

Director's ¹ Sub Delegation Scheme of:-

Director of Environment and Housing

Signed:-



Neil Evans

Dated; 16th October 2014

Due date for next review	Date scheme reviewed	Signed

¹ This form should be used by all those officers listed in Article 12 of the Council's Constitution. Please use the Guidance Notes for completion of this scheme which are located at the end of the document. It is not necessary to print these Guidance Notes when printing your completed scheme.

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Director of Environment and Housing: Sub-delegation scheme

The Director of Environment and Housing is authorised to carry out functions on behalf of the authority.

This sub-delegation scheme sets out:

- which functions have been sub-delegated by the Director of Environment and Housing;
- which officers^a have been authorised by the Director of Environment and Housing to carry out functions; and
- any terms or conditions^b attached to the authority sub-delegated by the Director of Environment and Housing.

Any decision taken by an officer acting under authority from the Director of Environment and Housing remains the personal responsibility of the Director of Environment and Housing.

Officers with sub-delegated authority under this scheme

An officer to whom authority has been sub-delegated under this scheme may decide not to exercise their authority in relation to a particular matter. They should refer any such matter to the Director of Environment and Housing².

An officer to whom authority has been sub-delegated under this scheme must follow the employee code of conduct and any other rules or requirements in relation to personal conflicts of interest which apply to them.

² The Director of Environment and Housing may in turn decide to refer such a matter to the relevant committee or the Executive Board, as appropriate.

Definitions used in the Director of Environment and Housing' scheme of sub delegation

For the purpose of this sub-delegation scheme the following definitions apply:

Definition	Posts to which definition applies
Chief Officers	<ul style="list-style-type: none"> • Chief Community Safety Officer • Chief Officer Housing Management • Chief Officer Property and Contracts • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Chief Officer Environmental Action • Chief Officer Waste Management • Chief Officer Parks and Countryside
Heads of Service	<ul style="list-style-type: none"> • Head of Housing Management WNW • Head of Housing Management ENE • Head of Housing Management SSE • Head of Neighbourhood Services • Head of Maintenance Operations • Head of Strategy and Investment • Programme Manager Contracts and Investment • Head of Sustainable Energy and Climate Change • Programme Manager PFI Contracts • Head of Housing Support • Head of Housing Partnerships • Head of Anti-Social Behaviour • Head of Community Safety Partnerships • Head of Localities and Safeguarding
Team	<ul style="list-style-type: none"> • HMO Manager • Private Rented Sector Manager

	<ul style="list-style-type: none"> • Regeneration Manager • Service Managers (EAS) • Team Managers (EAS) • Natural Environment Manager • Public Rights of Way Manager • Bereavement Services Manager • Forestry Manager • Forestry Operations Manager • Arboricultural Manager • Parks Operations Manager • Parks East Area Manager • Parks West Area Manager • Parks Estates Manager • LASBT Team Leaders • LASBT Team Supervisors • ASB Supervisors (EHO) • Principal Contracts Manager
Supervisors	<ul style="list-style-type: none"> • Supervisors within the locality and city centre teams
Senior Technical Officers	<ul style="list-style-type: none"> • Senior Technical Officers
Technical Officers	<ul style="list-style-type: none"> • Technical Officers • Senior ASB Officer • ASB Case Officer

Absence of the Director of Environment and Housing^d

Delegation of functions

In the absence of the Director of Environment and Housing from illness or leave, where a decision cannot reasonably be delayed until the return of the Director of Environment and Housing, the Director of Environment and Housing sub-delegates their functions as follows:

Function delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
All functions or decisions which are not otherwise sub-delegated in the relevant section below.	Chief Officers	<ul style="list-style-type: none">• For matters within their remit; and• Subject to consultation with the relevant Executive Member when taking Key Decisions.
	Heads of Service	<ul style="list-style-type: none">• For matters within their remit;• Not including Key Decisions; and• Subject to consultation with the relevant Chief Officer when taking Significant Operational Decisions.

Sub-delegation to other officers (other than in the absence of the Director of Environment & Housing) –

The Director of Environment & Housing sub-delegates authority as follows:

Council functions^e – specific to the Director of Environment & Housing³

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
a)	To issue licences authorising the use of land as a caravan site (“site licenses”) - Section 3(3) of the Caravan Sites and Control of Development Act 1960	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Housing Policy Manager • Operations Manager • Gypsy Traveller Service Manager 	Within their area of work after their competence has been confirmed by their line manager
b)	To license the use of movable dwellings and camping sites (Section 269(1) of the Public Health Act 1936)	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	Within their area of work after their competence has been confirmed by their line manager
c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis (Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager

³ Under Part 3 Section 2C of the constitution

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
d)	To license premises for the breeding of dogs (Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager
e)	To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager
f)	To register animal trainers and exhibitors (Section 1 of the Performing Animals (Regulation) Act 1925)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers 	Within their area of work after their competence has been confirmed by their line manager
g)	To license zoos (Section 1 of the Zoo Licensing Act 1981)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager
h)	To license dangerous wild animals (Section 1 of the Dangerous Wild Animals Act 1976)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
i)	To grant consent for the operation of a loud speaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers 	Within their area of work after their competence has been confirmed by their line manager
j)	To issue licenses for the movement of pigs (The Disease Control (England) Order 2003)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager
		<ul style="list-style-type: none"> • Administrative Assistants 	As a licence grantor only
k)	To license the sale of pigs	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Administrative Assistants 	As a licence grantor only
l)	To license collecting centres for the movement of pigs	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager
		<ul style="list-style-type: none"> • Administrative Assistants 	As a licence grantor only
m)	To issue a licence to move cattle from a market (Schedule 1 (3)(3) of the Cattle identification Regulations 2007)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager
		<ul style="list-style-type: none"> • Administrative Assistants 	As a licence grantor only
n)	To sanction use of parts of buildings for storage of celluloid (Section 1 of the Celluloid and Cinematograph Film Act 1922)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers 	Within their area of work after their competence has been confirmed by their line manager
o)	Duty to enforce Chapter 1 and Regulations made under	<ul style="list-style-type: none"> • Environmental Health 	Within their area of work after

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	it (Section 10(3) of the Health Act 2006)	<ul style="list-style-type: none"> • Manager • Service Managers • Team Managers • Senior Environmental Health Officers 	their competence has been confirmed by their line manager
p)	Power to authorise officers (Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers 	Within their area of work after their competence has been confirmed by their line manager
q)	Functions related to fixed penalty notices (Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006, Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760))	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager
r)	Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368))	<ul style="list-style-type: none"> • Not delegated 	
s)	To license pleasure boats and pleasure vessels	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
t)	To authorise erection of stiles etc on footpaths or bridleways	<ul style="list-style-type: none"> • Enforcement Officer Public Rights of Way • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
u)	To create footpath bridleway or restricted byway by	<ul style="list-style-type: none"> • Natural Environment 	Functions limited to areas

