

# Public Document Pack

## **SCHEDULE 8 – SCHEME OF DELEGATION (Council Functions)**

This page is intentionally left blank

## **Scheme of Delegation (Council Functions)**

That the Officer Delegation Scheme (Council (Non-Executive) Functions as detailed in Schedule 8 be approved.

This page is intentionally left blank

## 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, all Directors, Chief Officer (Financial Services), City Solicitor and other named officers<sup>1</sup> are authorised<sup>2</sup>:
  - (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, all Directors, Chief Officer (Financial Services) and City Solicitor are authorised to carry out the following in respect of those functions for which they have delegated authority<sup>4</sup>:
  - (a) to make payments or provide other benefits in cases of maladministration<sup>5</sup>;
  - (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

---

<sup>1</sup> These are all other officers listed in Article 12.

<sup>2</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>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> 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>5</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)*

Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer;

- (c)<sup>6</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 preparation, monitoring, review and enforcement of byelaws<sup>7</sup>.

**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.

---

<sup>6</sup> All officers are nominated for this purpose by the Head of Paid Service

<sup>7</sup> The power to make, amend, revoke or re-enact byelaws is reserved to full council in accordance with Para F of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

<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:

### Functions relating to Elections

|     |   |  |
|-----|---|--|
| (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.

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

|   |  |   |
|---|--|---|
| (k) Functions relating to community governance <sup>2</sup> |  |   |
| 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         |
| (l)   | Functions relating to consultation and notification processes in relation to changing the name of an electoral area <sup>3</sup> | S59 of the Local Government and Public Involvement in Health Act 2007                   |
| (m)   | To dissolve small parish councils  | Section 10 of the Local Government Act 1972   |
| (n)   | To make orders for grouping parishes, dissolving groups and separating parishes from groups                                      | Section 11 of the Local Government Act 1972   |
| (o)   | To make temporary appointments to parish councils  | Section 91 of the Local Government Act 1972   |

<sup>2</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.

<sup>3</sup> The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to full Council



**Functions relating to changing governance arrangements**

|     |  |                                       |
|-----|--|---------------------------------------|
| (a) | To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change  | Section 9KC Local Government Act 2000 |
| (b) | To take any step, subject to timely consultation with General Purposes Committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related regulations | Section 9N Local Government Act 2000  |

This page is intentionally left blank

## Director of Strategy & Resources

1. Subject to the Exception listed below, the Director of Strategy & Resources<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### Functions relating to Human Resources

|     |   |  |
|-----|---|--|
| (a) | Functions relating to local government pensions, etc  | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 |
| (b) | To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal <sup>2</sup> | Section 112 Local Government Act 1972                                |
| (c) | To determine employee terms and conditions  | Section 112 Local Government Act 1972                                |

### Functions relating to standing orders

|     |   |  |
|-----|---|--|
| (a) | To make standing orders in relation to Officer Employment | 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                                     |

### Regulatory 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                          |

---

<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>2</sup> Except in relation to those which are to be determined by the Employment Committee.

This page is intentionally left blank

## Chief Officer (Financial Services)

1. Subject to the Exception listed below, the Chief Officer (Financial Services)<sup>1</sup> is authorised to discharge the following Council (non-executive) functions<sup>2</sup>:

### Functions relating to standing orders

|     |  |  |
|-----|--|--|
| (a) | To make standing orders in relation to Finance | Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 |
|-----|--|--|

---

<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.

<sup>2</sup> The Chief Officer (Financial Services) has responsibility for these functions as the Council's S151 Officer.

This page is intentionally left blank

## City Solicitor

1. The City Solicitor is the Monitoring Officer for the Council.
2. The City Solicitor <sup>1</sup> 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> |
|-----|--|

3. The City Solicitor is authorised to discharge the following Council (non-executive) functions:

|  |  |
|--|--|
| To make standing orders in relation to Access to Information | Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 |
|--|--|

4. Appointments to Committees Boards and Panels
  - a. The City Solicitor is authorised 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.
  - b. The City Solicitor is authorised to make or amend Member appointments to committees during the period between the Annual Council Meeting and the first ordinary meeting of Council:
    - i. Where an appointment has been agreed as a Whips nominee and the Whip for that group subsequently submits a nomination; and/or
    - ii. Where a group whip wishes to replace a committee Member with another Member of the same group.

### 5. Provision of Legal Services

The City Solicitor is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation.)

