

Director's Sub-Delegation Scheme

¹Director of Environment and Housing

Signed² _____ Neil Evans _____

Dated _____ 2015 _____

Review Date ³	Initial of reviewing officer

¹ Insert title of Director here

² Approving a sub-delegation scheme should be treated as a Significant Operational Decision, and the Delegated Decision Notice, together with supporting report, and the scheme should be published on the Council's website.

³ This scheme is first made at the beginning of the Municipal Year following delegations being made by the Leader and at the Annual Council Meeting. After this the sub-delegation scheme should be kept under review to ensure that it is up to date and fit for purpose – use this table to record the dates when the scheme is reviewed if no changes are necessary.

Contents

Introduction.....	4
Glossary	6
Group Delegations – Definitions and Priorities	8
Delegation of Functions Under Articles.....	11
General Delegations	11
Specific Delegations.....	11
Council Functions –	14
Introduction.....	14
General Delegations	15
General	15
Personnel.....	15
Byelaws.....	16
Specific Delegations.....	17
Executive Functions –	28
Introduction.....	28
General Delegations	29
Financial.....	29
Procurement.....	29
General	30
Personnel.....	33
Specific Delegations.....	35

Miscellaneous Functions 50
Absence Provisions..... 54
Schedules to the Director of Environment and Housing Sub-delegation scheme.....55

Introduction

The⁴ Director of Environment and Housing is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. Each Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Full Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Part 3 of the Council’s Constitution.

The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director’s behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation (examples can be found in footnote⁵ below). All officers are bound by the Employee Code of Conduct (which can be found in Part 5 of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme. Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not

⁴ Insert title of Director here.

⁵ The Director may limit the delegation by imposing a term or condition, for example he/she may:-

- Impose a financial limit (e.g. decisions up to and including £100,000per annum in value);
- Impose a limit in relation to the category of the decision (e.g. Administrative decisions only);
- Require that certain decisions are referred to the Director or another senior officer (e.g. Key decisions to be referred to the Chief Officer (Environmental Action));
- Require an officer to consult specified people before making a particular type of decision (e.g. in consultation with the City Solicitor or in consultation with relevant ward Members);
- Limit decisions to those within an officer’s role (e.g. in relation to matters within their remit);
- Limit decisions to those relating to a specific function or project (e.g. decisions relating to the Basic Need Programme);

be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'.

Where the Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director unless the absence provisions at the end of this scheme apply.

Glossary

Council Functions	Functions which must be carried out by or on behalf of full Council. Functions which are reserved to Full Council can be found in Part 3 Section 2A of the Constitution. Other Council functions are delegated to Committees of Elected Members or to individual officers.
Elected Members	Councillors elected by the citizens of Leeds.
Executive Board	The group of 10 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.
Executive Functions	Functions which must be carried out by or on behalf of the Executive.
Full Council	The meeting of all 99 Elected Members of Leeds City Council
Functions	Things which Leeds City Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.
Leader	The Leader of Council, elected by all 99 Members of Council. (Usually the chosen leader of the largest political group represented at full Council.)
Local Choice Functions	The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found in Part 3 Section 1 of the Constitution.

Officers	Staff employed by the Council.
Relevant Executive Member	The Leader gives Portfolios of responsibility to individual members of Executive Board. Details of specific responsibilities are set out in the Executive Member Portfolios and the Executive Member Oversight of Officer Executive Delegations at Part 3 Section 3B of the Constitution.

Group Delegations – Definitions and Priorities

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers included in group authorisation	Order of responsibility
Chief Officers	<ul style="list-style-type: none"> • Chief Community Safety Officer • Chief Officer Housing Management • Chief Officer Property and Contracts • 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 • Locality Managers 	

Team Managers	<ul style="list-style-type: none"> • Service Manager (Private Sector Housing) • Deputy Service Manager (Private Sector Housing) • • 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 • Principal Housing Officers (Private Sector Housing) 	
Senior Technical Officers	<ul style="list-style-type: none"> • Senior Technical Officers • Senior Housing Officers (Private Sector Housing) 	
Technical Officers	<ul style="list-style-type: none"> • Technical Officers • Senior ASB Officer • ASB Case Officer • Housing Officer (Private Sector Housing) 	

--	--	--

Delegation of Functions Under Articles

The functions set out in this part of the sub-delegation scheme are delegated to the Director by Full Council through the relevant Article of the Constitution.