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	agreement	<ul style="list-style-type: none"> • Manager • Public Rights of Way Manager 	contained within the Definitive Map of Public Rights of Way.
v)	To create footpaths bridleways and restricted byways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
w)	Duty to keep register of information with respect to maps, statements and declarations	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
x)	To stop up footpaths bridleways and restricted byways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
y)	To determine application for public path extinguishment order	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
z)	To make a rail crossing extinguishment order	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		Officer	
aa)	To divert footpaths bridleways and restricted byways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
bb)	To make a public path diversion order	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
cc)	To make a rail crossing diversion order	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
dd)	To make a special diversion order	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ee)	To require applicant for order to enter into agreement	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ff)	To make an SSSI diversion order	<ul style="list-style-type: none"> • Natural Environment 	Functions limited to areas

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Manager • Public Rights of Way Manager 	contained within the Definitive Map of Public Rights of Way.
gg)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
hh)	To decline to determine certain applications	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ii)	To assert and protect the rights of the public to use and enjoyment of highways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer Public Rights of Way • Principal Definitive Map Officer • Senior Definitive Map Officer • Definitive Map Officer • Principal Development Officer • Public Rights of Way Access Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
jj)	To apply for variation of order under section 130B of the Highway Act 1980	<ul style="list-style-type: none"> • Natural Environment Manager 	Functions limited to areas contained within the Definitive

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Public Rights of Way Manager 	Map of Public Rights of Way.
kk)	To authorise temporary disturbance of surface of footpath, bridleway or restricted byway	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ll)	To divert footpath, bridleway or restricted byway temporarily	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
mm)	To extinguish certain public rights of way	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
nn)	To keep definitive map and statement under review	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
oo)	To include modifications in other orders	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Principal Definitive Map Officer 	
qq)	To prepare map and statement by way of consolidation of definitive map and statement	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
rr)	To designate footpath as cycle track	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ss)	To extinguish public right of way over land acquired for clearance	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
tt)	To authorise stopping up or diversion of footpath bridleway or restricted byway	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
uu)	To extinguish public rights of way over land held for planning purposes	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
vv)	To enter into agreements with respect to means of access	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
ww)	To provide access in absence of agreement	<ul style="list-style-type: none"> • Natural Environment Manager 	Functions limited to areas contained within the Definitive

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Public Rights of Way Manager 	Map of Public Rights of Way.

Council functions - general⁴

1. In relation to approvals, licences, permissions or registrations which come within the Director of Environment and Housing' authority :

	Function	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
(a)	To impose conditions, limitations or restrictions	(a) Site Licences	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Operations Manager • Housing Policy Manager • Gypsy Traveller Service Manager 	In relation to matters within their remit
		(b) Moveable dwellings and camping site licences	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	In relation to matters within their remit
		Functions (c) to (ww) listed above	The officers specified in relation to each function in the table above.	In relation to matters within their remit
(b)	To determine any terms to which they are subject	(a) Site Licences	<ul style="list-style-type: none"> • Chief Officer Strategic Housing 	In relation to matters within their remit

⁴ Under Section 2C of Part 3 of the constitution

	Function	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
			<ul style="list-style-type: none"> • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Operations Manager • Housing Policy Manager • Gypsy Traveller Service Manager 	
		(b) Moveable dwellings and camping site licences	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	In relation to matters within their remit
		Functions (c) to (ww) listed above	The officers specified in relation to each function in the table above.	In relation to matters within their remit
(c)	To determine whether and how to enforce any failure to comply ⁵	(a) Site Licences	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Operations Manager 	In relation to matters within their remit

⁵ Including any failure to comply with such an approval, consent, licence, permission or registration, a condition, limitation or term to which it is subject; or any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive.

	Function	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
			<ul style="list-style-type: none"> • Housing Policy Manager • Gypsy Traveller Service Manager 	
		(b) Moveable dwellings and camping site licences	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	In relation to matters within their remit
		Functions (c) to (ww) listed above	The officers specified in relation to each function in the table above.	In relation to matters within their remit
(d)	To amend, modify vary or revoke	(a) Site Licences	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Operations Manager • Housing Policy Manager • Gypsy Traveller Service Manager 	In relation to matters within their remit
		(b) Moveable dwellings and camping site licences	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	In relation to matters within their remit
		Functions (c) to (ww) listed above	The officers specified in relation to each function in the	In relation to matters within their remit

	Function	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
			table above.	
(e)	To determine whether a charge should be made and the amount of such a charge	(a) Site Licences	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Operations Manager • Housing Policy Manager • Gypsy Traveller Service Manager 	In relation to matters within their remit
		(b) Moveable dwellings and camping site licences	<ul style="list-style-type: none"> • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	In relation to matters within their remit
		Functions (c) to (ww) listed above	The officers specified in relation to each function in the table above.	In relation to matters within their remit

2. Maladministration/health and safety/personnel matters/byelaws^g

	Function	Officer to whom sub-delegated	Terms and conditions
(a)	To make payments or provide other benefits in cases of maladministration ⁶	<ul style="list-style-type: none"> • Chief Officers 	In relation to matters within their remit
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service • Parks Operations Manager • Parks East Area Manager • Parks West Area Manager • Parks Estates Manager • Bereavement Services Manager 	In relation to matters within their remit
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure - i.e. to approve the filling of a vacancy and instigate the recruitment process	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit
(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	<ul style="list-style-type: none"> • In relation to matters within their remit. • Subject to there being budgetary provision. • Such staff should be employed on terms set out in the guidance issued by the Director of Resources.
(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit

⁶ Item 48 of Schedule 1 Local Authorities (Functions and Responsibilities) Regulations 2000

	Function	Officer to whom sub-delegated	Terms and conditions
	to such determinations		
(d)	To enforce byelaws	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit

Executive functions^h – specific to Director of Environment and Housing⁷

Exceptions from delegation:-

These functions **cannot** be exercised where an appropriate Executive Member has directed the Director of Environment and Housing that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration .

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
1a	The service of an abatement notice in respect of a statutory nuisance	Delegated as per paragraph 2e below	
1b	The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area		
1c	The inspection of the authority's area to detect any statutory nuisance		
1d	The investigation of any complaint as to the existence of a statutory nuisance		
1e	The control of pollution or management of air quality		
2a	Any function which has not been specifically delegated at paragraphs 2a(i)) below in relation to the authority's role as housing authority excluding those functions which the authority has agreed, with the approval of the Secretary of State, that another person should exercise as agent of the authority	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Housing Management • Chief Officer Property and Contracts 	With the exception of key and significant operational decisions

⁷ Under Section 3E of Part 3 of the constitution. These include local choice functions which are the responsibility of the Executive Board, and which have been specifically delegated to the Director of Environment and Housing.

