

3.8 SCHEME OF DELEGATION TO OFFICERS

This scheme sets out the extent to which the powers and duties of the Council are delegated to officers. Officers with delegated authority are able to take such action as may in his or her opinion be necessary or appropriate in connection with:

- (i) all operational management matters for those functions and service areas for which he or she has responsibility;
- (ii) persons and/or property for which he or she and his or her service has responsibility;
- (iii) the implementation of decisions properly authorised by the Council or a committee of the Council, the Cabinet or a committee of the Cabinet or by an officer acting under delegated powers;
- (iv) the performance of any action for which he or she is specified as responsible in any policy, procedure or other document approved or adopted by the Council or a Committee of the Council, the Cabinet or a Committee of the Cabinet or by an officer acting under delegated powers and making minor corrections to approved documents where the intention is clear;
- (v) all other functions, tasks and responsibilities listed in this scheme of delegation;
- (vi) anything which facilitates, or is conducive or incidental to, the discharge of the functions, tasks, or responsibilities listed in (i) to (v) above.

The delegation of powers is subject to the following:

- (i) The Chief Executive, Strategic Directors and Heads of Service may delegate decisions or functions for which they are responsible to one or more officers provided that they maintain a record of all such delegations and supply the monitoring officer with a copy of that record. Such a delegation does not prevent the taking of the decision or discharge of the function by the officer who delegated it.
- (ii) An officer may always refer a delegated matter to the Cabinet or the Council or one of its committees, as appropriate, for decision rather than take the decision himself or herself. In particular, officers should be aware of sensitive issues or cases which can arise and, where appropriate, submit the matter to the appropriate body for decision notwithstanding the existence of delegated authority.
- (iii) When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- (iv) The exercise of the power shall conform with approved budgets and policies but on the basis that each case is considered on its merits and that the decision taker exercises discretion where that is appropriate.

- (v) When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- (vi) When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- (vii) Any substantive or significant decision and the reasons for that decision shall be recorded in an appropriate manner. Any key decision shall be recorded as required by Rule 19 of the Access to Information Procedure Rules.
- (viii) The Chief Executive may authorise one officer to exercise the delegated powers of another officer (or exercise those delegated powers him or herself) in the absence of the officer holding the delegated powers.
- (ix) This scheme does not delegate to an officer any matter which:
 - has been reserved to the full Council;
 - has been reserved to any committee;
 - has been reserved to the Cabinet;
 - may not by law be delegated to an officer.

COUNCIL FUNCTIONS

Delegation to the Chief Executive, Strategic Directors and Heads of Service

1. To take such action as is required in the case of an emergency or urgency subject to:
 - (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
 - (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
 - (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.
2. Following consultation with the Council's Human Resources team and subject to the decision complying with the Council's existing policies:
 - (i) to approve the payment of honoraria of up to £1,500 in any 12 month period for any individual employee undertaking the duties and responsibilities of a higher graded post over an extended period;
 - (ii) to approve payment of one accelerated increment on the grounds of special merit or ability, for employees within their existing grades;
 - (iii) to enter into apprenticeship agreements;
 - (iv) to authorise the extension of sick pay beyond normal entitlements;
 - (v) to approve extensions of service up to 12 months for those employees over the normal retirement age;
 - (vi) to approve essential and casual car allowances for individual posts where it is agreed that the post warrants such an allowance;
 - (vii) to approve post entry training of up to £2,500 per individual employee per financial year;
 - (viii) to make temporary appointments to be held against existing permanent posts or within the overall budget;
 - (ix) to change the grading of posts as a result of job evaluation, following consultation with the recognised trades unions;
 - (x) to approve the extension of probationary periods;
 - (xi) subject to the Officer Employment Procedure Rules and to any right of appeal which may be applicable, to undertake staff management, disciplinary and capability matters including dismissal within their Directorate or Service Area.

Note: in the first instance these functions will be exercised by the Head of Service with matters being determined by Chief Officers in relation to people reporting directly to them or in specific circumstances which make this appropriate or necessary.

3. To settle compensation payments in accordance with the Council's complaints procedure.
4. To negotiate and settle disputes without recourse to court proceedings including negotiating and agreeing terms through alternative dispute resolution.
5. To sign contracts up to a value of £50,000 entered into on behalf of the Council in the course of the discharge of a Council function.

Delegation to Heads of Service

1. To undertake the periodic review of fees and charges raised within his or her service area and falling within the scope of the Council's Income and Charging Policy Framework.
2. To exercise statutory powers of entry.
3. To issue or serve any notice, warrant or direction for the purpose of enforcing any Council function or non-executive function.
4. To respond to consultation documents in relation to those Council functions for which he or she has responsibility.

Delegation to the Head of Paid Service

1. To exercise the functions of the Council's head of paid service under Section 4 of the Local Government and Housing Act 1989 and in this role:
 - to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
 - to give professional advice to all parties in the decision making process (the Cabinet, scrutiny bodies, the Council and other committees);
 - together with the Head of Strategic Support, to be responsible for a system of record keeping for all the Council's decisions.
2. Subject to the Officer Employment Procedure Rules and to any right of appeal which may be applicable, to undertake staff management, disciplinary and capability matters and dismissal, including the application of staffing related policies, the exercise of discretion in the application of those policies and the settlement of employee claims against the Council, except insurance claims.
3. To suspend non-statutory chief officers and deputy chief officers where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct. The members of the Cabinet are to be notified as soon as possible after the action is taken in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
4. To determine cases of early retirement due to ill health
5. To appoint to posts below the level of chief officer.
6. To agree changes to the establishment, within budget and without major service or policy implications, affecting no more than five posts in any single case.
7. In the exercise of 1. to 6. above, to authorise expenditure to be met from the Reinvestment Reserve for the purposes of meeting any redundancy or salary protection costs that might arise.
8. To authorise urgent expenditure.
9. To deal with emergency issues or those that are urgent, including authority to make temporary changes to management arrangements for a period of up to three months, and generally to give effect to anything that is required to

be done in those circumstances that are not otherwise provided for in the delegation arrangements.