---

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

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

This page is intentionally left blank



## Director of Communities, Housing and Environment

Subject to the exceptions listed below, the Director of Communities, Housing and Environment<sup>1</sup> is authorised to discharge the following Council (non-executive) functions:

### 1. Regulatory Functions

|     |  |   |
|-----|--|---|
| (a) | 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)  |
| (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   |

<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)*

|     |  |   |
|-----|--|---|
|     |  |   |
| (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 (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 |

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

|      |  |  |
|------|--|--|
|      |  | 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) |
| (r)  | To license pleasure boats and pleasure vessels   | Section 94 of the Public Health Acts Amendment Act 1907              |
| (s)  | To authorise erection of stiles etc on footpaths or bridleways <sup>2</sup>            | Section 147 of the Highways Act 1980                                 |
| (t)  | To create footpath bridleway or restricted byway by agreement                          | Section 25 of the Highways Act 1980                                  |
| (u)  | To create footpaths bridleways and restricted byways                                   | Section 26 of the Highways Act 1980                                  |
| (v)  | Duty to keep register of information with respect to maps, statements and declarations | Section 31A of the Highways Act 1980                                 |
| (w)  | To stop up footpaths bridleways and restricted byways                                  | Section 118 of the Highways Act 1980                                 |
| (x)  | To determine application for public path extinguishment order                          | Sections 118ZA and 118C(2) of the Highways Act 1980                  |
| (y)  | To make a rail crossing extinguishment order   | Section 118A of the Highways Act 1980                                |
| (z)  | To divert footpaths bridleways and restricted byways                                   | Section 119 of the Highways Act 1980                                 |
| (aa) | To make a public path diversion order  | Sections 119ZA and 119C(4) of the Highways Act 1980                  |
| (bb) | To make a rail crossing diversion order  | Section 119A of the Highways Act 1980                                |
| (cc) | To make a special diversion order  | Section 119B of the Highways Act 1980                                |
| (dd) | To require applicant for order to enter into agreement                                 | Section 119C(3) of the Highways Act 1980                             |

<sup>2</sup> Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

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

|      |  |   |
|------|--|---|
| (ee) | To make an SSSI diversion order  | Section 12B of the Highways Act 1980                  |
| (ff) | 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                 |
| (gg) | To decline to determine certain applications   | Section 121C of the Highways Act 1980                 |
| (hh) | To assert and protect the rights of the public to use and enjoyment of highways  | Section 130 of the Highways Act 1980                  |
| (ii) | To apply for variation of order under section 130B of the Highway Act 1980   | Section 130B(7) of the Highways Act 1980              |
| (jj) | To authorise temporary disturbance of surface of footpath bridleway or restricted byway  | Section 135 Highways Act 1980                         |
| (kk) | To divert footpath bridleway or restricted byway temporarily   | Section 135A of the Highways Act 1980                 |
| (ll) | To extinguish certain public rights of way   | Section 32 of the Acquisition of Land Act 1981        |
| (mm) | To keep definitive map and statement under review  | Section 53 of the Wildlife and Countryside Act 1981   |
| (nn) | To include modifications in other orders   | Section 53A of the Wildlife and Countryside Act 1981  |
| (oo) | 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  |
| (pp) | To prepare map and statement by way of consolidation of definitive map and statement   | Section 57A of the Wildlife and Countryside Act 1981  |
| (qq) | To designate footpath as cycle track   | Section 3 of the Cycle Tracks Act 1984                |
| (rr) | To extinguish public right of way over land acquired for clearance   | Section 294 of the Housing Act 1981                   |
| (ss) | To authorise stopping up or diversion of footpath bridleway or restricted byway  | Section 257 of the Town and Country Planning Act 1990 |

|      |   |  |
|------|---|--|
| (tt) | To extinguish public rights of way over land held for planning purposes | Section 258 of the Town and Country Planning Act 1990    |
| (uu) | To enter into agreements with respect to means of access                | Section 35 of the Countryside and Rights of Way Act 2000 |
| (vv) | To provide access in absence of agreement                               | Section 37 of the Countryside and Rights of Way Act 2000 |

**Exceptions<sup>3</sup>**

The Director of Communities, Housing and Environment is not authorised to discharge the function above where objections have been received.

**2. Functions of the Licensing Authority delegated by Full Council**

Subject to the exception set out below, the Director of Communities, Housing and Environment is authorised to discharge the functions of the licensing authority as set out below:-

|     |   |  |
|-----|---|--|
| (a) | Any function of a Licensing Authority <sup>4</sup>            | Licensing Act 2003 and any regulations or orders made under that Act <sup>5</sup> .                                      |
| (b) | Powers and functions relating to late night levy requirements | Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter. |

**Exceptions:**

- any function of the Licensing Authority reserved to full Council<sup>6</sup>;

**3. Functions of the Licensing Authority delegated by Licensing Committee**

<sup>3</sup> Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Communities, Housing and Environment - (Section 101(2) Local Government Act 1972.