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
2a(i).	(a) To award Supporting People contracts. (b) To make efficiencies and generate savings in Supporting People contracts through negotiations with service provides, and to formalise these through contract variations.	Chief Officer Strategy and Commissioning	Does not include key decisions. All significant operational commissioning decisions, contract variations and extensions below £100,000 per annum, as recommended by the Supporting People Commissioning Body.
2b.	Any function which has not been specifically delegated at paragraph 2b(i) below in relation to the condition and occupation of housing	Not delegated	
2b(i).	The condition and occupation of private housing	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Head of Housing Partnerships • Housing Regulation Manager • Housing Regeneration Manager • Team Managers 	Schedules 3, 4 and 15 only.
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Schedules 3 and 15 only.
2c(i).	Caravan Sites	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Head of Housing 	In accordance with Schedules 3, 4 and 16 only

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> Partnerships • Housing Regulation Manager • Team Managers 	
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	In accordance with Schedules 3 and 16 only.
2c(ii).	Land occupied by travelling people	<ul style="list-style-type: none"> • Chief Officer Strategic Housing • Chief Officer Strategy and Commissioning • Head of Housing Support • Head of Housing Partnerships • Housing Policy Manager • Operations Manager • Gypsy Traveller Service Manager 	With the exception of key and significant operational decisions.
2d.	Community safety and the reduction of crime and disorder (including the management of closed circuit TV), excluding those functions specifically listed below in 2d(i) to 2d(iv).	<ul style="list-style-type: none"> • Chief Community Safety Officer • Head of Community Safety Partnerships 	Excluding key decisions
2d(i)	Public safety including the following Anti-Social Behaviour authorisations: <ul style="list-style-type: none"> • ASB Closure Orders; • Crack House Closures; and • Dispersal Orders. 	<ul style="list-style-type: none"> • Chief Community Safety Officer • Head of Anti Social Behaviour 	Excluding key decisions

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
2d(ii)	RIPA Orders	<ul style="list-style-type: none"> • Chief Officer Environmental Action 	Excluding key decisions.
2d(iii)	Legal action in respect of Enforcement of ASBO's, injunctions and possessions	<ul style="list-style-type: none"> • Head of Anti Social Behaviour • ASB Team Leader • ALMO employee 	Excluding key decisions
2d(iv)	Drugs and Alcohol treatment, and offender management	<ul style="list-style-type: none"> • Chief Officer Strategy and Commissioning • Chief Community Safety Officer 	Excluding key decisions.
2(e)	Environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases) except for those functions listed separately in paragraphs 2(e)(i) to 2(e)(iii) below	<ul style="list-style-type: none"> • Chief Officer Environmental Action 	Schedule 19
		<ul style="list-style-type: none"> • Service Managers • 	Schedules 1, 3, 4, 5, 7, 8, 9, 12,13,14,15,16, 19 & 20 only;
		<ul style="list-style-type: none"> • Team Managers 	Schedules 1,3, 4, 5, 7, 8, 9, 12,13,14,15,16 & 19 only;
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • ASB Supervisors (EHO) 	Schedules 1, 3, 8, 9, 12,13,14,15,16 & 19 only;
		<ul style="list-style-type: none"> • Environmental Health Practitioners (Contractors) 	Schedule 15 only;
		<ul style="list-style-type: none"> • Senior Technical Officers • Technical Officers 	Schedules 1, 3, 9, 12,13,14,15,16 & 19 only;
		<ul style="list-style-type: none"> • Senior ASB Officer • ASB Case Officer 	Scedules 1,3,9,12 & 19 only
		<ul style="list-style-type: none"> • Senior Scientific Officer 	Schedules 3 and 12 only;

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Scientific Officer 	
		<ul style="list-style-type: none"> • Medical Officer for Environmental Health 	Schedule 10 only;
		<ul style="list-style-type: none"> • Public Analyst 	Schedule 11 only;
		<ul style="list-style-type: none"> • Communicable Disease Control Nurses 	Public Health (Control of Disease) Act 1984
		<ul style="list-style-type: none"> • LASBT Team Leaders • LASBT Team Supervisors 	Schedule 1, 3, 4, & 12
2(e)(i)	Register premises for the preparation of food and maintain that register (EC Regulation 852/2004 Article 6, EC Regulation 882/2004 Article 31, and The Food Hygiene (England) Regulations 2006)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers • Administrative Assistants 	Within their area of work after their competence has been confirmed by their line manager
2(e)(ii)	To approve premises which handle products of animal origin (EC Regulation 853/2004 Article 4 and Regulation 17 and Schedule 2 of The Food Hygiene (England) Regulations 2013)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Within their area of work after their competence has been confirmed by their line manager

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Administrative Assistants 	
2(e)(iii)	Applications for Warrants under Paragraph 2 of Schedule 3 of the Environmental Protection Act 1990	<ul style="list-style-type: none"> • Head of Asset Management (for CO Property & Contracts to delegate [or not]) • Building Services Manager • Gas No Access Officer 	Only in respect of gaining access to premises to inspect the gas appliances at the premises so as to ascertain whether or not a statutory nuisance exists and/or to take action to execute works required to abate the likely occurrence or recurrence of a statutory nuisance at the premises.
2f	Animal Welfare	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Service Support Managers 	Schedules 1, 3, 4, 9 and 13 only;
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • Senior Technical Officers • Technical Officers 	Schedules 1, 3, 9, and 13 only;
		<ul style="list-style-type: none"> • Dog Warden Supervisor • Dog Wardens 	Schedules 1, 3 and 13 only;
2g.	Development and implementation of municipal waste policy	<ul style="list-style-type: none"> • Chief Officer Environmental Services 	Excluding key decisions.
2h(i)	Environment Action management, street and gully cleansing, refuse collection, graffiti removal, flytipping removal public conveniences	<ul style="list-style-type: none"> • Chief Officer Waste Management • Locality Managers 	

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Environmental Operations Manager • Waste Strategy and Policy Manager 	
2h(ii)	Waste Management	<ul style="list-style-type: none"> • Waste Strategy & Policy Manager • Environmental Operations Manager 	
2h(iii)	Environment Action enforcement including littering, fly-tipping, dog fouling, the dog warden service and related enforcement functions.	<ul style="list-style-type: none"> • Locality Managers • Locality Service Managers • Team Managers • Environmental Enforcement Co-ordinator (3gs) 	Schedules 1, 3, 4 and 14 only;
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • Supervisors • Environmental Services Co-ordinator • Senior Environmental Action Officers • Environmental Action Officers • Environmental Enforcement Officers (3gs) • Dog Wardens 	Schedules 1, 3 and 14 only;
		<ul style="list-style-type: none"> • City Centre Liaison Officer 	Schedules 1 and 14 only;
2h(iv)	Parking Enforcement	<ul style="list-style-type: none"> • Parking Manager 	Schedules 2, 3, 4 and 14 only;