10. To reject any application for the early payment of a pension on the grounds of compassion which does not meet the agreed criteria.
11. To act as Returning Officer, Acting Returning Officer or Deputy Returning Officer at:
 - (i) Local elections;
 - (ii) Parliamentary elections; and
 - (iii) European elections.
12. To undertake other election duties not reserved by the Council.
13. To undertake the duties of Electoral Registration Officer.
14. To make local settlements in cases of maladministration.
15. To make agreements with other local authorities for the placing of staff at the disposal of those authorities.

Delegation to the Strategic Director (Corporate Services)

1. To exercise all the functions of the Council's Chief Financial Officer and Responsible Financial Officer, including proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2003 and the Audit Commission Act 1998.
2. To update and ensure compliance with the Council's Financial Procedure Rules.

Delegation to the Head of Planning and Regeneration

Development Control

1. To determine all planning applications and applications for advertisement consent, listed building consent, conservation area consent and consent to carry out works to protected trees, except where:
 - (i) the application is contrary to the provisions of an approved or draft Development Plan policy or Supplementary Planning Guidance and is recommended for permission;
 - (ii) in the opinion of the Head of Planning and Regeneration, the application is potentially controversial or likely to be of significant public interest or would have a significant impact on the environment;
 - (iii) the application is submitted by or on behalf of the Council for its own development, except for the approval of development which in the opinion of the Head of Planning and Regeneration is not of major impact and to which no objections have been received;
 - (iv) the details of an intended delegated decision on any application where material planning representations have been received in conflict with that recommendation have been circulated to the ward councillor(s) concerned and by 5 pm on the second working day following the details being circulated, a ward councillor has advised the Head of Planning and Regeneration, via e-mail or in writing and giving relevant

- planning reason(s), that the application should be referred to the Plans Committee for determination;
- (vi) the application is submitted by a serving or former member of the Council, a serving officer of the Council or a person who served as an officer of the Council at any time during the five year period prior to the submission of the application or as a chief officer or deputy chief officer during the 10 year period prior to the submission of the application.
2. To agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.
 3. To agree extensions to the time limits for implementing planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.
 4. To determine applications for certificates of lawfulness for proposed or existing uses or development.
 5. To approve details submitted in compliance with conditions on planning permissions.
 6. Rights of entry:
 - (i) to initiate a proposal under Sections 196A and 324 of the Town and Country Planning Act 1990 (rights of entry);
 - (ii) to appoint officers to enter premises for the purpose of inspection in connection with (i) above;
 - (iii) to serve notices of intention to enter premises for the purpose of inspection in accordance with Sections 196A and 325 of the 1990 Act;
 - (iv) to apply for warrants authorising entry under Section 196B of the 1990 Act.
 7. To serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.
 8. To serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990.
 9. To take formal enforcement action in relation to cases of unauthorised development not covered by other specific delegated authority except where the details of an intended delegated decision on any recommendation to take enforcement action have been circulated to the ward councillor(s) concerned and by 5 pm on the second working day following the details being circulated, a ward councillor has advised the Head of Planning and Regeneration, via e-mail or in writing and giving relevant planning reason(s), that the matter should be referred to the Plans Committee for determination.
 10. Subject to prior consultation with the appropriate ward councillor(s), to determine cases where it is not considered expedient to take formal enforcement action in relation to cases of unauthorised development where such development is in accordance with planning policies or standards, does not result in a significant loss of amenity to local residents and does not have a significant impact on the character and appearance of the area.
 11. To take action under Section 224 of the Town and Country Planning Act 1990 and the Town and Country (Control of Advertisement) Regulations in respect of unauthorised advertisements.

12. Subject to prior consultation with the appropriate ward councillor(s), to withdraw a planning enforcement notice where planning permission for the development has subsequently been granted.
13. To remove or obliterate posters under Section 225 of the Town and Country Planning Act 1990.
14. To determine whether an Environmental Impact Assessment is required to accompany a planning application, and the matters to be covered in the assessment.
15. To respond to applications for determinations under Parts 6, 7, 24 and 31 of the Town and Country Planning (General Permitted Development) Order 1995.
16. To serve notices under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.
17. To respond to consultations by government departments, electricity undertakings and other local authorities about development proposals.
18. To make representations in respect of proposals for the installation of Cable TV apparatus in conservation areas or in the proximity of listed buildings and responding to any subsequent consultation by the Secretary of State for Trade and Industry.
19. To impose conditions relating to the installation of Cable TV apparatus and opposing the installation of flown lines or poles in areas of the Borough not covered in 18. above.
20. To negotiate the heads of terms of section 106 agreements.
21. To decline to determine planning applications under section 70(a) of the Town and Country Planning Act 1990.
22. To submit an order to the Secretary of State for revocation of a Hazardous Substances Consent in circumstances where there are no objections from the Health & Safety Executive or site operator.
23. To serve completion notices under section 94 of the Town and Country Planning Act 1990.
24. To serve orders under section 102 of the Town and Country Planning Act 1990 requiring the discontinuance of a use of land.
25. To serve building preservation notices under section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in consultation with the Chair of the Plans Committee.
26. To serve repairs notices on listed buildings under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. To execute urgent works under section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. To determine, in areas where no Town/Parish Council or Meeting exists, whether a community group is properly constituted and a representative of that group is therefore able to address the Plans Committee in accordance with Council Procedure Rule 43 and to establish criteria for that determination.