<sup>4</sup> These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

<sup>5</sup> Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

<sup>6</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

Subject to the exceptions listed below, the Director of Communities, Housing and Environment is authorised to discharge the licensing functions<sup>7</sup> of the licensing authority as set out below:-

|     |  |   |
|-----|--|---|
| (a) | Any function of a Licensing Authority  | Licensing Act 2003 and any regulations or orders made under that Act <sup>8</sup> .                                     |
| (b) | Powers and functions relating to late night levy requirements  | Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter |
| (c) | Duty to comply with requirement to provide information to Gambling Commission.                                 | Section 29 of the Gambling Act 2005   |
| (d) | Functions relating to the exchange of information  | Section 30 of the Gambling Act 2005   |
| (e) | Functions relating to occasional use notices   | Section 39 of the Gambling Act 2005   |
| (f) | Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises | Section 304 of the Gambling Act 2005  |
| (g) | Power to institute criminal proceedings  | Section 346 of the Gambling Act 2005  |
| (h) | Power to exchange information  | Section 350 of the Gambling Act 2005  |
| (i) | Functions relating to the registration and regulation of small society lotteries                               | Part 5 of Schedule 11 to the Gambling Act 2005  |

**Exceptions:**

- any function of the Licensing Authority<sup>9</sup> reserved to full Council<sup>10</sup>;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee<sup>11</sup>;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees<sup>12</sup>;and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

<sup>7</sup> “Licensing functions” means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

<sup>8</sup> Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

<sup>9</sup>“Licensing functions” - see footnote 6 above

<sup>10</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>11</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>12</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

#### 4. Functions related to the Licensing Functions delegated by Licensing Committee<sup>13</sup>

Subject to the exceptions listed below, the Director of Communities, Housing and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee<sup>14</sup>

|     |  |   |
|-----|--|---|
| (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<br>(b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 |
| (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 license sex shops and sex cinemas and sexual entertainment venues. | The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.   |
| (e) | To license performances of hypnotism.                                    | The Hypnotism Act 1952  |
| (f) | *** 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   |

<sup>13</sup> These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

<sup>14</sup> These delegations include functions where these have been delegated to Leeds City Council by any other Council.

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

**Exceptions**

The Director of Communities, Housing and Environment is not authorised to discharge those functions marked \*\* above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

The Director of Communities, Housing and Environment is not authorised to discharge those functions marked \*\*\* above where objections have been received.



## 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 market and street trading  | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982 |
| (b) | To issue, amend or replace safety certificates (whether general or special) for sports grounds                                    | The Safety of Sports Grounds Act 1975  |
| (c) | 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                        |
| (d) | To grant a street works licence   | Section 50 of the New Roads and Street Works Act 1991                                    |
| (e) | 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                                    |
| (f) | 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  |
| (g) | To permit deposit of builder's skip on highway  | Section 139 of the Highways Act 1980   |
| (h) | To license planting, retention and maintenance of trees etc in part of highway  | Section 142 of the Highways Act 1980   |
| (i) | To authorise erection of stiles etc on footpaths or bridleways <sup>2</sup>   | Section 147 of the Highways Act 1980   |
| (j) | To license works in relation to buildings etc which obstruct the highway  | Section 169 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.

<sup>2</sup> Functions (i), (q), (s) and (v) are also delegated to the Director of Communities, Housing and Environment whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

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

|     |   |   |
|-----|---|---|
| (k) | To consent to temporary deposits or excavations in streets  | Section 171 of the Highways Act 1980                  |
| (l) | To dispense with obligation to erect hoarding or fence  | Section 172 of the Highways Act 1980                  |
| (m) | To restrict the placing of rails, beams etc over highways   | Section 178 of the Highways Act 1980                  |
| (n) | To consent to construction of cellars etc under street  | Section 179 of the Highways Act 1980                  |
| (o) | To consent to the making of openings into cellars etc under streets and pavement lights and ventilators | Section 180 of the Highways Act 1980                  |
| (p) | To make a special extinguishment order  | Section 118B of the Highways Act 1980                 |
| (q) | To assert and protect the rights of the public to use and enjoyment of highways                         | Section 130 of the Highways Act 1980                  |
| (r) | To serve notice of proposed action in relation to obstruction   | Section 130A of the Highways Act 1980                 |
| (s) | To apply for variation of order under section 130B of the Highway Act 1980                              | Section 130B(7) of the Highways Act 1980              |
| (t) | To make good damage and remove obstructions   | Section 135B of the Highways Act 1980                 |
| (u) | To remove nuisances deposited on the highway  | Section 149 of the Highways Act 1980                  |
| (v) | To designate footpath as cycle track  | Section 3 of the Cycle Tracks Act 1984                |
| (w) | To authorise stopping up or diversion of highway  | Section 247 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:

### 1 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 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10,12, 15 to 18, 15 20 to 242, 25 to 30 and 32 to 35 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 <sup>2</sup> 1995 (SI 1995/419) and directions made thereunder |
| (f) | To determine application for planning permission made by a local authority, alone 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 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (SI 2015/596) <sup>3</sup>  |
| (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 and 192 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  |

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

<sup>22</sup> This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

<sup>3</sup> This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

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

|     |  |   |
|-----|--|---|
| (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, breach of condition notice or stop notice  | Sections 171C, 187A and 183(1) of the 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) | Duties relating to applications for listed building consent  | Section 13(1) 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 Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 <sup>4</sup> |
| (w) | 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   |
| (x) | 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   |
| (y) | 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   |

<sup>4</sup> This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

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

|      |   |  |
|------|---|--|
| (z)  | 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 |
| (aa) | To execute urgent works                                     | Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990      |

## 2 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<br>(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<br>(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)   |
| (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  |

## 3 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 Town & Country Planning (Tree Preservation)(England) Regulations 2012 <sup>5</sup> |

## 4 High Hedges

|     |                              |  |
|-----|------------------------------|--|
| (a) | Complaints about high hedges | Part 8 of the Anti-Social Behaviour Act 2003 |
|-----|------------------------------|--|

<sup>5</sup> These Regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

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

### Exceptions:

The Chief Planning Officer is not authorised<sup>6</sup> to discharge the following functions:

#### 1 Town and Country Planning and Development Control

|     |   |
|-----|---|
| (a) | the determination of applications following a written request <sup>7</sup> to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none"><li>concerning an application within the Ward he/she represents, or</li><li>concerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents</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 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>8</sup> which the Chair <sup>9</sup> considers are sensitive, controversial or 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 Chair <sup>10</sup> 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, Directors or any other officer who carries out development management functions.   |

#### 2 Commons Registration

|     |                                      |
|-----|--------------------------------------|
| (a) | Where objections have been received. |
|-----|--------------------------------------|

<sup>6</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).

<sup>7</sup> This request must be made to the Chief Planning Officer and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 day statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the 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>8</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 an Environmental Statement is required.

<sup>9</sup> In conjunction with the Chief Planning Officer

<sup>10</sup> In conjunction with the Chief Planning Officer

## The Director of Children and Families<sup>1</sup>

1. The Director of Children's Services<sup>2</sup> 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 make arrangements for appeals against exclusion of pupils from maintained Schools |
| (b) | To make arrangements for appeals regarding school admissions <sup>3</sup>            |
| (c) | To make arrangements for appeals by governing bodies <sup>4</sup>                    |

The Director of Children and Families<sup>5</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 |
|---------------------------------------|--|

---

<sup>1</sup> Appointed as Director of Children's Services 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.

<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> 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.

This page is intentionally left blank



**SECTION 2D: COUNCIL (NON EXECUTIVE) DELEGATIONS TO AND FROM OTHER AUTHORITIES**

Leeds City Council has delegated to the authorities named below functions relating to Taxi and Private Hire monitoring and enforcement including:

Local Government (Miscellaneous Provisions) Act 1976

Section 53(3) (a) Driver to produce his licence for inspection

Section 58 Return of identification plate or disc on revocation etc

Section 60 to suspend and revoke vehicle licenses

Section 61 to suspend and revoke drivers' licences

Section 68 Fitness of private hire vehicles

Section 73 – Obstruction of Authorised Officers

Town and Police Clauses Act 1847

Section 45 prosecution for plying for hire

Road Traffic Act 1988

Section 143 (no insurance)

The Council has retained the ability to exercise concurrently these functions.

The Authorities named below have delegated the same functions to Leeds City Council. Those Authorities have also retained the ability to exercise these functions concurrently. Where functions have been delegated to Leeds City Council they have been delegated by full Council to the Assistant Chief Executive.

**THE AUTHORITIES**

City of Bradford Metropolitan District Council

Calderdale Metropolitan Borough Council

Wakefield Metropolitan District Council

Kirklees Metropolitan Borough Council

City of York Council

This page is intentionally left blank