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Senior Civil Enforcement Officer • Civil Enforcement Officer 	Schedules 2, 3 and 14 only;
2i.	Any function in relation to environmental management and the formulation and implementation of environmental improvement programmes	<ul style="list-style-type: none"> • Chief Officer Strategy and Commissioning (to 31 March 2014) • Chief Officer Strategic Housing • Head of Sustainable Energy & Climate Change 	
2j(i).	Any function in relation to recreation services - parks	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
2j(ii).	Any function in relation to recreation services – countryside (including (a)-(cc) below)	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
(a)	Authority to erect access control barriers or other structures to safeguard members of the public	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer Public Rights of Way 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(b)	To authorise an application to the Magistrates Court to authorise stopping up or diversion of a highway	<ul style="list-style-type: none"> • Natural Environment Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(c)	To authorise an application for an order under section 116 on behalf of another person	<ul style="list-style-type: none"> • Public Rights of Way Manager 	
(d)	Serve Notice and take any necessary default action regarding disturbance of public right of way	<ul style="list-style-type: none"> • Natural Environment Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(e)	Authority to prosecute offences in relation to unlawful disturbance of highway	<ul style="list-style-type: none"> • Public Rights of Way Manager 	
(f)	Authority to remove any picture, letter, sign or other mark on or in a public right of way	<ul style="list-style-type: none"> • Enforcement Officer Public 	

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
(g)	Authority to prosecute offences of non indication and reinstatement of path following lawful disturbance	Rights of Way	
(h)	Serve Notice and take any necessary default action in respect of non indication and reinstatement of highway after lawful disturbance		
(i)	To authorise the temporary diversion of path or way ploughed up under section 134		
(j)	Authority to prosecute offences of obstruction of Highway		
(k)	Serve Notice and take any necessary default action in respect of non indication of line of path and crops growing on highway		
(l)	Authority to prosecute offences in relation to crops growing on surface of highway		
(m)	Authority to serve Notice to remove unauthorised structure across a highway and take default action if necessary		
(n)	Authority to serve Notice on owner of a gate across a right of way which is less than minimum width to enlarge or remove it		
(o)	Authority to serve Notice or take default action in relation to dangerous stiles or gates		
(p)	Authority to prosecute offences of depositing anything on a highway to the interruption of a user		
(q)	Authority to serve Notice regarding overhanging trees, hedges and shrubs and take any necessary default action	• Natural Environment Manager	Functions (a)-(cc) inclusive are limited to areas contained
(r)	Authority to serve Notice on owner of land to remove nuisance barbed wire and apply to magistrates for court		

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	order if necessary	<ul style="list-style-type: none"> • Public Rights of Way Manager • Enforcement Officer Public Rights of Way 	within the Definitive Map of Public Rights of Way
(s)	Power of entry for purposes connected with certain orders relating to footpaths and bridleways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer Public Rights of Way • Principal Definitive Map Officer • Senior Definitive Map Officer • Definitive Map Officer • Principal Development Officer • Public Rights of Way Access Officer 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(t)	Entry etc of premises by highway authority or council for certain purposes	<ul style="list-style-type: none"> • Natural Environment Manager • Enforcement Officer Public Rights of Way • Principal Definitive Map Officer • Senior Definitive Map Officer • Definitive Map Officer • Public Rights of Way Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Principal Development Officer • Public Rights of Way Access Officer 	
(u)	Power of highway authority or council to execute certain works on behalf of other persons	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer Public Rights of Way 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(v)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(w)	To prepare a map and statement for the excluded area	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Principal Definitive Map Officer 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(x)	To produce and publicise a Rights of Way Improvement Plan and keep under review	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(y)	Making of Traffic Regulation Orders for purposes of conserving natural beauty	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
(z)	To determine modification order applications and to determine the making of modification orders on the discovery of evidence	<ul style="list-style-type: none"> Natural Environment Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(aa)	Supplementary provisions as to definitive maps and statements	<ul style="list-style-type: none"> Natural Environment Manager Public Rights of Way Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(bb)	Authority to appoint Wardens for public rights of way	<ul style="list-style-type: none"> Natural Environment Manager Public Rights of Way Manager Community Access Officer 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
(cc)	Power to erect and maintain sign posts along any public right of way	<ul style="list-style-type: none"> Natural Environment Manager Public Rights of Way Manager 	Functions (a)-(cc) inclusive are limited to areas contained within the Definitive Map of Public Rights of Way
2k.	Any function in relation to cemeteries, crematoria, burial grounds and mortuaries (including (a)-(r) below)	<ul style="list-style-type: none"> Chief Officer Parks and Countryside 	
(a)	Provide and regulate cemeteries under the relevant legislation	Bereavement Services Manager	
(b)	Provide and maintain mortuary services for use by the coroner		
(c)	To undertake the care and disposal of dead bodies		
(d)	To carry out the statutory requirements regarding the registration of burials		
(e)	The provision of an exhumation service		
(f)	The power to acquire, provide, and maintain burial grounds		

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
(g)	Establish, administer and maintain crematoria		
(h)	To carry out the statutory requirements regarding the registration of cremations		
(i)	Notify the Home Secretary of the opening of any crematoria, which can then be inspected at any reasonable time by anyone appointed by the Home Secretary or Department of Health		
(j)	Authority to operate an installation for the cremation of human remains		
(k)	Authority to open and close a crematorium		
(l)	Authority to carry out a cremation of the remains of a deceased person at an approved site		
(m)	Authority to carry out a cremation of body parts at an approved site		
(n)	Authority to carry out a cremation of a stillborn child at an approved site		
(o)	Retention of documents relating to cremation		
(p)	The ability to revise and set fees and charges for the use of crematoria services		
(q)	The requirement to ensure emissions from crematoria do not exceed legal limits		
2l(i).	Any function in relation to countryside management - all matters relating to the provision and maintenance of footpaths and bridleways	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
(a)	Power of entry for purposes connected with certain orders relating to footpaths and bridleways	<ul style="list-style-type: none"> • Natural Environment Manager • Public Rights of Way Manager • Enforcement Officer Public Rights of Way 	

