

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

**Director of Resources**

1. The Director of Resources<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)	<u>To appoint review boards under the Social Security Act 1998<sup>2</sup></u>
(b)	<u>To make arrangements for appeals against exclusion of pupils from maintained schools</u>
(c)	<u>To make arrangements for appeals regarding school admissions<sup>3</sup></u>
(d)	<u>To make arrangements for appeals by governing bodies<sup>4</sup></u>
(e)	<u>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></u>

2. Subject to the Exceptions listed below, the Director of Resources is authorised to discharge the following Council (non-executive) functions:

**Functions relating to Human Resources**

(a)	<u>Functions relating to local government pensions, etc</u>	<u>Regulations under section 7, 12 or 24 of the Superannuation Act 1972</u>
(b)	<u>To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal<sup>6</sup></u>	<u>Section 112 Local Government Act 1972</u>
(c)	<u>To determine employee terms and conditions</u>	<u>Section 112 Local Government Act 1972</u>

**Functions relating to standing orders**

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

<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> 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 1996

<sup>6</sup> Except in relation to those which are to be determined by the Employment Committee

### Regulatory Functions<sup>7</sup>

(a)	<u>*To license scrap yards</u>	<u>Section 1 of the Scrap Metal Dealers Act 1964</u>
(b)	<u>*To approve premises for the solemnisation of marriages</u>	<u>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)</u>
(c)	<u>To register motor salvage operators</u>	<u>Part I of the Vehicles (Crime) Act 2001</u>

### Exceptions<sup>8</sup>

The Director of Resources is not authorised to discharge those functions marked \* above where objections have been received.

### Appointments to Committees Boards and Panels

The Director of Resources 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

### **† Licensing Functions delegated by Licensing Committee**

<p><i>Subject to the exceptions listed below, the Director of Resources is authorised to discharge the licensing functions<sup>9</sup> of the licensing authority.</i></p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> <li>• <i>any licensing function<sup>10</sup> reserved to full Council<sup>11</sup>; and</i></li> <li>• <i>any licensing function where full Council has referred a matter to a committee other than the Licensing Committee<sup>12</sup>; and</i></li> <li>• <i>any licensing function within the terms of reference of the Licensing Sub-committees<sup>13</sup>; and</i></li> <li>• <i>to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</i></li> </ul>	<p>Licensing Act 2003 and the Gambling Act 2005.</p>
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<sup>7</sup> The function of licensing dealers in game and the killing and selling of game, listed at paragraph 23 of part B of Schedule 1 to the Functions and Responsibilities Regulations 2000, has been removed from the delegation scheme as the local authority's responsibility in this regard was repealed under the Regulatory Reform (Game) Order 2007.

<sup>8</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 Resources - (Section 101(2) Local Government Act 1972.

<sup>9</sup> "Licensing functions" means functions under the 2003 Act and the 2005 Act.

**Functions related to the Licensing Functions delegated by Licensing Committee<sup>14</sup>**

Subject to the exceptions listed below, the Director of Resources is authorised to discharge the functions set out in the following table that are delegated to the Director of Resources by Licensing Committee

(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
(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 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

**Exceptions**

The Director of Resources is not authorised to discharge those functions marked \* above where objections have been received.<sup>†</sup>

<sup>10</sup> "Licensing functions" means functions under the 2003 Act and the 2005 Act.

<sup>11</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>12</sup> Under the provisions of Section 7(5)(a) of the 2003 Act

<sup>13</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer

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