General Delegations

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to all Directors, for matters within his/her Director's remit only.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
14.5	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	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	Contracts of a value below £100,000 ⁶

Specific Delegations⁷

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Director alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
---------	--------------------	---------------------------	----------------------

⁶ Contracts above the value of £100,000 are signed in accordance with Article 14 and the sub-delegation scheme of the City Solicitor.

⁷ Specific Delegations are made under:-

- Article 12 to the Chief Executive as Head of Paid Service and Deputy Chief Executive as his deputy; the City Solicitor as Monitoring Officer and the Head of Governance Services as her deputy; and the Deputy Chief Executive as Chief Finance Officer and the Chief Officer (Financial Management) as his deputy;
- Article 14 to the Chief Executive and the City Solicitor;
- Article 15 to the City Solicitor as Monitoring Officer;
- Article 16 to the City Solicitor as Monitoring Officer

Article	Function Delegated	Officer to whom 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 • Partnership Manager • Paralegal Officer • Income Service Manager 	<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.
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts • Head of Maintenance Operations • Head of Asset Management • M&E Services Manager • Gas 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>

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
14.5	<p>Authentication of documents for legal proceedings</p> <p>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 • Partnership Manager • Income Service Manager • Paralegal Officer 	<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 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.
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts (to sub delegate) • Head of Maintenance Operations • M&E Service Manager • Gas 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>

Council Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)⁸ which have been delegated to the Director by Full Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Access to Information Procedure Rules⁹ which can be found in Part 4 of the Constitution.

Where a Significant Operational Decision is taken in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice, both of which can be found in the Decision Making Toolkit. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. The decision may be implemented immediately.

⁸ And those Local Choice Functions which are the responsibility of Full Council and have been delegated to the Director

⁹ These rules incorporate the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the publication of written records of relevant decisions.

Council Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	<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
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit

	Function Delegated	Officer to whom delegated	Terms and Conditions
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	<ol style="list-style-type: none"> 1. In relation to matters within their remit. 2. Subject to there being budgetary provision. 3. Such staff should be employed on terms set out in the guidance issued by the Deputy Chief Executive.
(c)(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 to such determinations	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit
Byelaws			
(d)	The enforcement of byelaws	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	In relation to matters within their remit

Council Functions –

Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director includes in relation to those authorisations the power to:-

- a) Impose conditions, limitation or restrictions;
- b) Determine any terms to which they are subject;
- c) Determine whether and how to enforce any failure to comply;
- d) Amend, modify, vary or revoke; and
- e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	Officer to whom 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 Housing Management• 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

	Function Delegated	Officer to whom delegated	Terms and Conditions
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"> • Service Manager (Private Sector Housing) • • 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
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

	Function Delegated	Officer to whom delegated	Terms and Conditions
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
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

	Function Delegated	Officer to whom delegated	Terms and Conditions
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
		<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

	Function Delegated	Officer to whom delegated	Terms and Conditions
		<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 it (Section 10(3) of the Health Act 2006)	<ul style="list-style-type: none"> • Environmental Health Manager • Service Managers • Team Managers • Senior Environmental Health Officers 	Within their area of work after 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 • LASBT Team Leaders • LASBT Supervisors • ASB Supervisors (EHO) • ASB Case Officer 	Within their area of work after their competence has been confirmed by their line manager

	Function Delegated	Officer to whom delegated	Terms and Conditions
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 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.
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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
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 Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
ff)	To make an SSSI diversion order	<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.
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 • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive 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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
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 • Principal Definitive Map Officer 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.
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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
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 • Public Rights of Way Manager 	Functions limited to areas contained within the Definitive Map of Public Rights of Way.