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Principal Definitive Map Officer • Senior Definitive Map Officer • Definitive Map Officer • Principal Development Officer • Public Rights of Way Access Officer 	
2l(ii).	Any function in relation to countryside management - the provision and maintenance of landscaping schemes	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
(a)	Power to take action in respect of dangerous trees	<ul style="list-style-type: none"> • Natural Environment Manager • Forestry Manager • Forestry Operations Manager • Arboricultural Manager • Arboricultural Officer • Woodlands Officer 	

Executive functions – general delegations to officers

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	FINANCIAL	•	
1.	To incur expenditure and to generate and collect income in line with Financial Regulations, Contract procedure Rules and within approved revenue and capital estimates.	•	
2.	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Deputy Chief Executive at the first opportunity.	•	
	PROCUREMENT	•	
3.	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.	• Chief Officer Property and Contracts (in consultation with the Chief Procurement Officer)	Only contracts with a value of under £250k per annum are delegated to the Chief Officer. All other procurement decisions to remain with the Director of Environments and Neighbourhoods.
4.	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	•	
5.	Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act') Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the	• NOT TO BE SUB-DELEGATED	

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	1997 Act in relation to contracts.		
	GENERAL	•	
6.	Community Right to Challenge In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.	• Chief Officers	
7.	Data Protection, Human Rights, Surveillance activities, and Freedom of Information a) To implement and ensure compliance with: <ul style="list-style-type: none"> • the rules on data protection, human rights, surveillance activities, and freedom of information • the council's policies on these matters • guidance and advice from the City Solicitor on these matters. 	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
	b) To designate officers with specific responsibilities for these matters.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
	c) To advise the City Solicitor of any new types of data processed, of new ways of processing personal data and of any new persons or organisations to whom data is given.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
8.	Media To issue statements to the press and other news media about their delegated functions within the settled framework of council policy.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
9.	Authorising officers	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
	To authorise officers possessing such qualifications as may be required by law or in accordance with the council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the council (however described) and to issue any necessary certificates of authority.		
10.	Corporate procedures To take any action remitted to the Director under corporate procedures – to waive Contract Procedure Rules.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
11.	Local Choice Functions (see Section 1, Part 3 of the Constitution) (a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 (b) To obtain particulars of persons interested in land	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
12.	Budget and policy framework To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework	Not delegated	
	PERSONNEL	•	
13.	Miscellaneous employment issues To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit

	Function sub-delegated by Director of Environment and Housing	Officer to whom sub-delegated	Terms and conditions
14.	<p>Changes to staff structure Decisions in relation to restructures except where the decision:</p> <ul style="list-style-type: none"> i. involves changes to existing National or Local Agreements and policies; and/or ii. cannot be achieved within delegated powers in respect of budgets 	Not delegated	<p>Decisions are subject to:</p> <ul style="list-style-type: none"> (i) appropriate professional advice being sought, (ii) prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and (iii) appropriate consideration of pay and grading requirements <p>Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.</p>
18.	Community Right to Challenge ^[1]	In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.	

^[1] See Executive Board 17th October 2012 Minute Number 89

Delegation of functions under Articles⁸

Article	Function	Officer to whom sub-delegated	Terms and conditions
14.3	<p>Legal proceedings To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the City Solicitor considers that such action is necessary to protect the Council's interests.</p> <p><i>(Sub-delegated to the Director of Environment and Housing by the City Solicitor)</i></p>	<ul style="list-style-type: none"> • Chief Officer Housing Management • Head of Neighbourhood Services • Housing Manager (Income Recovery) • Neighbourhood Services Officer • Income Service Manager • Housing Manage(Income Improvement) 	<p>To take any action which the City Solicitor can take BUT only with regard to</p> <ul style="list-style-type: none"> • the issuing of particulars of claim for rent arrears and warrant applications; and • the signing and completing of standard Shop Tenancy Agreements; • the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25; • the completion of Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements.

⁸ Part 2 of the constitution

Article	Function	Officer to whom sub-delegated	Terms and conditions
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts • Head of Maintenance Operations • Head of Asset Management • Building Services Manager • Gas No Access Officer 	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <p>Applications for warrants under Paragraph 2 of Schedule 3 of the Environmental Protection Act 1990</p>
14.5	<p>Signature of documents All Directors (or other person authorised by a Director) shall be authorised in relation to matters within their remit, to sign as Agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council or any part of it.</p>	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	
14.5	<p>Authentication of documents for legal proceedings To sign documents which are a necessary step in legal proceedings.</p> <p><i>(sub-delegated to the Director of Environment and Housing by the City Solicitor)</i></p>	<ul style="list-style-type: none"> • Chief Officer Housing Management • Head of Neighbourhood Services • Housing Manager (Income Recovery) • Income Service Manager • Neighbourhood Services Officer • Housing Manager (Income Improvement) 	<p>To take any action which the City Solicitor can take BUT only with regard to</p> <ul style="list-style-type: none"> • the issuing of particulars of claim for rent arrears and warrant applications; • the signing and completing of standard Shop Tenancy Agreements; • the renewal of tenancies under the Landlord and

Article	Function	Officer to whom sub-delegated	Terms and conditions
			<p>Tenant Act 1954 - section 25;</p> <ul style="list-style-type: none"> • the completion of Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / • Investigations Agreements; and standard Garage Tenancy Agreements.
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts (to sub delegate) • Head of Asset Management • Building Services Manager • Gas No Access Officer 	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <p>Applications for warrants under Paragraph 2 of Schedule 3 of the Environmental Protection Act 1990</p>

Delegation of functions (miscellaneous)^m

	Function	Officer to whom sub-delegated	Terms and conditions
Council functions sub-delegated by the Director of City Development and the Chief Planning Officer			
1a	Functions under the Highways Act 1980 as set out in the Sub Delegation scheme of the Director of City Development, limited to the enforcement of those functions.	<ul style="list-style-type: none"> • Locality Service Managers • Team Managers • Senior Environmental Health Officers • Environmental Health Officers • Senior Environmental Action Officer • Environmental Action Officer • Community Environment Officers 	Schedules 1, 3, and 4 only
		<ul style="list-style-type: none"> • City Centre Liaison Officer 	Schedule 1 only
		<ul style="list-style-type: none"> • Parking Manager 	Schedules 2, 3, and 4 only
		<ul style="list-style-type: none"> • Senior Civil Enforcement Officer • Civil Enforcement Officer 	Schedules 2 & 3 only
1b	Functions under the Town & Country Planning Act 1990 and Town and Country Planning (Control of Advertisement) Regulations 1992 as set out in the sub	<ul style="list-style-type: none"> • Service Managers • Team Managers 	Schedules 1, 3, and 4 only

	delegation scheme of the Chief Planning Officer	<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • Senior Environmental Action Officer • Environmental Action Officer • City Centre Liaison Officer 	Schedules 1 & 3 only
Executive functions sub-delegated by the City Solicitor			
(a)(ii)	<p>To take any action intended to give effect to a decision of the executive or an officer including the commencement defence, withdrawal or settlement of proceedings</p> <p><i>(sub-delegated to the Director of Environment and Housing by the City Solicitor)</i></p>	<p>To be delegated to Chief Officers in accordance with the portfolios of the new structure)</p> <ul style="list-style-type: none"> • Head of Neighbourhood Services • Housing Manager (Income Recovery) • Income Service Manager • Neighbourhood Services Officer (Paralegal) • Housing Manager (Income Improvement) 	<p>To take any action which the City Solicitor can take BUT only with regard to</p> <ul style="list-style-type: none"> • the issuing of particulars of claim for rent arrears and warrant applications; and • the signing and completing of standard Shop Tenancy Agreements; • the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25; • the completion of Rent Review Memoranda; Site Compound

