planning, Regulatory Services and Heritage)</i>

<b>Community Protection</b>		<b>DPH</b>
399	Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Chief Legal Officer, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices <i>(exercised concurrently with the Head of Housing Management and Community Safety and the Head of Planning, Regulatory Services and Heritage).</i>

<b>Grants</b>		<b>DPH</b>
400	Determination of grant applications	To approve, or refuse, grant allocations from the various budgetary provisions for one-off grant funds, subject to: (i) a maximum of £15,000 approval on any one grant (this amount to be reviewed annually); (ii) any grant being "one-off", with no recurring liability; and (iii) applications being in accordance with the current Council criteria relating to the relevant grant fund.
401	Grassroots Grants	In consultation with the appropriate Cabinet Member, to approve the award of Grassroots Grants.

<b>Subject/ Enabling Statute</b>	<b>Authority</b>
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<b>One Swindon</b>		<b>DPH</b>
402	One Swindon and Community Budgets <i>Local Government Act 2000</i>	Administration of the Council's Community Budgets.

<b>General</b>		<b>DPH</b>
403	Entry onto and inspection of land and premises	To enter and inspect land and premises in accordance with the powers specified in Statutes, Orders and Regulations falling within their purview.
404	Entry onto and inspection of land and premises <i>Health and Safety at Work etc. Act 1974</i>	Where the enabling statute permits, to authorise persons not appointed by this Council to enter upon land or premises in order to carry out their respective duties and in particular, but without prejudice to the generality of this authority, to authorise the Chief Fire Officer and officers of the Fire Brigade to enter upon land or premises for the purpose of examination of means of escape in case of fire in accordance with the Housing Act 1985 and appropriate licensing functions ( <i>exercised concurrently with the Head of Planning, Regulatory Services and Heritage</i> ).
405	Petroleum Licensing	To exercise the functions of the Council with regard to Petroleum Licensing. ( <i>exercised concurrently with the Head of Planning, Regulatory Services and Heritage</i> )
406	Requisitions for information <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To serve requisitions for information as to ownership/occupation on all persons having an interest in premises. ( <i>exercised concurrently with the Head of Planning, Regulatory Services and Heritage</i> )
407	Medical Referee to the Crematorium	To appoint a registered medical practitioner as Medical Referee to the Crematorium, and other registered medical practitioners as Deputy Medical referees to the Crematorium.



Subject/ Enabling Statute	Authority
<b>Travellers and Gypsy Site Management</b>	
DPH	
408 Unauthorised Encampments <i>Section 77 of the Criminal Justice and Public Order Act 1994</i>	To determine the action required to remove unauthorised campers within the Borough, and to give a Direction under Section 77 of the Criminal Justice and Public Order Act 1994, if appropriate, and if necessary, to request the Police to invoke their powers under the Criminal Justice and Public Order Act 1994.
<b>Community Protection</b>	
DPH	
409 Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Chief Legal Officer, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices ( <i>exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage</i> ).
410 Closure Notices and Closure Orders <i>Chapter 3 of the Anti-Social behaviour, Crime and Policing Act 2014</i>	In consultation with the Chief Legal Officer, to issue Closure Notices and apply for Closure Orders.

## DESIGNATIONS OF "PROPER OFFICERS"

Subject to the provisions of Standing Orders, Financial Regulations and the Scheme of Delegations:-

### CHIEF EXECUTIVE

The Chief Executive, and in the event of his/her being absent or otherwise unable to act, the Officers referred to in Article 14.07 of this Constitution, is hereby appointed the proper officer in relation to:-

- (a) any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October, 1972 or in any document made before 1st April, 1974 to the Clerk of a Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council;
- (b) the following provisions:-

#### Local Government and Housing Act 1989

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 4	Head of Paid Service

#### Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 137(A)	Receipt of a written statement or Annual Report or Accounts deposited under Section 137(A) where the Council has provided financial assistance to any organisation, body or fund

#### Representation of the People Act 1983

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 8	Electoral Registration Officer for any constituency or part of a constituency coterminous with or situated in the Borough of Swindon
Section 82(4)	A person before whom declarations may be made as to election expenses

## CHIEF LEGAL OFFICER

The Chief Legal Officer is hereby appointed the proper officer in relation to the following provisions:-

### **Marriage Act 1949**

Section of Act ————— Proper Officer's functions

Sections 9, 13 & 20 ————— Registration of Births, Deaths and Marriage

Section 57(4) ————— Reimbursement of fees

### **Registration Service Act 1953**

Section of Act ————— Proper Officer's functions

Sections 6(1), 6(3) ————— Dealings with registration officers  
10(1) and 14(1)

### **Local Government Act 1972**

Section of Act ————— Proper Officer's functions

13(3) To act as one of the Parish trustees in parishes having no separate Parish Council.

83(1) to (4) Witness and receipt of declarations of acceptance of office.

