

**SECTION 2C**

**OFFICER DELEGATION SCHEME  
(COUNCIL (NON-EXECUTIVE)  
FUNCTIONS)**

## **GENERAL DELEGATIONS TO OFFICERS**

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements
  
2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, the Assistant Chief Executive (Corporate Governance), all Directors<sup>1</sup> and other named officers<sup>2</sup> are authorised:
  - (a) to impose conditions, limitations or restrictions;
  - (b) to determine any terms to which they are subject;
  - (c) to determine whether and how to enforce any failure to comply<sup>3</sup>;
  - (d) to amend, modify, vary or revoke; and
  - (e) to determine whether a charge should be made or the amount of such a charge.
  
3. The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), all Directors and other named officers<sup>4</sup> are authorised to carry out the following in respect of those functions for which they have delegated authority<sup>5</sup>:
  - (a) to make payments or provide other benefits in cases of maladministration<sup>6</sup>, in accordance with guidance notes jointly prepared

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<sup>1</sup> An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

<sup>2</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12.

<sup>3</sup> including

- any failure to comply with such an approval, consent, licence, permission or registration,
- any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration 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.

<sup>4</sup> See footnote 2 above

<sup>5</sup> An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

<sup>6</sup> Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

## Officer Delegation Scheme (Council (non-executive) functions)

by the Assistant Chief Executive (Corporate Governance) and the Director of Resources;

- (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;
- (c)<sup>7</sup>
  - (i) to appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure;
  - (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. Such staff should be employed on terms set out in the guidance issued by the Director of Resources; and
  - (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.
- (d) The enforcement of byelaws.

### **Exceptions:**

The Chief Planning Officer's authority is subject to those exceptions set out in the Chief Planning Officer's delegation within the Officer Delegation Scheme (Council (non-executive) functions).

The named officers'<sup>8</sup> authority is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her or the relevant committee for consideration.

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<sup>7</sup> All officers are nominated for this purpose by the Head of Paid Service

<sup>8</sup> See footnote 2 above

**Chief Executive**

1. The Chief Executive is the Head of Paid Service for the Council.
2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.

The Chief Executive<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000

<sup>1</sup> The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and the Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

**Assistant Chief Executive (Corporate Governance)**

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. The Assistant Chief Executive (Corporate Governance) is deputy Electoral Registration Officer<sup>1</sup>.
3. The Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution)

(a)	To appoint review boards under the Social Security Act 1998 <sup>2</sup>
(b)	To make arrangements for appeals against exclusion of pupils from maintained schools
(c)	To make arrangements for appeals regarding school admissions <sup>3</sup>
(d)	To make arrangements for appeals by governing bodies <sup>4</sup>
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority <sup>5</sup>

4. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)<sup>6</sup> is authorised to discharge the following Council (non-executive) functions:

**Licensing and Regulatory:**

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
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<sup>1</sup> The Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are also appointed as deputy Electoral Services Managers.

<sup>2</sup> s34 (4) Social Security Act 1998

<sup>3</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

<sup>4</sup> s95 (2) School Standards and Framework Act 1998

<sup>5</sup> s20 Police Act 1998

<sup>6</sup> The fact that a function has been delegated to the Assistant Chief Executive (Corporate Governance) does not require the Assistant Chief Executive (Corporate Governance) to give the matter his/her personal attention and the Assistant Chief Executive (Corporate Governance) may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant Chief Executive (Corporate Governance) remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(e)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(f)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(g)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(h)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(i)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

**Functions relating to elections<sup>7</sup>:**

(a)	<b>Functions relating to community governance</b>	
i	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
ii	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007

<sup>7</sup> Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 ) are reserved to the relevant committee that is responsible for making recommendations to full council.

**Officer Delegation Scheme (Council (non-executive) functions)**

(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

**Functions relating to changing governance arrangements:**

(a)	To consult prior to drawing up proposals <sup>8</sup>	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum <sup>9</sup>	S33K(2) Local Government Act 2000
(c)	To publish a notice if proposals are not approved in referendum	S33K(6) Local Government Act 2000
(d)	To implement new governance arrangements	S33G and S33H Local Government Act 2000
(e)	To comply with any direction from the Secretary of State	S33I Local Government Act 2000

**Functions relating to standing orders:**

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

**Exceptions<sup>10</sup>:**

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked \*above where objections have been received.

**Licensing Functions delegated by Licensing Committee:**

<p>Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions<sup>11</sup> of the licensing authority.</p> <p><b><u>Exceptions:</u></b></p> <ul style="list-style-type: none"> <li>• any licensing function<sup>12</sup> reserved to full Council<sup>13</sup>; and</li> <li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee<sup>14</sup>; and</li> <li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>15</sup>; and</li> </ul>	Licensing Act 2003 and the Gambling Act 2005.
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<sup>8</sup> Subject to consultation with party Leaders about the consultation plan

<sup>9</sup> Where the Council has decided to hold a referendum

<sup>10</sup> Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

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| <ul style="list-style-type: none"><li>• to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</li></ul> |  |
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### **Appointments to Committees Boards and Panels**

To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

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<sup>11</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>12</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>13</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>14</sup> Under the provisions of Section 7(5)(a) of the 2003 Act

<sup>15</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer



**The Director of Children's Services<sup>1</sup>**

The Director of Children's Services<sup>2</sup> is authorised to discharge the following Council (non-executive) functions:

To license the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963
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<sup>1</sup> Appointed under Section 18 Children Act 2004

<sup>2</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

## **Director of City Development**

The Director of City Development<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(b)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(c)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(d)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(e)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(f)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(g)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(h)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(i)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(j)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(k)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(l)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(m)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(n)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(o)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(p)	To consent to the making of openings into	Section 180 of the Highways Act 1980

<sup>1</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

	cellars etc under streets and pavement lights and ventilators	
(q)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(r)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(s)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(t)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(u)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(v)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(w)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(x)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(y)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(z)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(aa)	To make a special diversion order	Section 119B of the Highways Act 1980
(bb)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(cc)	To make an SSSI diversion order	Section 12B of the Highways Act 1980
(dd)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(ee)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(ff)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(gg)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(hh)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(ii)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(jj)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(kk)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ll)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(mm)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(nn)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(oo)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981

*Officer Delegation Scheme (Council (non-executive) functions)*

(pp)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(qq)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(rr)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(ss)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(tt)	To authorise stopping up or diversion of highway	Section 257 of the Town and Country Planning Act 1990
(uu)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(vv)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(ww)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(xx)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

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<sup>2</sup> Item 28 Paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 deleted as this function no longer carried out by the local authority

## **Chief Officer Highways and Transportation**

With the exception of those matters where the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer Highways and Transportation <sup>1</sup> is authorised to carry out the following functions:

(a )	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(b)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(c)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(d)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(e)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(f)	To authorise the erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(g)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(h)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(i)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(j)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(k)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(l)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(m)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(n)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(o)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(p)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(q)	To remove nuisances deposited on the	Section 149 of the Highways Act 1980

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

	highway	
(r)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(s)	To authorise stopping up or diversion of highway	Section 257 of the Town and Country Planning Act 1990

**Chief Planning Officer**

Subject to the exceptions listed below, the Chief Planning Officer<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

**Town and Country Planning and Development Control**

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, above or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice,	Sections 171C, 187A and 183(1) of the

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

	breach of condition notice or stop notice	Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	To determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act
(w)	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
(x)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(y)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(bb)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(cc)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975



### *Officer Delegation Scheme (Council (non-executive) functions)*

(dd)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
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### **Commons Registration**

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

### **Hedgerows and Trees**

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999

### **High Hedges**

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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### **Exceptions:**

The Chief Planning Officer is not authorised<sup>2</sup> to discharge the following functions:

<sup>2</sup> Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

**Town and Country Planning and Development Control**

(a)	the determination of applications following a written request <sup>4</sup> to the Chief Planning Officer by <ul style="list-style-type: none"><li>• a Ward Member concerning an application within his/her ward</li><li>• a Chair of a Area Committee, concerning an application within his/her Area Committee area</li></ul> that an application be referred to the relevant Plans Panel;
(b)	the determination of applications for development that would constitute a significant departure <sup>5</sup> from the Development Plan, including a significant departure from any Local Development Framework currently in force;
(c)	the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
(d)	the determination of applications for major development <sup>6</sup> which would have significant impacts on local communities;
(e)	the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
(f)	the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
(g)	where the Chief Planning Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
(h)	the determination of applications submitted in a personal capacity by or on behalf of Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.

**Commons Registration**

(a)	Where objections have been received.
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<sup>4</sup> This request must be made to the Chief Planning Officer within 21 days of the date of notification and must include reason(s) for the requested referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

<sup>5</sup> "Significant" in the context of the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999.

<sup>6</sup> "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where the application may require an Environmental Impact Assessment

## **Director of Environment and Neighbourhoods**

The Director of Environment and Neighbourhoods<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(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
(e)	To license pet shops and other establishment 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
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of

<sup>1</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

		Schedule 2 to, the Health Act 2006
(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)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)

<sup>2</sup>

<sup>3</sup>

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<sup>2</sup> Items 24 and 68 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force. The functions are carried out under new legislation and are Executive functions.

<sup>3</sup> Items 34 and 57 – 63 and 66 – 67 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is longer in force and the functions are no longer carried out by Leeds City Council

### **Chief Officer (Environmental Services)**

With the exception of those matters where the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer (Environmental Services)<sup>1</sup> is authorised to carry out the following functions:

(a)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	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
(d)	To license pet shops and other establishment 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
(e)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(j)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(k)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998

<sup>1</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

		(SI 1998/871)
(m)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(p)	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)
(q)	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)

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<sup>2</sup> Items 24 and 68 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force. The functions are carried out under new legislation and are Executive functions.

<sup>3</sup> Items 34 and 57 – 63 and 66 – 67 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force and the functions are no longer carried out by Leeds City Council.

**Chief Officer (Housing Services)**

With the exception of those matters where the Director of Environment and Neighbourhoods has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Officer (Housing Services)<sup>1</sup> is authorised to carry out the following function:

To issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960
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<sup>1</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

## **Director of Resources**

The Director of Resources<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make Financial Procedure Rules	Paragraph 42 of Schedule 12 to the Local Government Act 1972
(c)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal <sup>3</sup>	Section 112 Local Government Act 1972
(d)	To determine employee terms and conditions	Section 112 Local Government Act 1972

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<sup>1</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>3</sup> Except in relation to those which are to be determined by the Employment Committee.