			<p>Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements.</p>
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts • Head of Maintenance Operations • Head of Asset Management • Building Services Manager • Gas No Access Officer 	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <ul style="list-style-type: none"> • Applications for warrants under Paragraph 2 of Schedule 3 of the Environmental Protection Act 1990
<p>Executive functions sub-delegated by the Director of City Development</p>			
6	<p>Functions in relation to the authority's role as highways authority and road traffic authority except in relation to parking enforcement, as specified below: <i>(Delegated to the Director of Environment and Housing with the power to sub-delegate, and limited to enforcement of these functions)</i></p>		
(a)	Unauthorised marks on the highway	Not delegated	
(b)	Damage to the highway consequent on exclusion of sun and wind	Not delegated	
(c)	Penalty for wilful obstruction of highway	Not delegated	

(d)	Power to remove structures from highways	Not delegated	
(e)	Penalty for depositing things or pitching booths etc on the highway (deposits/trading)	Not delegated	
(f)	Prevention of soil etc being washed onto street (mud on highway)	Not delegated	
(g)	Cutting or felling etc of trees etc that overhang or are a danger to roads or footpaths	Not delegated	
(h)	Control of mixing of mortar etc on highways	Not delegated	
(i)	Vehicle crossings over footways and verges	Not delegated	
10(f)	<p>Routine property matters relating to the Environment and Housing commercial asset management portfolio, including rent reviews, lease renewals, assignments, consents, change of use, sub-lettings, surrenders, notices to review or terminate, temporary lettings, licences, and other routine property matters.</p> <p><i>(Delegated to the Director of Environment and Housing with the power to sub-delegate, and limited to property within the Environment and Housing commercial asset management portfolio.)</i></p>	<p>Chief Officer Property & Contracts Head Strategy & Investment</p>	

Schedules to the Director of Environment and Housing Sub-delegation scheme

For actions and legislation in the Schedules below, staff are authorised to sign documents within their area of work after their competence has been confirmed by their line manager.

Legislation specified includes all relevant amendments and subordinate statutory instruments made under those specified acts.

Schedule	Action
1	The Service of Fixed Penalty Notices
2	<ul style="list-style-type: none"> • Issue Penalty Charge Notices (PCN's)* • Suspend the use of parking bays* • Exercise powers specified in the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984* <p>*subject to wearing uniforms as stipulated in the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007</p>
3	<ul style="list-style-type: none"> • The issuing of statutory notices (signing & service of) • The enforcement of statutory provisions (gathering evidence, witnessing a breach etc) • The approval of licences, permits and registrations, excluding those listed as a Council function which have other restrictions.
4	The approval of prosecution files to facilitate legal proceedings. The issuing of formal cautions.
5	The issuing of permits under the Environmental Permitting Regulations 2010
6	The authorisation of directed surveillance under section 28 of the Regulation of Investigatory Powers Act 2000
7	<ul style="list-style-type: none"> • The enforcement of the Food & Environment Protection Act 1985 section 3 • The approval of premises which handle products of animal origin
8	Exercise the powers specified in the Food Safety Act 1990 and European Communities Act 1972 in relation to food safety.
9	<ul style="list-style-type: none"> • Issue Animal Movement Licences • Issue Animal Disease Control Notices including Detention and Cleaning Notices
10	Approved to act as Proper Officer in relation to the Public Health (Control of Diseases) Act 1984, as amended by the Health and Social Care Act 2008 for the purposes of notifiable diseases, food poisoning, vaccination and immunisation. References to Acts of Parliament includes all Regulations, Orders and Circulars there under. When absent, the Medical Officer for Environmental Health may authorise another community physician, with

Schedule	Action
	experience in environmental health and the control of communicable diseases, to act as Proper Officer. The Medical Officer for Environmental Health is approved to act in respect of any further legislation where the post is specifically empowered to act on behalf of the Local Authority including all relevant powers under Port Health and associated legislation.
11	The public analysts, possessing approved qualifications and relevant experience, and employed by the West Yorkshire Analytical Services, shall be appointed as Public Analysts for the purposes of the Food Safety Act 1990 within the Leeds City Council area. Appointment shall be confirmed by resolution of the West Yorkshire Joint Services Committee.
12 (environmental and consumer protection, health and safety other than in relation to Council employees, public health (including the investigation and control of notifiable diseases)	Agriculture (Miscellaneous Provisions) Act 1968 Anti Social Behaviour Act 2003 Avian Influenza (Preventive Measures) Regulations 2005 Breeding of Dogs Act 1973 & 1991 Breeding and Sale of Dogs (Welfare) Act 1999 Clean Air Act 1993 Clean Housing and Environment Act 2005 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Environmental Protection Act 1990 Environment Act 1995 Environmental Permitting (England and Wales) Regulations 2007 European Communities Act 1972 Food Act 1984 Food and Environment Protection Act 1985 Food Safety and Hygiene (England) Regulations 2013 Food Safety Act 1990 General Food Regulations 2004 Health Act 2006 Highways Act 1980 Home Safety Act 1961 Housing Act 1989 (section 150 only) Local Government (Miscellaneous Provisions) Act 1976 and 1982 Local Government and Housing Act 1989 Local Government Act 2003 Licensing Act 2003