Executive Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)¹⁰ which have been delegated to the Director by the Leader of Council. If the Leader or relevant Executive Member¹¹ directs that the Director should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Executive Board.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Executive and Decision Making Procedure Rules which can be found in Part 4 of the Constitution.

Where a Key Decision is proposed in relation to an Executive Function it should be publicised on the Council's web site using the Request to add a Key Decision to the 'List of Forthcoming Key Decisions' form. The decision itself should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The necessary templates can be found in the Decision Making Toolkit. In most cases a Key Decision will be open to Call In and should not be implemented until the Call In period has expired.

Where a Significant Operational Decision is taken in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken. A Significant Operational Decision may be implemented immediately.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

¹⁰ And those Local Choice Functions which are the responsibility of the Executive Board and have been delegated to the Director

¹¹ See glossary.

Executive Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial¹²			
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.	<ul style="list-style-type: none"> Chief Officers 	
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.	<ul style="list-style-type: none"> Chief Officers 	
Procurement¹³			
3	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.	<ul style="list-style-type: none"> Chief Officers (in consultation with the Chief Procurement Officer) 	Only the award of contracts with a value of under £250k per annum are delegated to the Chief Officer. Operational or Significant Operational Decisions relating to tender evaluations are delegated to Chief Officers. All other procurement decisions to remain with the Director of Environment and Housing.

¹² See Financial Regulations Toolkit

¹³ See Procurement and Category Management Toolkit

	Function Delegated	Officer to whom delegated	Terms and Conditions
4	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	Not delegated	
5	Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act') ¹⁴ Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the 1997 Act in relation to contracts.	NOT TO BE SUB-DELEGATED ¹⁵	
General			
6	Community Right to Challenge ¹⁶ In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.	<ul style="list-style-type: none"> Chief Officers 	

¹⁴This function deals with signing a certificate to indicate that the authority has power to enter into a contract. Signing the contract itself is a separate action and authority to sign a contract is delegated under Article 14 of the Council's Constitution and is sub-delegated under the part of this scheme which deals with authority under the Articles.

¹⁵ In the event of the absence of the Director the certificate must be signed by the Deputy Chief Executive or City Solicitor or in their absence one of the Statutory Chief Officers or Non-Statutory Chief Officers to whom authority is delegated under the Officer Delegation Scheme (Executive Functions) General Delegations paragraph 5.

¹⁶ Sections 81-86 Localism Act 2011 and Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012

	Function Delegated	Officer to whom delegated	Terms and Conditions
7	Data Protection, Human Rights, Surveillance activities, and Freedom of Information ¹⁷		
	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:- <ul style="list-style-type: none"> new types of data processed; new ways of processing personal data; and 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 ¹⁸ 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

¹⁷ See Managing Information Toolkit

¹⁸ See Dealing with the Media Toolkit

	Function Delegated	Officer to whom delegated	Terms and Conditions
9	<p>Authorising officers¹⁹</p> <p>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.</p>	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
10	<p>Corporate procedures²⁰</p> <p>To take any action remitted to the Director under corporate procedures.</p>	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit
11	<p>Local Choice Functions (see Section 1, Part 3 of the Constitution)</p>		
	<p>(a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000</p>	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit

¹⁹ This delegation gives the officer detailed power to grant authority for other officers to carry out certain statutory powers or duties (e.g. entering onto land or appearing in court). This part of the sub-delegation scheme does not detail those 'authorised officers' – Authorised officers are given separate evidence of their authority (e.g. an ID card or certificate), signed by the person named here who has the power to authorise them. Their details are kept in a separate list together with details of who authorised them, the date they were authorised and the functions for which they are authorised.

