

## Chapter 8 SCHEME OF DELEGATION TO OFFICERS

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### 8.1 Introduction

The principles of how delegation works are set out in sections 3.4 and 3.5 but are also copied at the end of this section.

The scheme of delegation 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.

#### *How delegation works*

A body or person can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

Officers do not have to use their delegated powers: they can ask the body or person that delegated them to decide.

The Chief Executive, directors and heads of service who have had something delegated to them can authorise other officers to do it on their behalf (unless it was delegated on condition that they do it themselves).

When exercising delegated powers an officer shall always have regard to the requirements of the Constitution, the financial, legal, and human

resource implications of the decision and shall consult with staff in another service area if the decision is likely to impact on the work of that service area.

Any substantive or significant decision and the reasons for that decision shall be recorded in an appropriate manner.

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. In addition, directors may exercise the delegated powers of any head of service in their directorate in the absence of that head of service if no sub-delegations have been put in place by the head of service and there is a need for a decision to be taken prior to the return of the head of service.

*Interpreting the rules on delegation*

When a responsibility is delegated in this Constitution, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).

The exercise of delegated powers should involve each case being considered on its merits and that the decision taker should exercise discretion where that is appropriate.

## **8.2 Delegation of Council functions**

### **Delegation to the Chief Executive, 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 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 and acting up allowances in accordance with the Council's policy.
  - (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 essential and casual car allowances for individual posts where it is agreed that the post warrants such an allowance.
  - (vi) to approve post entry training of up to £5,000 per individual employee per financial year.
  - (vii) to make temporary appointments to be held against existing permanent posts or within the overall budget.
  - (viii) to change the grading of posts as a result of job evaluation, following consultation with the recognised trades unions.
  - (ix) to approve the extension of probationary periods.
  - (x) 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 £100,000 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, in consultation with the relevant Lead Member.

## **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 Governance, 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 operational disruption or interruption of services or involving a change from direct to indirect provision or vice-versa or other policy implications.
7. To approve special severance payments to officers (other than to the Head of Paid Service) which are outside of statutory, contractual or other requirements when leaving the Council's employment up to but not including £100,000, having also obtained the Leader's approval and consulted with the s151 officer and the monitoring officer for any such payments of £20,000 and above.

8. In the exercise of 1. to 7. 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.
9. To make JNC salary progression awards.
10. To authorise urgent expenditure.
11. 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.
12. To reject any application for the early payment of a pension on the grounds of compassion which does not meet the agreed criteria.
13. To act as Returning Officer, Acting Returning Officer or Deputy Returning Officer at:
  - (i) Local elections;
  - (ii) Police and Crime Commissioner Elections; and
  - (iii) Parliamentary elections.
14. That authority to re-designate polling places be delegated to the Chief Executive (Head of Paid Service) in accordance with Section 18 & 18B of the Representation of the People Act 1983. Such authority should be exercised only where a decision is required at short notice, and it is not possible to await a decision of the Council.
15. To undertake other election duties not reserved by the Council.
16. To undertake the duties of Electoral Registration Officer.
17. To make local settlements in cases of maladministration.
18. To make agreements with other local authorities for the placing of staff at the disposal of those authorities.

### **Delegation to the Director of Finance, Governance and Contracts**

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.
3. To calculate and set the National Non-Domestic Rate and Council Tax Bases.

### **Delegation to the Director of Customer Experience**

1. To determine which administrative area properties, fall into where electoral boundaries cross through the curtilage of a property.

### **Delegation to the Director of Commercial and Economic Development**

1. To update and ensure compliance with the Council's Contracts Procedure Rules.

2. 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 Planning and Growth**

### 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 the Development Plan and is recommended for permission;
  - (ii) in the opinion of the Head of Planning and Growth, the application is 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 Growth is not of major impact and to which no objections have been received;
  - (iv) the ward councillor(s) have made a valid request that the application should be referred to the Plans Committee for determination in accordance with the call-in procedure set out in section 12.12 of the Constitution<sup>1</sup>;
  - (v) the application is submitted by a serving member of the Council, a serving officer, or the spouse or civil partner of a serving member of the Council, or a serving officer, or a person with whom a serving member of the Council, or a serving officer is living as if they were a married couple or civil partners.
  - (vi) an application is received to remove or vary a planning condition or to vary a s106 legal agreement and the planning permission for the development was granted following a resolution by the Plans Committee except in cases where, following consultation with the Chair and Vice Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Growth is of the opinion that the variation is minor in nature.
2. To determine planning applications with a resolution from the plans committee to grant planning permission subject to S106 legal agreement where that legal agreement has not been signed by a date specified in a committee resolution or date otherwise agreed with the applicant, in consultation with the Chair of the Plans Committee.
3. Subject to the provisions of 1(vi) above, 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.
4. To respond to requests for information from the Planning Inspectorate following notification of the start of an appeal against non-determination

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<sup>1</sup> Applications received on or before 30th June 2016 will follow the previous ward referral procedure.

where an application would normally be reported to Plans Committee but there is insufficient time to do so. In such circumstances, in consultation with the Chair and Vice Chair of Plans Committee, to provide the local planning authority's view as to how it would have determined the planning application had it had the opportunity to do so.