Schedule	Action
	<p>Noise Act 1996 Noise and Statutory Nuisance Act 1993 Official Feed and Food Controls (England) Regulations 2007 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Public Health (Control of Disease) Act 1984(as amended by the Social Care Act 2008) Riding Establishments Act 1964 and 1970 Shop Act 1950 Sunbeds (Regulation) Act 2010 Sunday Trading Act 1994 Trade in Animals and Related Products Regulations 2011 TSE (England) Regulations 2002 as amended Water Industry Act 1991 West Yorkshire Act 1980</p>
<p>13 (animal health & welfare)</p>	<p>Animal Boarding Establishments Act 1963 Animal Health Act 1981 as amended Animal Health Act 2002 Animal Welfare Act 2006 Breeding of Dogs Act 1973 & 1991 Breeding and Sale of Dogs (Welfare) Act 1999 Dangerous Dogs Act 1991 Dangerous Wild Animals Act 1976 Diseases of Animals Act 1950 European Communities Act 1972 Local Government Act 2003 Performing Animals (Regulation) Act 1925 Pet Animals Act 1951 Protection of Animals Act 1911 Protection of Animals (Amendment) Act 2000 Rabies Act 1974 Riding Establishments Act 1964 and 1970 Zoo Licensing Act 1981</p>
<p>14 (Environment Action management and</p>	<p>Anti-Social Behaviour Act 2003 Clean Housing and Environment Act 2005 Criminal Damage Act 1971</p>

Schedule	Action
<p>street and gully cleansing, refuse collection, graffiti removal, fly-tipping and dog warden services public conveniences, waste management, related enforcement functions, including parking enforcement)</p>	<p>Environmental Protection Act 1990 Highways Act 1980 Leeds City Council Act 2013 Local Government (Miscellaneous Provisions) Act 1982 Pedlars Act 1871 Prevention of Damage by Pests Act 1949 Refuse Disposal (Amenity) Act 1978 Road Traffic Regulation Act 1984 Road Traffic Act 1991 Traffic Management Act 2004 Town and Country Planning Act 1990 (section 215 only)</p>
<p>15 (the condition and occupation of private housing)</p>	<p>Building Act 1984 Environmental Protection Act 1990 European Communities Act 1972 Highways Act 1980 Home Energy Conservation Act 1995 Housing Act 1985, 1996 and 2004 Housing Grants, Construction and Regeneration Act 1996 Local Government and Housing Act 1989 Local Government (Miscellaneous Provisions) Act 1976 and 1982 Local Government Act 2003 Management of Houses in Multiple Occupation (England) Regulations 2006 Noise Act 1996 Public Health Acts 1936 and 1961 Regulatory Reform (Housing Assistance) Order 2002 investment Energy Act 2003 Town and Country Planning Act 1990 (section 215 only)</p>
<p>16 (caravan sites)</p>	<p>Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Environmental Protection Act 1990 Local Government Act 2003</p>
<p>17</p>	<p>Subject to being a suitably qualified Environmental Health Practitioner: The Food Hygiene (England) Regulations 2013 – to enter and inspect premises only.</p>
<p>18</p>	<p>The power to appoint a person as an inspector for the purposes of the Health and Safety at Work Act 1974</p>

Schedule	Action
	and Regulations made there under.
19	The provisions of the Working Time Directive of the European Union (council directive 93/104/EC) of the 23 rd November as amended by Directive 2000/34/EC of the European Parliament and of the Council of 22 nd June 2000
20	The power to determine and transfer enforcement responsibility between the local authority and Health and Safety Executive as described under the Health and Safety (Enforcing Authority) Regulations 1998.

Guidance Notes for Completion of Sub Delegation Scheme Template

Introduction

The authority carries out council and executive functions.

Council functions are specifically identified in regulations issued under the Local Government Act 2000. They are generally quasi-judicial, such as granting planning applications. Full Council and council committees delegate many of their council functions to officers.

All other functions are executive functions. The Leader may delegate these to officers. The Executive Board may also delegate executive functions to officers.

Some functions are “local choice” functions. This means that the authority decides whether to treat them as council or executive functions⁹.

Because the authority has council and executive functions, there are two separate parts to the delegation scheme in Part 3 of the constitution:

- Officer delegation scheme (council functions) – part 3 section 2c; and
- Officer delegation scheme (executive functions) – part 3 section 3e.

Both parts of the delegation scheme set out:

- general delegations to all directors; and
- delegations to specific directors.

Some directors have also been delegated authority under local choice functions – Part 3 Section 1.

All directors have delegated authority under the Articles – Part 2.

⁹ These are listed in Part 3 Section 1 of the constitution

An officer may carry out their functions through other officers. To do so, they must sub-delegate the functions ⁿ to appropriate officers. These officers must be of suitable experience or seniority.

Your sub-delegation scheme sets out how you as the Director of Environment and Housing have sub-delegated your functions, to other officers.

The Template

This template has been designed to ensure consistency of approach by Directors in their sub-delegations to other officers. The template should be followed by:

- Directors;
- the Chief Executive;
- the Deputy Chief Executive;
- Assistant Chief Executive; and

References to directors refer to all of the officers listed above, unless otherwise specified.

Guidance on how to complete this template is inserted as endnotes. These are written in blue, and highlighted in yellow. If you point your cursor over an endnote, the guidance will come up on screen. You may wish to print the guidance out and read through it, before you start to complete the template.

You will also need to refer to the council's constitution. Please use the most up to date version, which is available on the internet.

This template follows the layout and contents of the officer delegations as they are set out in the constitution.

By using this template, you can be sure your sub-delegation scheme is comprehensive. You will also be able to amend the scheme easily, if the delegations to you set out in the constitution are amended in the future.

If there aren't any functions delegated to you in a particular section of the constitution, please keep the table in your scheme, but insert "not applicable". That way, it is clear that all sections have been considered. The table will also serve as a prompt when you come to review the scheme, as you may be delegated functions under one of these sections in the future.

Although your sub-delegation scheme should follow the template, it is up to you whether and how you sub-delegate your functions.

If you decide not to sub-delegate a particular function, please list the function in the appropriate place in the scheme, but insert “not delegated” in the column which identifies the officer to whom sub-delegated. If you do this, it will be clear that the function has not simply been overlooked.

We will review this template annually, after the Council’s Annual Meeting.

You will need to review your scheme after the annual meeting of the council, each year, when we have sent you the revised template, and the Council and Executive have approved their schemes of delegation. Your revised scheme should be approved the day following the annual meeting, so it is clear that sub-delegations are in place for each municipal year.

You will also need to review your scheme:

- whenever there is a change to your delegation during the year; and
- whenever there is a change to the structure of your directorate.

If you do not keep your sub-delegation scheme up to date, decisions your staff make may be challenged by way of judicial review.

You may wish to timetable a review every 6 months, perhaps at your DMT, to see if any changes are necessary.

Please send a copy of your updated scheme to the Head of Governance Services.

In the interests of saving resources please do not print the Guidance Notes for Completion of Sub Delegation Scheme Template when you print your delegation scheme.

a Officers

Please insert the post-title of an officer, and not their name.

You may sub delegate to any officer of suitable experience or seniority, whether in your directorate, or another directorate, including to other directors.