²⁰ This function refers to any powers delegated to the Director under the Procedure Rules set out at Part 4 of the Council's Constitution which are not specifically included elsewhere (for example functions under the Financial Regulations and the Contracts Procedure Rules which are delegated at Paragraphs 1 to 4 above)

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(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	<p>Budget and policy framework</p> <p>To formulate initial proposals within the budget and policy framework</p>	Not delegated	
13	<p>Functions on Behalf of an NHS Body</p> <p>To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.</p>		
Personnel²¹			
14	<p>Miscellaneous employment issues</p> <p>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</p>	<ul style="list-style-type: none"> • Chief Officers • Heads of Service 	For matters within their remit

²¹ See Recruitment and Staffing Toolkit

	Function Delegated	Officer to whom delegated	Terms and Conditions
15	<p>Changes to staff structure</p> <p>Decisions in relation to restructures except where the decision:</p> <p>(i) involves changes to existing National or Local Agreements and policies; and/or</p> <p>(ii) cannot be achieved within delegated powers in respect of budgets</p>	Not delegated	<p>Decisions are subject to:</p> <p>(i) appropriate professional advice being sought,</p> <p>(ii) prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and</p> <p>(iii) appropriate consideration of pay and grading requirements</p> <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>

Executive Functions –

Specific Delegations

	Function Delegated	Officer to whom 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	Delegated as per paragraph 2e below	
1c	The inspection of the authority's area to detect any statutory nuisance	Delegated as per paragraph 2e below	
1d	The investigation of any complaint as to the existence of a statutory nuisance	Delegated as per paragraph 2e below	
1e	The control of pollution or management of air quality	Delegated as per paragraph 2e below	
2a	Any function which has not been specifically delegated at paragraphs 2a(i)- (ii) 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 Housing Management • Chief Officer Housing Management • Chief Officer Property and Contracts 	With the exception of key decisions
2a(i).	<p>(a) To award Supporting People contracts.</p> <p>(b) To make efficiencies and generate savings in Supporting People contracts through negotiations with service provides, and to formalise these through contract variations.</p>	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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
2a(ii)	To approve tenant led environmental and community related funding	Head of Housing Management	<ul style="list-style-type: none"> • In line with Council policy and local Housing Advisory Panel priorities; and • following recommendation from relevant Housing Advisory Panel
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 Housing Management • Head of Housing Partnerships • Service Manager (private sector housing) • Deputy Service Managers (private sector housing) 	Schedules 3, 4 and 15 only.
		<ul style="list-style-type: none"> • Principal Housing Officers • Senior Housing Officers • Housing Officers 	Schedules 3 and 15 only.
2c(i).	Caravan Sites	<ul style="list-style-type: none"> • Chief Officer Housing Management • Head of Housing Partnerships • Service Manager (Private Sector Housing) • 	In accordance with Schedules 3, 4 and 16 only
		<ul style="list-style-type: none"> • Deputy Service Manager (Private Sector Housing) • Principal Housing Officer • Senior Housing Officer • Housing Officer • 	In accordance with Schedules 3 and 16 only.

	Function Delegated	Officer to whom delegated	Terms and Conditions
2c(ii).	Land occupied by travelling people	<ul style="list-style-type: none"> • Chief Officer Housing Management • 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"> • Closure Notices & Closure Orders; • Public Space Protection Orders; • • Dispersal Orders. 	<ul style="list-style-type: none"> • Chief Community Safety Officer • Head of Anti Social Behaviour • Head of Community Safety Partnerships & Localities 	Excluding key decisions
2d(ii)	RIPA Orders	<ul style="list-style-type: none"> • Chief Officer Environmental Action 	Excluding key decisions.