84 Receipt of declaration of resignation of office.

88(2) Convening of meeting of Council to fill casual vacancy in the office of Mayor.

Schedule 12 Part 1  
para. 4(2)(b) Signature of summonses to Council Meetings.

para. 4(3) Receipt of notices regarding address to which s  
summons to meetings is to be sent.

Schedule 14 Certification of resolutions to adopt certain Acts under  
para. 25(7) para. 25 of Schedule 14.

89(1)(b) Receipt of notice of casual vacancy from 2 local  
government electors.

100B(2) Circulation of reports and agendas

100B(7)(c) Supply of papers to the press

Section 100C(2)	Summaries of minutes
100F(2)	Papers not open to members
210(6) and (7)	Charity functions of holders of office with existing authorities transferred to holders of equivalent office with new authorities or if there is no such office, to proper officers.
225(1)	Deposit of documents
229(5)	Certification of photographic copies of documents
234(1) and (2)	Authentication of documents (including the authentication of those documents for which another officer has also been appointed the Proper Officer)
236(9)	To send copies of byelaws for Parish records
236(10)	To send copies of byelaws to the County Council
238	Certification of byelaws
248	Keeping of Roll of Freeman.
Schedule 16 Para. 28	Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act, 1971)

#### **Local Government Act 1974**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 30	Receipt of Ombudsman Reports (In the event of his/her being absent or otherwise unable to act, the Chief Executive is appointed Proper Officer)

#### **Local Government (Miscellaneous Provisions) Act, 1976**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 41	Authentication of copies of minutes etc. for production in Court

#### **Local Government and Housing Act 1989**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 5	Monitoring Officer
Section 15	Calculation of Political Balance on Committees

## Regulation of Investigatory Powers Act 2000

### Section of Act

### Proper Officer's functions

Sections 28 and 29

To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

## Local Government Act 2000

### Section of Act

### Proper Officer's functions

Section 52

Receipt of written undertaking from Members to observe the Authority's Code of Conduct

## **Crematorium Regulations 1930**

### Section of Act

### Proper Officer's functions

17

Registrar to the Crematorium

## **HEAD OF CUSTOMER SERVICES, REGISTRARS AND BEREAVEMENTS**

### **Marriage Act 1949**

Section of Act                      Proper Officer's functions

Sections 9, 13 & 20                      Registration of Births, Deaths and Marriage

Section 57(4) Reimbursement of fees

### **Registration Service Act 1953**

Section of Act                      Proper Officer's functions

Sections 6(1), 6(3)                      Dealings with registration officers  
10(1) and 14(1)

### **Crematorium Regulations 1930**

Section of Act                      Proper Officer's functions

17                      Registrar to the Crematorium

## **ELECTORAL SERVICES MANAGER**

The Electoral Services Manager is hereby appointed the proper officer in relation to the following provisions:

### **The Representation of the People Act 1983**

Section of Act                      Proper Officer's Functions

Sections 52(2)                      Deputy to Electoral Registration Officer  
and 52(3)

### **Local Democracy, Economic Development and Construction Act 2009**

Section of Act                      Proper Officer's Functions

Section 31                      Statutory Scrutiny Officer

## **CORPORATE DIRECTOR OF FINANCE AND ASSETS (S151 OFFICER)**

The Corporate Director of Finance and Assets (s151 Officer) is hereby appointed the proper officer in relation to:-

- (a) any reference in any enactment passed before or during the 1971 - 72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972 or in any document made before 1st April, 1974 to the Treasurer or Chief Financial Officer of a Council or of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council; and
- (b) the following provisions:

### **Local Government Act 1972**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
146(1)(a) and (b)	Declarations and certificates with regard to securities.
151	Proper administration of the Council's financial affairs.

### **Local Government Finance Act 1992**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 38(2)	Giving notice in the press of the amounts of Council Tax that have been set; and  the maintenance of the Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974.

## **DIRECTOR OF PUBLIC HEALTH**

The Director of Public Health is hereby appointed the Proper Officer in relation to :-

- (a) any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October, 1972, or in any document made before 1st April, 1974, to the Public Health Inspector or Sanitary Inspector of a Council or of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council;

- (b) the following provisions, except so far as any part of any particular duty included therein falls to be dealt with by the Registered Medical Practitioner appointed by the Council as the proper officer for any such part:-

### **Public Health Act, 1936**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
24	Power to issue a certificate where urgent action is needed for work to be carried out on a public sewer.
238	Inspection of premises the subject of application for registration as keeper of Common Lodging House.
284	Notices, etc., to be signed on behalf of Borough Council.