5. To determine applications for certificates of lawfulness for proposed or existing uses or development.
6. To approve details submitted in compliance with conditions and planning obligations on planning permissions.
7. 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.
8. To finally dispose of a planning application and remove them from the planning register under Article 40(3) and (13) the Town and Country Planning (Development Management Procedure) (England) Order 2015.
9. To serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.
10. To serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990.
11. To serve breach of condition notices.
12. To take formal enforcement action in relation to cases of unauthorised development not covered by other specific delegated authority.
13. 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.
14. 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.
15. To remove or obliterate posters under Section 225 of the Town and Country Planning Act 1990.
16. To determine whether an Environmental Impact Assessment is required to accompany a planning application, and to respond to screening opinion and scoping opinion requests made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (and any subsequent amendment or replacement of these Regulations).
17. To respond to notifications and applications for determinations under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and any subsequent revisions to the Order.

18. To serve notices under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.
19. To respond to consultations by or on behalf of government departments, PINS in respect of National Infrastructure projects, electricity undertakings and other local authorities about development proposals.
20. 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.
21. 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 19. above.
22. To negotiate the heads of terms of section 106 agreements and to enter into an agreement under S106 of the Planning Act to secure planning obligations in instances where the decision is delegated to the Head of Planning and Growth.
23. To decline to determine planning applications under section 70(a) of the Town and Country Planning Act 1990.
24. 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.
25. To serve completion notices under section 94 of the Town and Country Planning Act 1990.
26. To serve orders under section 102 of the Town and Country Planning Act 1990 requiring the discontinuance of a use of land.
27. 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.
28. To serve repairs notices on listed buildings under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. To execute urgent works under section 54 and determine the extent of urgent works under section 9(3) of the Planning (Listed Buildings and buildings in Conservation Areas) Act 1990.
30. 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 the Plans Committee Procedures and to establish criteria for that determination.
31. To determine applications for the discharge of planning conditions
32. To make minor amendments to the wording of planning conditions and planning obligations following a Plans Committee decision and before the issue of a decision notice, subject to this not materially affecting the decision.

#### Conservation and Trees

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



35. To serve hedgerow retention and hedgerow replacement notices.
36. To respond to notices of intention to carry out works to trees in conservation areas.

#### High Hedges

37. 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.

[Note: The above-mentioned exceptions will be determined by the Plans Committee]

#### Footpaths

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

### **Delegation to the Head of Regulatory and Community Safety**

#### Environmental Health

1. To exercise powers generally under Environmental Protection, Public Protection, 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. Food export certificates and deferred port health inspection of imported foods
  - c. Offices and shops.
  - d. Animal welfare
  - e. Dangerous wild animals and guard dogs.
  - f. Designation orders for dog control.
  - g. Skin piercing, electrolysis, tattooing and acupuncture activities.
  - h. Chimney heights and furnaces.
  - i. Processes prescribed under the Pollution Prevention & Control Act.
  - j. Loudspeakers in the street.
  - k. Consent for noisy work on construction sites.
  - l. 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).

#### Licensing

16. 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.
17. 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.
18. To determine whether qualifications meet the educational requirements for Hackney Carriage and Private Hire drivers.
19. To determine applications for charitable collections.

20. Subject to the provisions of the Council's Licensing Policy, to administer or 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 or Environmental Health objection and where no relevant representation has been agreed and conditioned;
  - (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 make minor amendments and alterations, and amendments required to comply with changes to legislation and Government guidance, to the Hackney Carriage and Private Hire Licensing Policy, in consultation with the Chair of the Licensing Committee;
31. To authorise or reject applications regarding hypnotism, as a means of entertainment.

## Pavement Licences

32. To determine fees up to the Statutory Maximum
33. To determine applications for a Pavement Licence
34. To determine to vary a Pavement Licence
35. To determine to serve a Notice
36. To determine to revoke a Pavement Licence
37. To determine to apply or vary conditions of a Pavement Licence
38. To determine request for review in relation to any aspect
39. To take enforcement or other action to exercise powers under the Business and Planning Act

## Other

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

## **Delegation to the Head of Strategic Housing**

1. To undertake all licensing activities under the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.
2. To undertake all licensing activities for moveable dwellings and camping sites under the Public Health Act 1936
3. To agree appropriate fee discounts for accredited sites and to amend the Park Homes Fees Policy accordingly, in consultation with the Chair of the Licensing Committee.
4. 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. Hazards in private rented properties
  - d. works relating to unoccupied buildings under Sections 29-32 of the Local Government (Miscellaneous Provisions) Act 1982
  - e. Section 76 of the Building Act 1984 (defective premises)

## **Delegation to the Head of Governance**

### 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 Member Conduct Panel from members and reserve members of the Member Conduct Committee.
21. To consider and report on any report of the Local Government Ombudsman.
22. To co-ordinate and oversee the overview and scrutiny function.