Conservation and Trees

29. To make, confirm where there are no objections, and revoke tree preservation orders in consultation with the Chair of the Plans Committee.
30. To issue Article 5 certificates for protected trees.

31. To serve hedgerow retention notices in consultation with the Chair of the Plans Committee.
32. To respond to notices of intention to carry out works to trees in conservation areas.

High Hedges

33. To determine complaints received under the provisions of the High Hedges Regulations 2005, specify remedial action required to resolve complaints received under the High Hedges Regulations 2005, specify remedial action to resolve the complaints in accordance with the national guidance and initiate enforcement action as necessary, except where the high hedge complaint relates to:
 - (i) the Council's own land;
 - (ii) land is occupied by a councillor or Council employee; or
 - (iii) where the complainant is a councillor or Council employee.

Footpaths

34. To make and, where no objections are received, confirm footpath diversion orders.

Other

35. To make amendments to the Climate Change Strategy in response to future legislative changes or changes at local or regional level in consultation with the relevant Lead Member.

Delegation to the Head of Regulatory Services

Environmental Health

- I. To exercise powers generally under Environmental Protection, Public Protection, Private Sector Housing, Food Hygiene and Food Safety, Health and Safety, Animal Welfare, Pest Control and Dog Control legislation, as amended from time to time, and in particular relating to:-
 - a. Statutory nuisances.
 - b. Air quality, water quality (recreational and drinking) and pollution control.
 - c. Prevention and control of notifiable infectious diseases.
 - d. Food safety and hygiene control
 - e. Noise control.
 - f. Contaminated land.
 - g. Stray dogs, dangerous dogs and dog fouling.
 - h. The control of vermin and other pests.
 - i. Health Education and development.
 - j. The health safety and welfare of animals.
 - k. Health, safety and welfare of people at work, at home or in pursuit of leisure.

- l. Public health and infectious disease control
2. To make decisions on applications for, and renewal, variation or transfer of, licences, registrations, permits, authorisations, approvals, certificates or designation orders in respect of:
 - a. Premises for sale, storage, preparation or manufacture of food.
 - b. Milk distributors or dealers storing or selling milk.
 - c. Game dealers and game keepers.
 - d. Food export certificates and deferred port health inspection of imported foods
 - e. Offices and shops.
 - f. Animal welfare
 - g. Dangerous wild animals and guard dogs.
 - h. Designation orders for dog control.
 - i. Skin piercing, electrolysis, tattooing and acupuncture activities.
 - j. Knackers' premises.
 - k. Chimney heights and furnaces.
 - l. Caravan and camping sites.
 - m. Processes prescribed under the Pollution Prevention & Control Act.
 - n. Loudspeakers in the street.
 - o. Private sector leasing schemes.
 - p. Consent for noisy work on construction sites.
 - q. Persons with infectious diseases
3. To serve notices and authorise officers to issue fixed penalty notices, in pursuance of any statutory provisions relating to:
 - a. The maintenance repair and/or cleansing of defective, stopped up, leaking or overflowing drainage systems, water closets or soil pipes.
 - b. Filthy or verminous premises, articles or persons.
 - c. Nuisances, drainage of premises and water supplies.
 - d. Control of noise, air and other forms of pollution.
 - e. Offences relating to burning of certain crop residues.
 - f. Food safety and food hygiene, shopping hours and trading.
 - g. Works relating to unoccupied buildings under Sections 29-32 of the Local Government (Miscellaneous Provisions) Act 1982.
 - h. Closing Orders in respect of take-away food shops.
 - i. Section 76 of the Building Act 1984 (defective premises).
 - j. Noise nuisance from domestic premises, vehicles, machinery or equipment in the street.
 - k. Pest Control.
 - l. Dog Control.
 - m. Contaminated land.
 - n. Hazards in private sector properties.
 - o. Water quality.
 - p. Infectious diseases.
 - q. Health, safety and welfare of people at work, at home or in pursuit of leisure.
4. To take action to enforce the smoke-free requirements for premises and vehicles under the Health Act 2006.
5. To engage the services of authorised veterinary practitioners to provide advice and other assistance in respect of the Council's statutory functions relating to animals.

6. To make decisions and to enter into agreements under the relevant regulations for the purpose of enforcing controls for working with asbestos.
7. To agree transfers of enforcement responsibilities under the Health and Safety (Enforcing Authority) Regulations 1989, as amended from time to time.
8. To authorise any appropriate officers to act in matters arising under Food Safety legislation including:-
 - a. The power to enter any business premises in Great Britain in order to investigate offences occurring within the District Council's area.
 - b. The powers conferred for the purposes of entry, inspection, sampling, detention and destruction by Environmental Health Technical Officers.
 - c. To authorise a Veterinary Surgeon or such other person as considered appropriate to enter any other premises in Great Britain in order to investigate offences occurring within the District Council's areas.
9. To approve premises for the purposes of production and/or processing of food as required by Food Safety legislation.
10. To authorise Environmental Health Officers and Technicians who have received adequate training to enforce Part III of the Food and Environmental Protection Act 1985 and the Control of Pesticides Regulations 1986.
11. To appoint inspectors under section 19 of the Health and Safety at Work etc. Act 1974 and other related Health and Safety legislation.
12. To make appropriately qualified staff available to Leicestershire Local Authorities, Rutland County Council and the Health and Safety Executive under the terms of the Memorandum of Understanding for the Flexible Warrant Scheme.
13. To appoint and authorise such persons as is considered necessary not being Council employees, to enter premises within the administrative area of the District Council for the purpose of assisting in the carrying into effect any of the relevant statutory provisions within Health and Safety legislation.
14. To appoint, as and when necessary and in conjunction with the Proper Officer for infectious and communicable diseases, a clinician for the purposes of Section 35 of the Public Health (Control of Disease) Act 1984 and to authorise the removal of persons for treatment under the Act.
15. To appoint alternate proper officers where specified or referred to in the Public Health (Control of Diseases) Act 1984, including any subordinate regulations or orders, and in respect of the National Assistance Act 1948 (as amended).
16. To arrange burials in accordance with the Public Health (Control of Diseases) Act 1984.