	Function Delegated	Officer to whom delegated	Terms and Conditions
2d(iii)	Legal action in respect of Enforcement of Community Protection Notices, injunctions and possessions Officers will be authorised to issue CPNs and fixed penalty notices, not just enforce notices	<ul style="list-style-type: none"> • Head of Anti Social Behaviour • LASBT Team Leader • ASB Supervisor (EHO) • LASBT Team Supervisor • ASB Case Officer • Housing Officers • Housing Team Leaders • Housing Team Leaders • Area Housing Managers 	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 • Service Manager (Private Sector Housing) 	Schedules 1, 3, 4, 5, 7, 8, 9, 12,13,14,15,16, 19 & 20 only; Schedules 1, 3, 4, 15 & 16 only
		<ul style="list-style-type: none"> • Team Managers • Deputy Service Manager (Private Sector Housing) 	Schedules 1,3, 4, 5, 7, 8, 9, 12,13,14,15,16 & 19 only; Schedules 1, 3, 15 & 16 only.

	Function Delegated	Officer to whom delegated	Terms and Conditions
		<ul style="list-style-type: none"> • Senior Environmental Health Officers • Environmental Health Officers • ASB Supervisors (EHO) • Principal Housing Officer (Private Sector Housing) • Senior Housing Officer (Private Sector Housing) • Housing Officer (Private Sector Housing) 	<p>Schedules 1, 3, 8, 9, 12,13,14,15,16 & 19 only;</p> <p>Schedules 1, 3, 15 & 16 only</p>
		<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"> • 	
		<ul style="list-style-type: none"> • Senior Scientific Officer • Scientific Officer 	Schedules 3 and 12 only;
		<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 • ASB Case Officer • ASB Supervisors (EHO) 	Schedule 1, 3, 4, 12 & 14

	Function Delegated	Officer to whom delegated	Terms and Conditions
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 Regulation 19 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 • 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 19 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 • Administrative Assistants 	Within their area of work after their competence has been confirmed by their line manager
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 Maintenance Operations (for CO Property & Contracts to delegate [or not]) • M&E Service Manager • Gas Services Manager • Gas No Access Officer • ASB Supervisors (EHO) • LASBT Team Leaders • LASBT Supervisors • ASB Case Officers 	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.

	Function Delegated	Officer to whom delegated	Terms and Conditions
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	Refuse collection	<ul style="list-style-type: none"> • 	
2i(i)	Environment Action management, street and gully cleansing, graffiti removal, flytipping removal public conveniences	<ul style="list-style-type: none"> • Chief Officer Waste Management • Locality Managers • Environmental Operations Manager • Waste Strategy and Policy Manager 	
2i(ii)	Waste Management	<ul style="list-style-type: none"> • Waste Strategy & Policy Manager • Environmental Operations Manager 	

	Function Delegated	Officer to whom delegated	Terms and Conditions
2i(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 Action Team Leaders • 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;
2j	Parking Enforcement	<ul style="list-style-type: none"> • Parking Manager 	Schedules 2, 3, 4 and 14 only;
		<ul style="list-style-type: none"> • Senior Civil Enforcement Officer • Civil Enforcement Officer 	Schedules 2, 3 and 14 only;

	Function Delegated	Officer to whom delegated	Terms and Conditions
2k.	Sustainability (including 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 Housing Management • Head of Sustainable Energy & Climate Change 	
2l(i).	Any function in relation to recreation services – parks	<ul style="list-style-type: none"> • Chief Officer Parks and Countryside 	
2l(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 • Public Rights of Way 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"> • 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
(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 • 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
(e)	Authority to prosecute offences in relation to unlawful disturbance of highway		
(f)	Authority to remove any picture, letter, sign or other mark on or in a public right of way		
(g)	Authority to prosecute offences of non indication and reinstatement of path following lawful disturbance		

	Function Delegated	Officer to whom delegated	Terms and Conditions
(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		

	Function Delegated	Officer to whom delegated	Terms and Conditions
(r)	Authority to serve Notice on owner of land to remove nuisance barbed wire and apply to magistrates for court order if necessary	<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
(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 • 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

	Function Delegated	Officer to whom delegated	Terms and Conditions
(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
(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
2m.	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 	

	Function Delegated	Officer to whom delegated	Terms and Conditions
(a)	Provide and regulate cemeteries under the relevant legislation	<ul style="list-style-type: none"> • 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		
(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		