23. To make appointments to the Licensing Sub-committee and Personnel Panels where necessary from among the members and reserve members of the parent committee.
24. To implement any adjustments in basic and special responsibility allowances once the relevant officers' pay awards are finalised, including updating the Scheme of Members' Allowances as required and back dating any such adjustments to the relevant effective dates.
25. To determine which administrative area properties, fall into where electoral boundaries cross through the curtilage of a property.

## **8.3 Delegation of Executive functions**

### **Delegations to the Chief Executive, 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 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 £100,000 entered into on behalf of the Council in the course of the discharge of an executive function.
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 £200,000 per annum.
8. To make formatting, presentational, spelling, punctuation and grammatical corrections to documents prior to submission or publication.

### **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 by 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 issue or serve any notice, warrant or direction for the purpose of enforcing an executive function.
8. 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.



9. To respond to consultation documents in relation to those Executive functions for which he or she has responsibility, in consultation with the relevant Lead Member.

### **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 Head of Regulatory and Community Safety and for adult safeguarding).
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 agree and formally designate the neighbourhood area that would be covered by the neighbourhood plan or order and formally approve the neighbourhood forum where appropriate, in consultation with the relevant Lead Member.
8. To authorise officers to issue, cancel or vary a closure notice covering a period of up to 48 hours.

### **Delegation to the Director of Finance, Governance and Contracts**

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.
4. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy.
5. To approve Community Asset Transfers up to the value of £50,000, in consultation with the Director for the affected service.
6. To enter into an agreement with other Leicestershire local authorities for the pooling of locally retained business rates, or to exit from any such agreement that the Council may have entered into, in consultation with the Chief Executive, Leader and the relevant Lead Member.
7. To make minor amendments to the Income and Charging Policy.

8. To exercise discretion in reimbursing staff for mileage incurred on Council business for vehicle types not currently covered by the existing allowance and expenses scheme with due regard to be taken of HMRC or other guidance once available.

## **Delegation to the Director of Customer Experience**

### Insurance

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

### Council Tax, Rating, etc.

2. To estimate, determine and notify surpluses or deficits on the collection fund in accordance with the Local Authorities (Funds) (England) Regulations 1992.
3. 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.
4. 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.
5. To institute proceedings, excluding bankruptcy action, for the recovery of Council Tax and National Non-domestic Rates up to £5,000.
6. To serve completion notices under Schedule 4A to the Local Government Finance Act 1988.
7. To deal with all demands and notices, liabilities, reliefs and exemptions.
8. To determine applications for discretionary rate relief and the relief of National Non-domestic Rates in accordance with approved guidelines.
9. 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

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

### General

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

13. 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.
14. To make amendments to the Corporate Complaints Policy in response to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.

### **Delegation to the Director of Commercial & Economic Development**

#### 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, 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 value is £100,000 or less; or
  - (b) the leasehold value is £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 £50,000 (capital) or £40,000 per annum (periodic payment) in consultation with the relevant Cabinet lead Member.
7. To obtain a District Valuer/Chartered Surveyor report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.
9. To renew, terminate and vary leases.
10. To enter into new leases where the value is under £40,000 per annum.
11. 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 £50,000 (capital) or £40,000 per annum (periodic payment).
12. To negotiate and sign lease renewals/extensions on the Council's investment properties.
13. 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 valuation, disturbance allowances, surveyor's, and legal costs on the usual scales.
14. 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).
  15. To renew, terminate and vary leases.
  16. 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 £50,000 (capital) or £20,000 per annum (periodic payment).
  17. To serve notices to quit and re-entry on allotment tenants.
  18. To adopt for a nominal consideration recreation/amenity/water balancing areas on new developments subject to consultation with the relevant Head of Service.
  19. To adopt play equipment provided by private developers in accordance with planning requirements.
  20. 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.

#### Industrial Property

21. To authorise the phasing in of new licence fees for the Council's managed workspaces.
22. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
23. To grant initial rent-free periods for industrial units of up to three months in appropriate cases or for an extended period following consultation with the Leader.
24. 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.
25. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short-term duration.
26. To approve and pay fitting out grants for industrial unit's subject to approved limits.

#### Other

27. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy
28. To approve Community Asset Transfers up to the value of £50,000 in consultation with the Director for the affected service and relevant Cabinet lead member.
29. To update and ensure compliance with the Contracts Procedure Rules.
30. To make minor amendments to the Climate Local Action Plan so that it remains up to date and reflects local priorities where these are

consistent with the Climate Local Commitment previously signed, in consultation with the Lead Member for Planning and Sustainability.

31. To authorise spend of UKSPF funds on Council-led UKSPF funded projects or to release grants to external project leads, in consultation with the Leader.
32. To make amendments to the Charnwood UKSPF programme, in consultation with the Leader and after seeking the advice of the Future Charnwood Group.