Licensing

17. To issue or refuse any licences relating to the operation or driving of hackney carriages and private hire vehicles under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
18. To suspend, renew or revoke any licences relating to the operation or driving of hackney carriages and private hire vehicles under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

19. To determine applications for charitable collections.
20. Subject to the provisions of the Council's Licensing Policy, to determine the following in respect of the Council's role as Licensing Authority under the Licensing Act 2003:
 - (i) application for a personal licence where there are no relevant unspent convictions and where no relevant representation has been made;
 - (ii) application for a premises licence or club premises certificate where no relevant representation has been made;
 - (iii) application for a provisional statement where no relevant representation has been made;
 - (iv) application for variation to a premises licence or club premises certificate where no relevant representation has been made;
 - (v) application to vary a designated premises supervisor where no relevant representation has been made;
 - (vi) application for transfer of a premises licence where no relevant representation has been made;
 - (vii) application for interim authority where no relevant representation has been made;
 - (viii) a temporary event notice where there is no police objection and where no relevant representation has been made;
 - (ix) application for minor variations to premises licences and club premises certificates under The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
21. To take action in cases of a breach of licensing conditions.
22. To determine premises licence fees under section 212 of the Gambling Act 2005.
23. To determine an application for a premises licence under the Gambling Act 2005 where no relevant representations have been made.
24. To determine an application for the variation of a premises licence under the Gambling Act 2005 where no relevant representations have been made.
25. To determine an application for transfer of a premises licence where no representations have been made by the Gambling Commission.
26. To determine an application for a provisional statement under section 204 of the Gambling Act 2005 where no relevant representations have been made.
27. To determine an application for a club gaming permit or club machine permit under sections 271 and 273 of the Gambling Act 2005 where no relevant representations have been made.
28. To register small society lotteries under the Gambling Act 2005.
29. To renew sex establishment licences where no relevant representations have been made.
30. To determine applications for licences for scrap metal dealers and motor salvage operators.

Other

31. To grant consents and licences under the Highways Act 1980
32. To determine applications for street trading consent.

Delegation to the Head of Strategic Support

Planning

1. To serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.
2. Rights of entry:
 - (i) to initiate a proposal under Sections 196A and 324 of the Town and Country Planning Act 1990 (rights of entry);
 - (ii) to appoint officers to enter premises for the purpose of inspection in connection with (i) above;
 - (iii) to serve notice of intention to enter premises for the purpose of inspection in accordance with Sections 196A and 325 of the 1990 Act;
 - (iv) to apply for warrants authorising entry under Section 196B of the 1990 Act.
3. To issue and serve enforcement notices (including an enforcement notice in relation to the demolition of an unlisted building in a conservation area) in cases of urgency and after notifying the Chair of the Plans Committee.
4. To serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990.
5. To serve breach of condition notices.
6. To determine applications for certificates of lawfulness for proposed or existing uses or development.
7. To enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990.
8. To take action, including legal proceedings where necessary, in order to remedy any breaches of the requirements of planning conditions, enforcement notices or any failure to comply with the obligations contained in an agreement under Section 106 of the Town and Country Planning Act 1990.
9. To issue and serve a stop notice or temporary stop notice after notifying the Chair of the Plans Committee.
10. To apply for an injunction restraining a breach of planning control.
11. To apply for an injunction in relation to a listed building.
12. To serve notices under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.

Other

13. To institute, defend or settle any legal proceedings, including bankruptcy action, on behalf of the Council.
14. To take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the area or its inhabitants so to do.
15. To issue formal cautions.
16. To negotiate and settle claims without recourse to court proceedings including the use of alternative dispute resolution.
17. To make minor changes to the constitution.
18. To appoint 'proper officers' for particular purposes.
19. To prepare and execute documents, including the affixing of the common seal, to give effect to a decision made by the Council or one of its

committees or sub-committees or an officer in the exercise of delegated powers.

20. To make appointments to the Standards Panel from members and reserve members of the Standards Committee.
21. To make minor amendments to the procedures of the Standards Panel in response to changes to legislation and guidance issued by the Standards Board for England.
22. To consider and report on any report of the Local Government Ombudsman.
23. To update and ensure compliance with the Council's Contracts Procedure Rules.
24. To co-ordinate and oversee the overview and scrutiny function.
25. To make appointments to the Licensing Sub-committee and Personnel Panels where necessary from among the members and reserve members of the parent committee.

EXECUTIVE FUNCTIONS

Delegations to the Chief Executive, Strategic Directors and Heads of Service

1. To take such action as is required in the case of an emergency or urgency subject to:
 - (i) consultation with the Leader (or, in the Leader's absence, the Deputy Leaders);
 - (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
 - (iii) a report on the action taken being made to the next meeting of the Cabinet.
2. To incur expenditure within the Council's approved capital/revenue budget in accordance with approved rules and procedures.
3. To sign contracts up to a value of £50,000 entered into on behalf of the Council in the course of the discharge of an executive function in accordance with Article 14.04.
4. To negotiate and settle disputes without recourse to court proceedings including negotiating and agreeing terms through alternative dispute resolution.
5. To participate in, including the submission of written evidence to, inquiries, appeals, tribunals and hearings concerning the work of the Council.
6. To settle compensation payments in accordance with the Council's complaints procedure.
7. To submit bids for and enter into agreements for grants and other funding sources up to a value of £100,000 per annum.