You may also sub-delegate the same function to more than one officer. You should ensure that it is clear if one officer takes priority over another.

It is up to you to make sure that officers are clear on the nature of and extent of any authority to carry out functions which are sub-delegated by you to them. Check that the operational position within your directorate is consistent with your sub-delegation scheme. Have you sub-delegated authority to all officers who need it?

b Terms and conditions

You may limit or restrict a sub-delegation, by imposing a term or condition.

For example you may:

- impose a financial limit;
- impose an exception in relation to any matter where you direct that the matter should be referred to you or to a relevant committee or the Executive Board (depending on whether it is a council or executive function);
- require particular types of decision to be referred to you;
- require an officer to consult specified people before making a particular type of decision;
- sub-delegate a function to a particular officer “in relation to matters within their remit”;
- state that the function does not extend to making key / significant operational decisions; or
- limit the delegation to apply only in specified circumstances, or in relation to specific functions.

You must make sure that the authority you have sub-delegated is clearly defined. For example, if you wish to restrict an officer’s sub-delegation to preclude decisions about “politically sensitive” matters, or matters which have “significant implications”, then your scheme should be clear how these decisions can be identified.

c Sub-delegation to other officers - definitions

For brevity, if you delegate a number of different functions to the same group of officers, you may wish to complete this table.

You should:

- insert a generic description (for example, “Chief Officers” or “Managers”) in the first column; and
- list all of the posts that come within the description in the second column.

You can then insert the appropriate definition against any function in the scheme which you want to sub-delegate to **all** of the post-holders within the definition.

d Absence of post-holder

The absence provisions provide for those matters which you have chosen not to delegate (whether in their entirety or when certain terms and conditions are triggered) to be dealt with in your absence on annual leave or through illness. Those matters which you delegate elsewhere in this scheme remain delegated to those officers in your absence and therefore do not need to be included here.

You may decide that in your absence:

- particular functions should be carried out by different officers; or
- one officer should carry out all of your functions (for example your deputy director if you have one).

Statutory posts

Article 12, Part 2 of the constitution already sets out who is the deputy for the **statutory posts** of Head of Paid Service, Monitoring Officer and Chief Finance Officer. If you are one of these post-holders, you do not therefore need to include your statutory functions within this scheme of sub-delegation, as these have already been effectively sub-delegated in the constitution. However, you may wish to include them for completeness, with an appropriate reference to Article 12.

e Council functions – specific to post-holder

You need to check through Section 2C of Part 3 to see whether you have been specifically delegated any council functions including Local Choice Functions where the decision making body is the Council. Not all directors have.

Because they are often quasi-judicial, council functions may be particularly likely to be subject to challenge through the courts. So, please specify in your scheme the post-title of **all** officers to whom you wish to sub-delegate authority for each particular council function. This should include officers who are carrying out administrative tasks (for example issuing a licence), where these tasks are council functions.

You may, however, impose different terms and conditions, according to the seniority or experience of a particular post-holder.

You must also include any exceptions which will apply to officers under the sub-delegation scheme, because they apply to you. For example, some licenses can only be granted by a director where no objections have been received. Obviously, you can only delegate authority, where you yourself have authority.

f Council functions in relation to approvals, licences, permissions or registrations which come within the post-holder's authority:

You will need to complete this table only if you have authority in relation to any approvals, licences, permissions or registrations under your specific delegation in the officer delegation scheme (council functions).

If you do have delegated authority, please insert the type of approval, licence, permissions or registration in column 2, by referring to the number of the function on the table above.

g Council functions – Maladministration/health and safety/personnel matters/byelaws

These council functions are delegated to **all** directors and chief officers, so you will need to complete this table.

h Executive functions specific to post-holder

You need to include here any local choice functions which are the responsibility of the executive and have been delegated specifically to you. These are listed in the officer delegation scheme (executive functions) with the other executive functions delegated to you by the leader.

The officer delegation scheme (executive functions) sets out delegation to specific post-holders by exception. That is, the delegations are framed very widely, but are subject to any exceptions set out in the footnotes below your delegation in the Constitution.

You should set out the delegations to you in the officer delegation scheme (executive functions), in the order in which they are set out in the constitution. This way, it will be clear that they have all been included.

However, because the descriptions of these functions are very broad, you might need to break them down into more specific services, or provide more detail about them.

It is particularly important make sure you include the post-title of any officer who you wish to authorise to make key, major or significant operational decisions about a function, in your sub-delegation scheme. Delegated decision notices for these types of decisions, should only be signed by officers who are specified as having authority under your scheme.

You should also identify any decisions which officers make under your authority, which are particularly likely to be challenged. These will include decisions which affect the rights of particular individual in any way.

Under the officer delegation scheme (executive functions), the authority of directors is subject to an exception where an appropriate Executive Member directs that a matter be referred to the Executive Board.

This exception must therefore also apply to any officer who is carrying out a function sub-delegated to them by a director. It must be included in directors' sub-delegation schemes.

Authorising officers

Some legislation requires an officer to be authorised to carry out a particular function, such as entering onto land or appearing in court. These officers should be individually authorised i.e. by name, and should have a signed certificate which they can produce to show that they have been properly authorised.

You should not insert the names of these authorised officers into your sub-delegation scheme here. You should insert the post-title of any officer who is to authorise officers on your behalf.

You should, however, also keep a **separate** record of any officer who is an authorised officer, together with details of:

- who authorised them,
- when they were authorised; and
- the functions for which they are authorised officers.

K Corporate Procedures

You need to include any functions you wish to sub-delegate which you have under, for example,:

- Financial Procedure Rules;
- Contract Procedure Rules; and
- Access to Information Rules

if they haven't been included elsewhere in your scheme.

Functions under employment procedures should not be sub-delegated here, but in 16. below.

Delegation of functions under Articles

Article 14.5 delegates the signature of contracts as set out in the Article to all directors and chief officers with concurrent delegations.

Articles 14 (finance, contract and legal matters), 15 (review and revision of the constitution) and 16 (suspension, interpretation and publication of the constitution) set out various functions of the Chief Executive and the City Solicitor which may need to be sub-delegated by those officers.

m Delegation of functions (miscellaneous)

Please insert here any other functions which have not been sub-delegated elsewhere in the scheme. These should include:

- functions which legislation specifies are the specific responsibility of a post-holder, and so have not been delegated to the post-holder by the council or executive;
- functions which have been delegated to you under another section of the constitution, for example, the outside bodies procedure rules;
- functions which have been sub-delegated to you by another director, and therefore are not recorded in the constitution; and
- functions which have been sub-delegated to you for less than 6 months and therefore are not recorded in the constitution.

n Functions

Only functions which have been delegated for more than 6 months are legally required to be recorded in the delegation scheme.