### **Delegation to the Director of Housing and Wellbeing**

1. To make amendments to the Tenancy Policy in response to future legislative changes, changes at Local or Regional level, or Government Guidance, in consultation with the relevant Lead Member and the Head of Strategic and Private Sector Housing.
2. To issue a Community Protection Notice (CPN).
3. To serve a notice or carry out work to remedy a breach of a CPN.
4. To issue fixed penalty notices for failure to comply with a CPN.
5. To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards.
6. To impose a requirement in breach of a prohibition under a PSPO.
7. To issue fixed penalty notices for the offence of failure to comply with a requirement in breach of a prohibition under a PSPO.
8. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Democracy
9. To apply for a closure order, in consultation with the Head of Democracy
10. To enforce a closure order, in consultation with the Head of Democracy
11. To apply for reimbursement of costs in respect of costs incurred in clearing, securing or maintaining premises subject to a closure order, in consultation with the Head of Democracy
12. To serve notice and commence possession proceedings for serious offences or breach of prohibitions or anti-social behaviour or causing nuisance and annoyance or for offences connected with a riot.
13. To exercise powers, including powers of entry, powers to investigate offences, to recover costs, to serve notices and to issue fixed penalty notices under the Environmental Protection Act 1990.

### **Other**

14. 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.
15. To promote and monitor the Council's partnerships and to approve new partnerships.
16. To authorise extensions of the Lightbulb Service, by periods of up to 12 months.

17. To authorise extensions of the Refugee Resettlement Service, by periods of up to 12 months.

## **Delegation to the Head of Landlord Services**

### Housing Landlord functions

1. To manage and maintain the housing stock and associated land and buildings including undertaking stock condition surveys, responsive repairs, planned maintenance, modernisation and improvements and installation of energy efficiency measures.
2. To manage void and empty properties including terminations, inspection and repairs and major repairs.
3. To undertake general estate management matters including caretaking housing schemes, environmental services, grass cutting and grounds maintenance
4. To manage and maintain the Council's sheltered housing schemes including call centres, supported housing schemes, homeless accommodation and temporary accommodation.
5. To take action to remove trespassers from housing land and buildings owned by the Council.
6. To manage the granting of new tenancies and signing up of new tenants.
7. To agree mutual exchanges.
8. To approve applications from Introductory Tenants to:
  - (i) improve their property;
  - (ii) claim compensation for improvements;
  - (iii) exchange tenancies;
  - (iv) transfer tenancies.
9. To grant landlord's consent for improvements and other changes to Council properties.
10. To enforce tenancy conditions and seek eviction or court action to support enforcement.
11. To manage, allocate and let garages and garage and parking spaces.
12. To manage, allocate and let Council-owned shops and other housing landlord related buildings.
13. To undertake tenant engagement activities in accordance with the Council's policies.
14. To manage the collection of rent, arrears of rent, charges and other sundry debts.
15. To serve Notices of Seeking Possession and Notices to Quit and to apply for possession orders.
16. To obtain Warrants of Possession in respect of rent arrears in the event that Possession Orders are not adhered to.
17. To authorise eviction proceedings against tenants in cases where the Council have completed their homeless application and there is no duty to rehouse under the homelessness legislation.
18. To issue proceedings in the County Court where possession is being sought for rent arrears only and in respect of sundry debts under £5,000.

## **Delegation to the Head of Strategic Housing**

### Housing Strategy

1. To make minor amendments to the Housing Strategy and Action Plan in consultation with the relevant Lead Member.
2. To make amendments to the Housing Strategy and Action Plan in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
3. To make minor amendments to the Homelessness and Rough Sleeping Reduction Strategy and Action Plan, in consultation with the relevant Lead Member.
4. To make amendments to the Homelessness and Rough Sleeping Reduction Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
5. To make minor amendments to the Housing Asset Management Strategy and Action Plan, in consultation with the relevant Lead Member.
6. To make amendments to the Housing Asset Management Strategy and Action Plan in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
7. To make minor amendments to the Empty Homes Strategy and Action Plan, in consultation with the relevant Lead Member.
8. To make amendments to the Empty Homes Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
9. To update the Empty Homes Strategy Action Plan on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
10. To make minor amendments to the Tenancy Strategy and Action Plan, in consultation with the relevant Lead Member.
11. To make amendments to the Tenancy Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
12. To make minor amendments to the Housing Allocations Policy, in consultation with the relevant Lead Member.
13. To make amendments to the Housing Allocations Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or