Delegations to Heads of Service

1. To undertake the periodic review of fees and charges raised within his or her service area and falling within the scope of the Council's Income and Charging Policy Framework.
2. To exercise statutory powers of entry.
3. To authorise casual or seasonal lettings of land or premises belonging to or under the control of the Council.
4. To dispose of surplus or obsolete vehicles, plant, apparatus, furniture, office or other equipment or books in accordance with approved procedures.
5. To pay any sum owed to the Council under a contract made between the Council and a third party.
6. To carry out statutory rights in respect of works in default.
7. To agree the installation of home telephones in accordance with approved policy.
8. To vary the number of employees within the various trades within the Council's total manual workers' establishment following consultation with and subject to the agreement of the Head of Paid Service.
9. To issue or serve any notice, warrant or direction for the purpose of enforcing an executive function.

10. To pay over Section 106 monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service has been determined to be the relevant Head of Service by the Head of Finance and Property Services.
11. To respond to consultation documents in relation to those Executive functions for which he or she has responsibility.

Delegation to the Head of Paid Service

1. Subject to the Officer Employment Procedure Rules and to any right of appeal which may be applicable, to undertake staff management and disciplinary and capability matters, including the application of staffing related policies, the exercise of discretion in the application of those policies and the settlement of employee claims against the Council.
2. In the exercise of 1. above, to authorise expenditure to be met from the Reinvestment Reserve for the purposes of meeting any redundancy or salary protection costs that might arise.
3. To approve the Council's health and safety policies in consultation with the relevant Lead Member.
4. To amend Action Plans for the Cross Cutting Strategies, Team Plans, the list of the Council's key projects and project mandates in consultation with the Leader.
5. To act as the Council's responsible senior officer for all children's services including safeguarding (this has been sub-delegated to the Strategic Director (Community Wellbeing and Customer Services)).
6. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

Delegation to the Strategic Director (Corporate Services)

1. To act as the Council's Information Security Manager.
2. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
3. To set and maintain credit card surcharges at an appropriate percentage rate to offset the average costs charged to the Council for accepting credit card payments.

Delegation to the Head of Cleansing and Open Spaces

1. To manage and maintain the Council's parks, recreational facilities and floral displays.
2. To determine applications for special Carillon recitals and visits to the Carillon.

3. To take action to remove trespassers from parks, recreation grounds and open spaces owned by the Council.
4. To determine applications to stage circuses not involving performing animals at Southfield's Park.
5. To manage, maintain and let the Council's allotments.
6. To let land for fairs (other than the November Fair).
7. To determine applications for free or concessionary use of recreation facilities by organisations in certain circumstances subject to the cost being met from the district promotions budget.
8. To increase the fees payable to the Borough Carillonneur by the percentage awarded nationally to local government officers.

Burials

9. To grant, assign and sell burial rights.
10. To agree the extension of the five year period of qualification for the "resident" rate for burial in cases where the person had died in hospital outside the Borough but had, immediately prior to hospitalisation, been resident in the Borough.
11. To manage and maintain the Council's cemeteries.

Environment

12. To provide, site and maintain bus shelters, street name plates and traffic signs.
13. To manage the Council's refuse collection, recycling and street cleansing contract and undertake associated fleet management responsibilities.
14. To exercise the Council's powers under Section 46 of the Environmental Protection Act 1990.
15. To appoint officers to enter premises for the purpose of inspection connected to the Borough of Charnwood Land Drainage Byelaws made by virtue of Section 66 of the Land Drainage Act 1991.
16. To issue notices connected to the Borough of Charnwood Land Drainage Byelaws made by virtue of Section 66 of the Land Drainage Act 1991.
17. To serve notices relating to land drainage under the Land Drainage Act 1991 and the Water Industry Act 1991.
18. To maintain the Council's CCTV system.

Delegation to the Head of Finance and Property Services

Land/Property

1. To submit applications under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992.
2. To process Right to Buy applications and dispose of council properties in accordance with the Right to Buy scheme under the Housing Act 1985.
3. To determine requests to extend the time period for responses from tenants exercising the Right to Buy under the Housing Act 1985.

4. To determine the actual amount of discount repayable in individual cases in respect of the sale of properties previously purchased under the Right to Buy scheme, including the determination of applications to waive repayment, in accordance with Section 155 of the Housing Act 1985, as amended and subject to the Council's Right to Buy Discount Policy.
5. To approve land and property disposals that have been undertaken in accordance with the Asset Management Strategy and the Land and Property Disposal Policy where either:
 - (a) the freehold consideration is £50,000 or less; or
 - (b) a grant of lease has an annual rent of £20,000 or less or an annual premium of £50,000 or less.
6. To approve the purchase of land or entering into a lease for the use of land by the Council where the value is under £10,000 (capital) or £10,000 per annum (periodic payment).
7. To obtain a District Valuer's report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.

Industrial Property

9. To authorise the phasing in of new licence fees for the Council's managed workspaces.
10. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
11. To grant initial rent free periods for industrial units of three months in appropriate cases or for an extended period following consultation with the Leader.
12. To extend licences at the Council's Managed Workspaces for a period of up to 12 months where an extension for that period is justified for properly establishing the business of the licensee.
13. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short term duration.
14. To approve and pay fitting out grants for industrial units subject to approved limits.

Staffing

16. To determine claims made by officers of the Council in respect of malicious damage to vehicles, arising from business usage in consultation with the Strategic Director concerned and subject to the Police being informed of the incident.
17. To administer the employees' assisted car purchase scheme.