### **Public Health (Control of Disease) Act 1984**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
18	Information to be furnished by occupier in case of notifiable disease or food poisoning.
24	Disinfection of infected article, or satisfaction that it has been disinfected, before sending to laundry.
29	Certification as to disinfection of house and contents before re-letting.
29	Certification as to disinfection of hotel room and contents before re-letting.
30(2)	Notice as to disinfection of house and contents after vacation.
31(1)	Certification to Borough Council as to the cleansing and disinfection of premises, and the disinfection or destruction of articles, so as to prevent the spread of infection.
31(2)	Satisfaction as to steps taken in the cleansing and disinfection of premises, and the disinfection or destruction of articles.
59	Notices etc. to be signed on behalf of the Borough Council.



## **Building Act, 1984**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
78	Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.

## **Public Health Act, 1961**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
37	Disinfection or destruction of verminous article.

## **Housing Act, 1985**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
606(1)	Report to Borough Council as to unfitness of a house or as to a clearance area.
606(2)	Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.

## **Local Government Act 1972**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
234	Authentication of Documents as approved by the Chief Legal Officer.
234(1) and (2)	Authentication of such documents as relate to matters within the delegated powers of the .

## **Local Government and Housing Act 1989**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
204(3)	Receipt of Applications for licences under Schedule 2 of the Licensing Act, 1964.

## **Local Government and Housing Act 1989**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
179	To exercise power of entry by an authorisation within the meaning of Parts 3 and 4 of the Act and within the meaning of Section 108(5).

The Director of Public Health is hereby appointed the proper officer in relation to the following provisions:

### **Local Government Act 1972**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 101	To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services)

### **CORPORATE DIRECTOR OF ADULT SOCIAL SERVICES**

The Corporate Director of Adult Social Services, in consultation with the Director of Public Health jointly appointed with Swindon Primary Care Trust, is authorised to appoint a Registered Medical Practitioner to act as the proper officer in relation to the following provisions, except so far as any part of any particular duty included therein falls to be dealt with by the Director Adult Services appointed by the Council as the proper officer for any such part:-

### **National Assistance Act 1948**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
47	Persons in need of care and attention

### **National Assistance (Amendment) Act 1951**

<u>Section of Act</u>	<u>Proper Officer's functions</u>
1	Persons in need of care and attention

## Appendix Three

### Part 2 of the Constitution:

#### 14.06.01 Delegation to Officers

The Chief Executive, Corporate Directors, Directors and Heads of Service shall be authorised to carry out operational, management and administration functions within their areas of responsibilities and such actions are hereby ratified as acts and decisions of the Council. In particular, this delegation shall include:

- ☐ the incurring of expenditure provided for in the annual budget (subject to Part 4 of this Constitution);
- ☐ the service and withdrawal of notices, issue of licences, permits, consents, and similar authorisations;
- ☐ the entering into of leases and agreements and the settlement of claims;
- ☐ the selection of persons or companies to be invited to submit tenders and the acceptance thereof (subject to Part 4 of this Constitution) and the provisions of the Local Government Act 1988 in respect of "defined activities";
- ☐ the entry and inspection of property;
- ☐ the investigation of relevant matters associated with the institution and defence of legal proceedings and the undertaking of such actions;
- ☐ responding to government consultations;
- ☐ the exercise of authority when required under Civil Contingencies and emergency planning legislation.

**This delegation shall be exercised in accordance with the relevant statutory provisions and regulations and following appropriate prior consultation with the relevant Cabinet Member. Such decisions shall be recorded and where appropriate in accordance with openness and transparency regulations, published on the Council's website.**

#### 14.06.02

**Once the Chief Executive or her/his designated deputy, in consultation with the Leader of the Council or in her/his absence the Deputy Leader of the Council, has implemented the Gold/Strategic response to a major incident, the Chief Executive, Corporate Directors, Directors and Heads of Service shall be authorised to carry and key and strategic functions within their areas of responsibilities in consultation with the Leader or Deputy Leader and their respective Cabinet Members. Any such actions are hereby ratified as acts and decisions of the Council, and which shall also be reported to the next meeting of Cabinet or Council as appropriate.**

## Part 3 of the Constitution

### 3 Responsibility for Executive Functions

(3) 'key' and 'strategic' decisions (as defined in Article 13 of this Constitution) may be made by the Leader, a Cabinet Member within the remit of their portfolio, or the Chief Executive, Directors, following consultation with the Leader to, subject to the following: -

a) the Cabinet Member shall comply with the requirements of Article 13 of this Constitution relating to Decision-Making and Rule 21 of the Access to Information Procedure Rules (Cabinet Member Decision Note) and any other relevant Procedural Rules contained in this Constitution.

b) a Cabinet Member may refer any matter within their portfolio to Cabinet for decision.

c) the Leader may refer any executive matter to Cabinet for decision.

d) any matter which requires the approval of Council shall be referred to the Cabinet or the Leader or appropriate Cabinet Member for the formulation of proposals to Council.

e) a Cabinet Member shall not exercise a function expressly delegated to an Officer.