- human resource implications arising from the changes, in consultation with the relevant Lead Member.
14. To make amendments to nomination agreements with registered social landlords, including releasing properties from such agreements
  15. To make minor amendments to Local Lettings Policies, in consultation with the relevant Lead Member.
  16. To make amendments to Local Lettings Policies, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
  17. To make minor amendments to the Garage Allocations Policy, in consultation with the relevant Lead Member.
  18. To make amendments to the Garage Allocations Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
  19. To make minor amendments to the Temporary Accommodation Policy, in consultation with the relevant Lead Member.
  20. To make amendments to the Temporary Accommodation Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
  21. To make minor amendments to the Private Sector Housing Grants Policy, in consultation with the relevant Lead Member.
  22. To make amendments to the Private Sector Housing Grants Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
  23. To update the Private Sector Housing Grants Policy on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
  24. To make minor amendments to the Private Sector Housing Enforcement Policy, in consultation with the relevant Lead Member.
  25. To make amendments to the Private Sector Housing Enforcement Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
  26. To update the Private Sector Housing Enforcement Policy on an annual basis or more frequently as changes in legislation occur, subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
  27. To acquire additional properties for rent via the Housing Revenue Account, where approved funding exists within the Capital Plan for the relevant financial year and where any property acquired is subject to a condition survey, an independent valuation and standard legal checks and meets identified housing needs.



28. To make minor amendments to the Housing Acquisitions Policy, in consultation with the relevant Lead Member.

## Housing Needs

29. To make decisions under Part 7 of the Housing Act 1996 (as amended).
30. To consider and determine homeless applications (applications for homelessness assistance under Part 7 of the Housing Act 1996).
31. To consider and determine reviews of homeless application decisions (reviews under Part 7 of the Housing Act 1996).
32. To arrange interim and temporary accommodation placements for homeless applicant, in accordance with statutory duties under Part 7 of the Housing Act 1996.
33. To serve notices and take the necessary legal action to evict homeless households from interim and temporary accommodation following discharge of statutory duties under Part 7 of the Housing Act 1996.
34. To issue one-off payments to private landlords or mortgagees, where such payments will assist with the prevention or relief of homelessness within budget limits and up to a maximum of £50,000 per annum.
35. To make decisions under Part 6 of the Housing Act 1996 (as amended)
36. To consider and determine housing register applications (applications for social housing under Part 6 of the Housing Act 1996).
37. To consider and determine reviews of housing register application decisions (reviews under Part 6 of the Housing Act 1996).
38. To nominate housing register applicants to be assured tenants of housing accommodation held by registered providers landlords (nominations under Part 6 of the Housing Act 1996).
39. To select housing register applicants to be introductory or secure tenants of housing accommodation held by Charnwood Borough Council (allocations under Part 6 of the Housing Act 1996).
40. To let housing accommodation held by Charnwood Borough Council, including the signing of licence and tenancy agreements.
41. To terminate licences and tenancies of housing accommodation held by Charnwood Borough Council.
42. To advertise available housing accommodation held by Charnwood Borough Council.
43. To advertise available housing accommodation held by registered providers landlords.
44. To enter into nomination agreements with registered providers landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements.
45. To advertise available garages held by Charnwood Borough Council.
46. To consider and determine garage applications.
47. To consider and determine reviews of garage application decisions.
48. To select garage applicants to be tenants of garages held by Charnwood Borough Council.
49. To let garages held by Charnwood Borough Council, including the signing of garage tenancy agreements.
50. To terminate tenancies of garages held by Charnwood Borough Council.
51. To issue one-off incentive payments to private sector landlords, within budget limits and up to a maximum of £50,000 per annum.

52. To issue advance rent payments to private sector landlords, within budget limits and up to a maximum of £50,000 per annum.
53. To issue deposit payments and deposit guarantees to private sector landlords, within budget limits and up to a maximum of £50,000 per annum.
54. To enter into lease agreements of up to 5 years with private sector landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements.
55. To enter into management agreements of up to 5 years with private sector landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements.

#### Private Sector Housing

56. To determine mandatory and discretionary Disabled Facilities Grant applications.
57. 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.
58. To determine Home Repair Grant applications subject to budget availability and qualifying criteria.
59. To determine Home Safety Grant and ECO Top Up Grant applications subject to budget availability and qualifying criteria.
60. To determine, Partnership Grants subject to budget availability and qualifying criteria and enter into nomination rights agreements following the award of a Partnership Grant.
61. To increase maximum grant thresholds for Discretionary Disabled Facilities Grants, Home Repair Grants, Home Safety Grants, ECO Top Up Grants and Partnership Grants, subject to budget availability, in consultation with the relevant Lead Member.
62. To act 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.
63. To undertake emergency action to private unoccupied premises under section 29 of the Local Government (Miscellaneous Provisions) Act 1982.
64. 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.
65. To manage and take action in respect of Mandatory and Additional licensing of houses in multiple occupation, under Part 2 of the Housing Act 2004.
66. To take action under Part 3 of the Housing Act 2004 in respect of the selective licensing of dwellings.
67. To take action under Part 4 of the Housing Act 2004 in respect of the management of empty dwellings.
68. To serve notices requiring abatement of overcrowding of dwellings.