Finance

18. To manage the Council's borrowing portfolio in the light of the Council's Treasury Policy Statement including: borrowing temporary loans up to the maximum permitted; raising money market long-term loans, as necessary; borrowing up to the maximum PWLB quota; and repaying PWLB and money market loans prematurely where in the Council's interest.

19. To manage the investment of surplus funds in accordance with the Council's Treasury Policy Statement.
20. To institute proceedings, excluding bankruptcy proceedings, to pursue debts owed to the Council of under £5,000.
21. To submit annual returns and claims to the Government on behalf of the Council.
22. To declare the local average rate(s) for mortgages and advances at six monthly intervals and applying, as soon as possible, any variation of interest rates occasioned by alterations of either the standard national rate or the local average rate in accordance with the Housing Act 1985.
23. To update and ensure compliance with the Council's Contracts Procedure Rules.

Delegation to the Head of Housing

Strategic Housing Functions

1. To determine homelessness applications.
2. To determine all applications for allocations and manage the housing register in accordance with the Council's policies.
3. To make nominations to registered social landlords or other approved providers.
4. To undertake emergency re-housing of homeless households in accordance with the Council's statutory duties.
5. To vary the proportion of allocations to statutorily homeless households, in consultation with relevant Lead Member, to reflect any changes in the supply of and demand for housing.
6. To apply approved local lettings policies in consultation with the relevant Lead Member and to approve the right of applicants to appeal about the policies or allocations which are made under the policies.
7. To enter into short term letting arrangements of property suitable for persons on the waiting list.
8. To make selective one-off payments to private landlords or mortgagees if it is considered that such payments can avoid higher bed and breakfast and other costs to the Council within budget limits and up to a maximum of £50,000 per annum.
9. To make minor amendments to the Homelessness Strategy and Action Plan in consultation with the relevant Lead Member.
10. To consider and determine appeals against the Council's refusal to include an applicant on the housing register
11. To consider and determine appeals against any Council decision relating to homelessness.
12. To act as the Council's representative with Charnwood Neighbourhood Housing.
13. To make amendments to the Older Persons Housing Strategy and Action Plan in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member.

14. To make minor changes to the Local Lettings Policy for first lettings on Registered Social Landlord new housing developments and for market opportunity schemes, in consultation with the relevant Lead Member.
15. To make amendments to the Housing Asset Management Strategy in response to future legislative changes, changes at local or regional level, or in government guidance, in consultation with the relevant Lead Member.
16. To make amendments to the Allocations Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member.

Private Sector Housing

17. To enter into lease agreements of up to three years under the private sector leasing scheme.
18. To determine all house renovation grants applications, subject to sufficient budget provision being available.
19. To determine cases where the repayment of a house renovation grant is not required where mortgagees exercise their powers of sale and the proceeds of the sale are insufficient to cover both the redemption of the outstanding mortgage and the amount of grant repayable.
20. To determine discretionary HMO grant applications to achieve the required standard for an existing house in multiple occupation.
21. To determine mandatory and discretionary disabled facilities grant applications.
22. To reclaim disabled facilities grants and determine cases where the repayment should be waived in accordance with The Housing Grants, Construction and Regeneration Act 1996 and the Disabled Facilities Grant (Conditions Relating to Approval or Payment of Grant) General Consent 2008.
23. To determine Home Repair Assistance grant applications for dealing with serious disrepair in properties.
24. To determine Home Safety Grant and Warm Front Hardship Grant applications.
25. To determine Relocation Grant, Partnership Grant and Decent Homes Grant applications subject to budget availability and qualifying criteria.
26. To increase maximum grant thresholds for Home Repair Assistance Grants and Partnership Grants, subject to budget availability, in consultation with the relevant Lead Member.
27. To enter into nomination rights agreements following the award of Partnership Grants.
28. To issue rent deposit guarantees in accordance with the approved scheme.
29. To take action in respect of the repair, closing or demolition of dwellings that are hazardous or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the prevention of harassment or unlawful eviction of residential occupiers.
30. To undertake emergency action to private unoccupied premises under section 29 of the Local Government (Miscellaneous Provisions) Act 1982.

31. To take appropriate remedial action for the enforcement of housing standards by the service of notices and orders under Part 1 of the Housing Act 2004.
32. To manage, under Part 2 of the Housing Act 2004, the licensing of houses in multiple occupation.
33. To take action under Part 3 of the Housing Act 2004 in respect of the selective licensing of dwellings.
34. To take action under Part 4 of the Housing Act 2004 in respect of the management of empty dwellings.
35. To serve notices requiring the provision of means of escape from fire and other fire precautions for houses in multiple occupation.
36. To serve notices requiring abatement of overcrowding of dwellings.
37. To make amendments to the Private Sector Housing Assistance Policy in response to legislative changes in consultation with the relevant Lead Member.
38. To authorise officers to enter premises under section 239 of the Housing Act 2004 and require documents to be produced under section 235 of the Housing Act 2004.

Delegation to the Head of Leisure and Culture

Arts

1. To determine, in consultation with the Advisory Panel, whether offers of public art up to a value of £25,000 should be accepted for the Council's collection.
2. To manage the Council's participation in the Creative Leicestershire project.

Town Hall

3. To manage Loughborough Town Hall including the approval of discounts for the hire of the Town Hall in accordance with the approved scheme.
4. To approve the free use of Loughborough Town Hall in cases where the cost of such use will not exceed £800 and when the booking is being made by a public organisation with education being the basis for the event.

Leisure

5. To manage the Council's leisure centres.
6. To manage Charnwood Museum.
7. To make orders under section 21 of the Town Police Clauses Act 1847 and other arrangements for the temporary or emergency regulation of traffic.

Markets, Fairs and Town Centre Management

8. To make changes to the Market Regulations in line with legislation and in order to update operational practices.
9. To grant or refuse permission for 'rival markets'.
10. To allocate and reallocate market stalls and fix dates for markets.