	Function Delegated	Officer to whom delegated	Terms and Conditions
(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 • Principal Definitive Map Officer • Senior Definitive Map Officer • Definitive Map Officer • Principal Development Officer • Public Rights of Way Access Officer 	
2n(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 	
		<ul style="list-style-type: none"> • 	

Miscellaneous Functions

The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Director;
- Policies and Procedures which form part of the Constitution of Leeds City Council;
- Sub-delegations made by other Directors of Leeds City Council to whom those functions have been delegated; and
- Delegations which have been made to the Director by Full Council or the Executive for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
Council functions sub-delegated by the Director of City Development and the Chief Planning Officer	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
	Functions under the Town & Country Planning Act 1990 and Town and Country Planning (Control of Advertisement) Regulations 1992 as set out in the sub delegation	<ul style="list-style-type: none"> • Service Managers • Team Managers 	Schedules 1, 3, and 4 only

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
	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
<p>Executive functions sub-delegated by the City Solicitor</p>	<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 Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements.

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
		<ul style="list-style-type: none"> • Chief Officer Property & Contracts • Head of Maintenance Operations • Head of Asset Management • M&E Service Manager • Gas 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 in relation to the authority's role as highways authority and road traffic authority except in relation to parking enforcement, sub-delegated by the Director of City Development to the Director of Environment and Housing with the power to sub-delegate, and limited to enforcement of these functions</p>	Unauthorised marks on the highway	Not delegated	
	Damage to the highway consequent on exclusion of sun and wind	Not delegated	
	Penalty for wilful obstruction of highway	Not delegated	
	Power to remove structures from highways	Not delegated	
	Penalty for depositing things or pitching booths etc on the highway (deposits/trading)	Not delegated	
	Prevention of soil etc being washed onto street (mud on highway)	Not delegated	

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
	Cutting or felling etc of trees etc that overhang or are a danger to roads or footpaths	Not delegated	
	Control of mixing of mortar etc on highways	Not delegated	
	Vehicle crossings over footways and verges	Not delegated	
Executive functions sub-delegated by the Director of City Development 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.	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.	Chief Officer Property & Contracts Head Strategy & Investment	

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director in the usual course of business. These sub-delegations may only be exercised in the absence of the Director on leave²² or where the Director has confirmed in writing that he/she will be absent from the office and these provisions are to apply²³.

Function sub-delegated by Director	Officer with authority to exercise function in absence of Director.	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.

²² Whether annual leave, sick leave or special leave

²³ It is recommended that a delegated decision form be used to record and publish this as a Significant Operational Decision.

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.

Schedule	Action
	<p>When absent, the Medical Officer for Environmental Health may authorise another community physician, with 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.</p>
11	<p>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.</p>
<p>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)</p>	<p>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 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</p>

Schedule	Action
	<p>Licensing Act 2003 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Official Feed and Food Controls (England) Regulations 2009 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</p>	<p>Anti-Social Behaviour Act 2003</p>

Schedule	Action
(Environment Action management and street and gully cleansing, refuse collection, graffiti removal, fly-tipping and dog warden services public conveniences, waste management, related enforcement functions, including parking enforcement)	Anti-Social Behaviour Crime and Policing Act 2014 Clean Housing and Environment Act 2005 Criminal Damage Act 1971 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)
15 (the condition and occupation of private housing)	Building Act 1984 Energy Act 2015 (Smoke and Carbon Monoxide Alarms (England) Regulations 2015) 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 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014 Investment Energy Act 2003 Town and Country Planning Act 1990 (section 215 only)

Schedule	Action
<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: 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 and Regulations made there under.</p>
<p>19</p>	<p>The provisions of the Working Time Directive of the European Union (council directive 93/104/EC) of the 23rd November as amended by Directive 2000/34/EC of the European Parliament and of the Council of 22nd June 2000</p>
<p>20</p>	<p>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.</p>