69. 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.
70. To exercise powers, including 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) Local Government Miscellaneous Provisions Act 1976
  - b) Local Government Miscellaneous Provisions Act 1982
  - c) Local Government and Housing Act 1989
  - d) Housing Act 1985, 1996, 2004
  - e) Housing and Planning Act 2016
  - f) Leicestershire Act 1985
  - g) Regulation of Investigatory Powers Act 2000
  - h) Criminal Justice and Public Order Act 1994
  - i) Prevention of Damage by Pests Act 1949
  - j) Public Health Acts 1875 - 1932, 1936, 1961 and 1984
  - k) Environmental Protection Act 1990
  - l) Building Act 1984
  - m) Caravan Sites Act 1968
  - n) Caravan Sites and Control of Development Act 1960
  - o) Mobile Homes Act 1983
  - p) Mobile Homes Act 2013.
71. To implement the requirements of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and take any necessary action required under the Enterprise and Regulatory Reform Act 2013.
72. To implement the requirements of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
73. Any function under Part 2 of the Housing and Planning Act 2016 relating to Banning Orders, Rogue Landlords and Rent Repayment Orders.
74. Any function under Part 5 of the Housing and Planning Act 2016 relating to electrical safety standards for properties let by private landlords and the issuing of financial penalties as an alternative to prosecution under the Housing Act 2004.
75. Any function under Part 7 of the Housing and Planning Act 2016 relating to compulsory purchase.

#### Other

76. To arrange burials in accordance with the Public Health (Control of Diseases) Act 1984.
77. To issue a Community Protection Notice (CPN).
78. To serve a notice or carry out work to remedy a breach of a CPN.
79. To issue fixed penalty notices for failure to comply with a CPN.

80. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Democracy.
81. To apply for a closure order, in consultation with the Head of Democracy
82. To enforce a closure order, in consultation with the Head of Democracy
83. To apply for reimbursement of costs in respect of costs incurred in clearing, securing, or maintaining premises subject to a closure order, in consultation with the Head of Democracy
84. To make amendments to the Houses in Multiple Occupation (HMO) scheme licence conditions and the selective licensing scheme conditions, in consultation with the Lead Member.

### **Delegation to the Head of Contracts, Leisure, Waste and Environment**

1. To manage and maintain the Council's parks, recreational facilities, open spaces 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, recreational facilities 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.
9. To determine nominations for assets of community value in accordance with the Council's process and policy in consultation with the relevant Lead Member and other relevant Heads of Service.

### **Burials**

10. To grant, assign and sell burial rights.
11. 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.
12. To manage and maintain the Council's cemeteries.

### **Environment**

13. To provide, site and maintain bus shelters, street name plates and traffic signs.
14. To manage the Council's refuse collection, recycling and street cleansing contract and undertake associated fleet management responsibilities.

15. To exercise the Council's powers under Section 46 of the Environmental Protection Act 1990.
16. 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.
17. To issue notices connected to the Borough of Charnwood Land Drainage Byelaws made by virtue of Section 66 of the Land Drainage Act 1991.
18. To serve notices relating to land drainage under the Land Drainage Act 1991 and the Water Industry Act 1991.

### **Delegation to the Head of Assets and Property**

#### 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, 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 value is £100,000 or less; or
  - (b) the leasehold value is £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 £50,000 (capital) or £40,000 per annum (periodic payment) in consultation with the relevant Cabinet lead Member.
7. To obtain a District Valuer's/Chartered Surveyor report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.
9. To renew, terminate and vary leases.
10. To enter into new leases where the value is under £40,000 per annum.
11. 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 £50,000 (capital) or £40,000 per annum (periodic payment).
12. To negotiate and sign lease renewals/extensions on the Council's investment properties.

## Land/Property

13. 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 valuation, disturbance allowances, surveyor's, and legal costs on the usual scales.
14. 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).
15. To renew, terminate and vary leases.
16. 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 £50,000 (capital) or £20,000 per annum (periodic payment).
17. To serve notices to quit and re-entry on allotment tenants.
18. To adopt for a nominal consideration recreation/amenity/water balancing areas on new developments subject to consultation with the relevant Head of Service.
19. To adopt play equipment provided by private developers in accordance with planning requirements.
20. 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.

## Industrial Property

21. To authorise the phasing in of new licence fees for the Council's managed workspaces.
- 22.. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
- 23.. To grant initial rent-free periods for industrial units of up to three months in appropriate cases or for an extended period following consultation with the Leader.
- 24.. 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.
- 25.. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short-term duration.
- 26.. To approve and pay fitting out grants for industrial unit's subject to approved limits.

## Other

27. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy

- 28.. To approve Community Asset Transfers up to the value of £50,000 in consultation with the Director for the affected service and the relevant Cabinet lead Member.

### **Delegation to Head of Finance**

#### Staffing

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

#### Finance

3. 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.
4. To manage the investment of surplus funds in accordance with the Council's Treasury Policy Statement.
5. To institute proceedings, excluding bankruptcy proceedings, to pursue debts owed to the Council of under £5,000.
6. To submit annual returns and claims to the Government on behalf of the Council.
7. 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.