11. To allocate sites at Loughborough November Fair and regulate the siting and parking of fairground vehicles.
12. To authorise events and activities in the pedestrianised area of Loughborough town centre.
13. To act as the licensee for Loughborough town centre and Charnwood parks
14. To provide, manage and maintain the Council's public toilets.

Delegation to the Head of Neighbourhood Services

General

1. To make changes to the Children and Vulnerable Adults Safeguarding Policy
2. To make changes to the procedure for the organisation of Ward Walks and Partnership Action Weeks.
3. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
4. To promote and monitor the Council's partnerships and to approve new partnerships.
5. To make appointments to the Charnwood Grants Panel, make payments of grants approved by the Panel, make arrangements for determining Community Development grant applications which cannot be considered by Cabinet due to exceptional circumstances and monitor the grants process, including having responsibility for budgets and overseeing the operation of the Panel.
6. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
7. To make orders under section 21 of the Town Police Clauses Act 1847 and other arrangements for the temporary or emergency regulation of traffic.

Community Safety

8. To manage schemes and take action in relation to the Charnwood Crime and Disorder Reduction Strategy and the Council's powers under the Crime and Disorder Act 1998.
9. To oversee and develop the strategy for the Council's CCTV system.
10. To approve future minor changes recommended by the CCTV Steering Group to the CCTV Code of Practice, in consultation with the relevant Lead Member.
11. To negotiate CCTV monitoring agreements with parish and town councils for alarm triggered CCTV systems in consultation with the relevant Lead Member and having regard for the principle of applying a charge for the service of 25% of the cost to the Borough Council of providing the service.
12. To negotiate CCTV monitoring agreements with other organisations in consultation with the relevant Lead Member.

Delegation to the Head of Planning and Regeneration

General

1. To serve requisitions for information except under Section 330 of the Town and Country Planning Act 1990 (see also Council delegations).
2. To respond to requests for the grant of a goods vehicle operator's licence.
3. To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1987, subject to:
 - (i) the expenditure not exceeding £2,000 over the term of an agreement where annual payments are made; or
 - (ii) where a single payment is made.
4. To respond to traffic regulation order proposals following consultation with the relevant Lead Member and appropriate local councillors.
5. To make urgent changes to conservation area boundaries in consultation with the relevant Lead Member to protect a particular building.
6. To make minor amendments to the criteria for validating planning applications in response to statutory changes or revised Government advice in consultation with the relevant Lead Member.
7. To make minor amendments to the Planning Enforcement Policy in consultation with the relevant Lead Member.
8. To make minor changes to the Council's Environmental Policy in consultation with the Leader.

Building Control

9. To determine applications under the Building Regulations.
10. To take all actions prescribed by Sections 77 to 81 of the Building Act 1984.
11. To take all actions prescribed by Sections 36 and 59 of the Building Act 1984.
12. The enforcement of the Building Regulations through site inspections and the serving of Building Regulations Notices.
13. To fulfil the function of "appointing officer" under the Party Walls etc Act 1996.
14. To take all decisions on the numbering, re-numbering and naming of streets.
15. To authorise rights of entry under Section 95 of the Building Act 1984.
16. To enter into partnering agreements under the Partner Authority Scheme and to utilise arrangements under the Cross Boundary Support Scheme.

Delegation to the Head of Regulatory Services

Dog Control

1. To make Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005, including the updating and consolidation of existing dog control provisions.
2. To issue and enforce Fixed Penalty Notices under the Clean Neighbourhoods and Environment Act 2005 for control on dogs.

Environmental Health and Safety

3. To agree future amendments to the Memorandum of Understanding for the Flexible Warrant Scheme for Health and Safety enforcement with Leicestershire Local Authorities, Rutland County Council and the Health and Safety Executive.
4. To deal with all matters in connection with the submission and publication of Air Quality Assessments.
5. To exercise powers under relevant legislation relating to the control of pollution, management of air quality and statutory nuisances.

Street Management

6. To provide, manage and maintain the Council's off-street car parks and, in consultation with the Head of Paid Service, to manage staff car parking arrangements.
7. To make amendments to Parking Place Orders, issue notices under section 35C of the Road Traffic Regulation Act 1984 and collect car parking fees and issue fixed penalty notices in accordance with those Orders.
8. To use car parking promotions as an operational tool to encourage car users to park in Council town centre car parks when it is considered beneficial to the town and the Council.
9. To undertake all civil parking enforcement functions in respect of on-street parking
10. To exercise powers of entry, powers to investigate offences, to recover costs, to serve notices and to issue fixed penalty notices under the following legislation, as amended from time to time:
 - (a) Anti Social Behaviour Act 2003
 - (b) Clean Neighbourhoods Environment Act 2005
 - (c) Control of Pollution Act 1974
 - (d) Control of Pollution Act 1989
 - (e) Criminal Damage Act 1971
 - (f) Dogs (Fouling of Land) Act 1996
 - (g) Environment Act 1995
 - (h) Environmental Protection Act 1990
 - (i) Refuse Disposal (Amenity) Act 1978
 - (j) Vehicle Excise & Registration Act 1994
11. To remove abandoned vehicles in accordance with the Clean Neighbourhoods and Environment Act 2005.
12. To enter land to clear litter in accordance with the Clean Neighbourhoods and Environment Act 2005.
13. To require the production of a transport of waste authority in accordance with the Clean Neighbourhoods and Environment Act 2005.
14. To stop and search a vehicle in accordance with the Clean Neighbourhoods and Environment Act 2005.
15. To exercise powers of investigation and to require individuals to provide information under Section 108 of the Environment Act 1995.

Delegation to the Head of Revenues, Benefits and Customer Services

Council Tax, Rating, etc.

1. To estimate, determine and notify surpluses or deficits on the collection fund in accordance with the Local Authorities (Funds) (England) Regulations 1992.
2. To discharge the Council's responsibilities for billing, collection and enforcement of Council Tax, National Non-domestic Rates and the Community Charge and all relevant valuation matters.
3. To swear affidavits, sign and lay complaints for the issue of distress warrants and liability orders, instruct bailiffs, make applications for the attachment of earnings/benefit orders and for committal for recovery of Council Tax and National Non-domestic Rates.
4. To institute proceedings, excluding bankruptcy action, for the recovery of Council Tax and National Non-domestic Rates up to £5,000.
5. To serve completion notices under Schedule 4A to the Local Government Finance Act 1988.
6. To deal with all demands and notices, liabilities, reliefs and exemptions.
7. To determine applications for discretionary rate relief and the relief of National Non-domestic Rates in accordance with approved guidelines.
8. To represent the Council at any meeting of creditors called in connection with company insolvency or personal bankruptcy and to take any action (except the issue of legal proceedings) that may be necessary to protect the Council's interest, including signing or swearing documents.

Benefits

9. To administer all aspects of the assessment and payment of Housing Benefit and Council Tax Benefit.
10. To investigate suspected cases of Housing and Council Tax Benefit fraud and recover Housing Benefit and Council Tax Benefit overpayments.

General

11. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

Delegation to the Head of Strategic Support

Democratic Services

1. To make arrangements for civic hospitality for an amount not exceeding £500.
2. To authorise the attendance of individual councillors, at the request of the Group Leader (or Independent Councillor where appropriate), at talks, seminars and conferences at the Council's expense.
3. To make appointments to the Cabinet sub-committee to hear appeals in relation to the waiver of the repayment of Right to Buy discount decisions.

4. To make appointments to outside bodies to fill vacancies which arise during the course of a Council year following nomination by the Group Leader for the group of the previous appointee and to confirm nominations to sub-groups, in the case of outside bodies which require nomination to a sub-group, following consultation with the Council's appointed representative.
5. To make appointments to member reference groups except where there are more nominees than appointments available.
6. To make appointments to a panel of Cabinet members to determine appeals against decisions in respect of the waiving of the repayment of right to buy discounts.
7. To make minor amendments to the Role Profiles for Councillors, in consultation with the relevant Lead Member.

Legal Services

8. To approve contributions of up to £100 towards litigation costs where the case has a direct relevance to the Council.
9. To enter into routine maintenance and service agreements.
10. To prepare and execute documents, including the affixing of the common seal, to give effect to a decision made by the Cabinet or an officer in the exercise of delegated powers.
11. To serve requisitions for information except under Section 330 of the Town and Country Planning Act 1990 (see also Council delegations).
12. To institute, defend or settle legal proceedings, including bankruptcy action, on behalf of the Council, except those delegated to the Head of Paid Service in respect of employee claims against the Council, or any of its officers.
13. To issue formal cautions.
14. To authorise officers to prosecute, defend or appear in proceedings before a Magistrates Court in accordance with section 223 of the Local Government Act 1972 and before Community Charge and Council Tax Tribunals and in the County Court pursuant to section 60 of the County Courts Act 1984 and the Social Security Administration Act 1992 (as amended).
15. To obtain Counsel's opinion.
16. To take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the area or its inhabitants so to do.
17. To negotiate and settle claims without recourse to court proceedings including the use of alternative dispute resolution.

Land/Property

18. To purchase interests in properties included in a compulsory purchase order or other approved scheme together with payment of compensation at or below the District Valuer's valuation, disturbance allowances, surveyor's and legal costs on the usual scales.
19. To approve and issue consent to assignments of leases and sub-lettings subject to the usual investigation and the giving of landlord's consent to small alterations and minor changes of use (subject to the obtaining of any necessary planning permission or consents).
20. To renew, terminate and vary leases.

21. To enter into licences and grants of other rights over land where Heads of Service consider the land is of insignificant current or foreseeable use to the Council or would not suffer significant detriment from the grants of rights and the value is under £10,000 (capital) or £1,000 per annum (periodic payment).
22. To serve notices to quit and re-entry on allotment tenants.
23. To adopt for a nominal consideration recreation/amenity/water balancing areas on new developments subject to consultation with the relevant Head of Service.
24. To adopt play equipment provided by private developers in accordance with planning requirements.
25. To complete easements for flood alleviation projects pursuant to notices served under the Land Drainage Act 1991 in consultation with the relevant Head of Service.

Insurance

26. To manage the Council's insurance arrangements and determine whether to agree to the settlement of claims by the Council's insurer.

Other

27. To manage the local land charges function.
28. To make minor amendments to the Disability Equality Scheme in consultation with the relevant Lead Member.
29. To make minor amendments to the Gender Equality Scheme in consultation with the relevant Lead Member.
30. To undertake the Council's duties under the Civil Contingencies Act 2003.
31. To make minor amendments to the Memorandum of Understanding for mutual support in a major emergency approved by the District Chief Executives Group, in consultation with the relevant Lead Member.
32. To co-ordinate and oversee compliance with the Regulation of Investigatory Powers Act 2000 (RIPA) and to act as or appoint the Council's RIPA monitoring officer.
33. To co-ordinate and oversee compliance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 1998 and the Re-Use of Public Sector Information Regulations 2005.
34. To make minor amendments to the Whistleblowing Policy and Anti-fraud and Corruption Strategy.
35. To make minor changes to the Strategic Risk Register in consultation with the relevant Lead Member.
36. To manage the Council's external communications and apply the Council's Corporate Identity Guidelines.