### **Delegation to the Head of Contracts, Leisure, Waste and Environment**

#### Arts

1. To determine whether offers of public art up to a value of £25,000 should be accepted for the Council's collection.

#### Town Hall

2. To manage Loughborough Town Hall including the approval of discounts for the hire of the Town Hall in accordance with the approved scheme.
3. 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

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

## **Head of Economic Development and Regeneration**

### **Markets, Fairs and Town Centre Management**

1. To make changes to the Market Regulations in line with legislation and in order to update operational practices.
2. To grant or refuse permission for 'rival markets.
3. To allocate and reallocate market stalls and fix dates for markets.
4. To allocate sites at Loughborough November Fair and regulate the siting and parking of fairground vehicles.
5. To authorise events and activities in the pedestrianised area of Loughborough town centre.
6. To act as the licensee for Loughborough town centre and Charnwood parks
7. To provide, manage and maintain the Council's public toilets.
8. To make orders under section 21 of the Town Police Clauses Act 1847 and other arrangements for the temporary or emergency regulation of traffic.
9. To authorise spend of UKSPF funds on Council-led UKSPF funded projects or to release grants to external project leads, in consultation with the Leader.
10. To make amendments to the Charnwood UKSPF programme, in consultation with the Leader and after seeking the advice of the Future Charnwood Group.

## **Delegation to the Head of Regulatory and Community Safety**

### General

1. To make changes to the Children and Vulnerable Adults Safeguarding Policy.
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 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

4. 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.
5. To maintain the Council's CCTV system.
6. To manage and develop the strategy for the Council's CCTV system.
7. To negotiate CCTV monitoring agreements with other organisations in consultation with the relevant Lead Member.
8. To issue a Community Protection Notice (CPN).
9. To serve a notice or carry out work to remedy a breach of a CPN.
10. To issue fixed penalty notices for failure to comply with a CPN.
11. To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards.
12. To impose a requirement in breach of a prohibition under a PSPO.
13. To determine the level of fixed penalty notices for failure to comply with a CPN.
14. To determine the level of fixed penalty notices for failure to comply with a PSPO.
15. To issue fixed penalty notices for the offence of failure to comply with a requirement in breach of a prohibition under a PSPO.
- 16.. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Democracy
- 17.. To apply for a closure order, in consultation with the Head of Democracy
18. To enforce a closure order, in consultation with the Head of Democracy
- 19.. To apply for reimbursement of costs in respect of costs incurred in clearing, securing or maintaining premises subject to a closure order, in consultation with the Head of Democracy
- 20.. To oversee the operation of the Community Trigger process set out in Part 6 of the Anti-social Behaviour, Crime and Policing Act 2014 in accordance with the adopted procedures.

## Environmental Health and Safety

- 21.. 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.
22. To deal with all matters in connection with the submission and publication of Air Quality Assessments.
23. To exercise powers under relevant legislation relating to the control of pollution, management of air quality and statutory nuisances.
24. To arrange burials in accordance with the Public Health (Control of Diseases) Act 1984.

## Street Management

25. 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.
26. To make amendments/variations 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.
27. 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.
28. To undertake all civil parking enforcement functions in respect of on-street parking.
29. 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
30. To remove abandoned vehicles in accordance with the Clean Neighbourhoods and Environment Act 2005.
31. To enter land to clear litter in accordance with the Clean Neighbourhoods and Environment Act 2005.
32. To require the production of a transport of waste authority in accordance with the Clean Neighbourhoods and Environment Act 2005.
33. To stop and search a vehicle in accordance with the Clean Neighbourhoods and Environment Act 2005.
34. To exercise powers of investigation and to require individuals to provide information under Section 108 of the Environment Act 1995.
35. To issue a Community Protection Notice (CPN).
36. To serve a notice or carry out work to remedy a breach of a CPN.
37. To issue fixed penalty notices for failure to comply with a CPN.
38. To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards.
39. To impose a requirement in breach of a prohibition under a PSPO.
40. To issue fixed penalty notices for the offence of failure to comply with a requirement in breach of a prohibition under a PSPO.
41. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Democracy
42. To apply for a closure order, in consultation with the Head of Democracy.
43. To enforce a closure order, in consultation with the Head of Democracy

44. To apply for reimbursement of costs in respect of costs incurred in clearing, securing or maintaining premises subject to a closure order, in consultation with the Head of Democracy
45. In addition to the general delegated powers for Public Spaces Protection Orders (PSPOs), the following functions in relation to Dog Control PSPOs:
  - (I) The Public Space Protection Order – Dog Control Charnwood Borough Council
    - (a) In consultation with the relevant Lead Member to make revisions and amendments to the Order in response to future requests for additional dog controls (for requests which cover no more than one ward).
    - (b) In consultation with the relevant Lead Member to renew the Order if there are no major changes required to the Order at the renewal time.
    - (c) In consultation with the relevant Lead Member, to authorise staff at Parish/Town Councils or other organisations, as deemed appropriate, to issue fixed penalty notices for dog control offences.
  - (II) The Public Space Protection Order – Bradgate Park and Swithland Wood Control of Dogs
    - (a) In consultation with the relevant Lead Member to make revisions and amendments to the Order in response to future requests for additional dog controls at Bradgate Park Estate.
    - (b) In consultation with the relevant Lead Member to renew the Order if there are no major changes required to the Order at the renewal time.
    - (c) In consultation with the relevant Lead Member to authorise staff employed by Bradgate Park Estate to issue fixed penalty notices for dog control offences.

#### Scrap Metal Dealers

46. To set the fees to accompany all applications for a licence made under the Scrap Metal Dealers Act 2013 in consultation with relevant Lead Member.
47. To determine applications for licences, including the setting of conditions and variations to licences, and revoke licences except where any of 45. or 46. apply.
48. To determine applications, including the setting of conditions and variations to licences, in consultation with a panel which includes the relevant Lead Member or another member of the Cabinet, where the Head of Regulatory and Community Safety or the person to who the Head of Regulatory and Community Safety has sub-delegated the function is proposing to refuse an application for a licence or vary an existing licence and representations have been received by the applicant/licence holder.
49. To revoke licences in consultation with a panel which includes the relevant Lead Member or another member of the Cabinet, where the Head of Regulatory and Community Safety or the person to who the Head of Regulatory and Community Safety has sub-delegated the

function is proposing to revoke an existing licence and representations have been received by the applicant/licence holder.

50. To take enforcement or other action to exercise powers under the Scrap Metal Dealers Act 2013.

#### Licensing

51. To publish a notice with the proposed fares under section 65(2) of the 1976 Act, in consultation with relevant Lead Member.
52. To discuss objections with objectors to determine whether the issue raised can be resolved and the objection withdrawn.
53. To take enforcement or other action to exercise powers in relation to the setting of hackney carriage fares.

#### Other

54. To make amendments to the Enforcement Policy 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 Planning and Growth**

#### 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 review, update and make amendments to the criteria for validating planning applications in response to statutory changes or revised Government advice (the 'local list').
7. To make amendments to the Enforcement Plan in response to future legislative changes, or changes at local or regional level, in consultation with the relevant Lead Member.
8. To make minor changes to the Council's Environmental Policy in consultation with the Leader.
9. To issue a Community Protection Notice (CPN).
10. To serve a notice or carry out work to remedy a breach of a CPN.
11. To issue fixed penalty notices for failure to comply with a CPN.

## Building Control

13. To determine applications under the Building Regulations.
14. To take all actions prescribed by Sections 77 to 81 of the Building Act 1984.
15. To take all actions prescribed by Sections 36 and 59 of the Building Act 1984.
16. The enforcement of the Building Regulations through site inspections and the serving of Building Regulations Notices.
17. To fulfil the function of “appointing officer” under the Party Walls etc Act 1996.
18. To make ongoing changes to the Street Naming and Numbering Policy as required.
19. To take all decisions on the numbering, re-numbering and naming of streets.
20. To authorise rights of entry under Section 95 of the Building Act 1984.
21. 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 Democracy

### Democratic Services

1. To make arrangements for civic hospitality.
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 receive nominations and to make appointments as appropriate to outside bodies, including partnership bodies, charities, and management committees, where vacancies arise or other changes to representation are required, following Cabinet’s annual consideration of appointments in consultation with the Leader.
6. To make appointments to member reference groups except where there are more nominees than appointments available.
7. To make minor amendments to the Role Profiles for Councillors, in consultation with the relevant Lead Member.
8. To determine whether offers of relevant items up to a value of £25,000 should be accepted for the Council’s civic collection.

## Other

9. To undertake the Council's duties under the Civil Contingencies Act 2004.
10. 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.
11. 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.
12. To make minor amendments to the Whistleblowing Policy and Anti-fraud and Corruption Strategy.
13. 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.

## **Delegation to the Head of Legal and Electoral Services**

1. To approve contributions towards litigation costs where the case has a direct relevance to the Council.
2. To enter into routine maintenance and service agreements.
3. 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.
- 4.. To serve requisitions for information except under Section 330 of the Town and Country Planning Act 1990 (see also Council delegations).
- 5.. 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.
- 6.. To issue formal cautions.
- 7.. 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).
8. To obtain Counsel's opinion.
9. 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.
10. To negotiate and settle claims without recourse to court proceedings including the use of alternative dispute resolution.
11. To prosecute for failure to comply with a Community Protection Notice (CPN).
12. To prosecute for the offence of failure to comply with a requirement in breach of a prohibition under a (Public Spaces Protection Order) PSPO.
13. To prosecute for contravention of a closure order.

14. To seek a Civil Injunction in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.
15. To request a Criminal Behaviour Order alongside a criminal conviction.
16. To manage the local land charges function.

#### **Delegation to the Head of Transformation, Strategy and Performance**

1. To make minor amendments to the Council's Equalities strategies and policies in consultation with the relevant Lead Member.
2. To make minor changes to the Strategic Risk Register in consultation with the relevant Director and Lead Member.
3. To manage the Council's external communications and apply the Council's Corporate Identity Guidelines.