

SCHEME OF OFFICER DELEGATIONS

Councillor N Blake
Leader of the Council

1 Purpose

- 1.1 To advise Members of changes made to the scheme of officer delegations to reflect the new officer structures and changes in legislation that have occurred since the delegations were last reviewed.

2 Recommendations

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| <p>2.1 That Council be recommended to approve the revised Scheme of Officer Delegations, attached as an Appendix to this report, which now reflects the new officer structures and any changes to statutory provisions which have occurred over the last year or so.</p> <p>2.2 That Council be recommended to authorise the Democratic Manager after consultation as necessary with the Lead Legal and Monitoring Officer, to update the Scheme to take account of the changes referred to in this report, and to make future changes of a similar nature in accordance with the authority already granted within the Constitution.</p> |
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3 Supporting Information

- 3.1 In February, 2016, Council approved a universal change to the management of the Authority, moving from a silo organisation to a social enterprise organisation. This was necessary to ensure the long term sustainability of the organisation, whilst at the same time ensuring the continuance of excellent service delivery that puts the customer at the heart of everything that the Council delivers.
- 3.2 In achieving these aims, there were a number of changes required to the way in which the Council worked, including:-
- Overall, a need for a much more commercial approach and understanding of the business.
 - Removal of the silo arrangement of staff, moving them into a more generic approach to fulfilling customer demands, without losing specialism where this was required.
 - Detaching management responsibility from professional expertise, recognising that good management does not always come with specific technical expertise.
 - Becoming more flexible in the way in which work is undertaken and the way in which customers are served, enabling staff, processes and structures to react quickly and efficiently to new customer demands.
 - Widening the span of managerial responsibility, with a more corporate approach to service delivery as opposed to a departmental approach.
- 3.3 In its simplest form, AVDC needed to be orientated around the customer and become speedy in response to customer demands, similar to commercial organisations.

- 3.4 Since February, 2016, work has progressed on the delivery of these objectives, with Members being kept apprised via specific seminars and reports via Cabinet. All sections of the Council have been the subject of specific business reviews to ensure that they are fit for purpose. All staff have been through a behavioural and skills assessment with the majority of the posts now having been filled. The new structure provides for a Head of Paid Service (Chief Executive), two Directors and a number Assistant Directors responsible for the new business sectors, as detailed in the diagram below.



- 3.4 In addition to the above, a Digital Strategy Manager was appointed (Maryvonne Hassall).
- 3.5 This has been a truly innovative and complex exercise, which other authorities are examining carefully as a role model for their own sustainability reviews. The Council has been able to monetise some of the skills it has developed in restructuring the way in which the Authority works.
- 3.6 Now that the transformation programme has been completed, work has been undertaken to bring the Scheme of Officer delegations into line to reflect the new officer structures. The opportunity has also been taken to update the Scheme to reflect new legislative requirements.
- 3.7 Under the Constitution, the Democratic Manager and the Lead Legal and Monitoring Officer have delegated authority to make technical changes to the Constitution (including the Scheme of Officer Delegations) to reflect changes of this nature, and it would not, under normal circumstances be necessary to bring a report to Members. However, the Democratic Manager feels that following such a detailed transformation programme, and to put the position beyond doubt, it is appropriate on this occasion to seek formal approval from Members. The Lead Legal and Monitoring Officer has been consulted and concurs with this view.

3.8 The majority of the changes relate to changes in officer titles and take account the re-allocation of some services into different sectors. There are no new delegations although some have been amended to put matters beyond doubt. Some flexibility has also been built into the scheme to enable the transfer of responsibilities between senior management to enable areas of critical importance to be afforded greater priority and to reduce the strain on individual workloads. As previously mentioned, there have been some minor changes to reflect changes in legislation. The Changes are highlighted in the attached Appendix.

4. Options considered / Reasons for recommendations

4.1 None as such. The suggested changes are necessary to reflect the business transformation programme and changes to legislation that have occurred since the Scheme was last reviewed.

5. Resource implications

5.1 None.

Contact Officer: Bill Ashton (01296) 585040
Background Documents: None

Section C – Scheme of Officer Delegations Including Proper Officer Functions

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SCHEME OF OFFICER DELEGATIONS

EXECUTIVE FUNCTIONS

This scheme delegates to officers the powers and duties of the Cabinet in relation to executive functions and local choice functions exercisable by the Cabinet.

1. The exercise of functions by officers shall be in accordance with:
 - a) the requirements of the relevant legislation;
 - b) the policy and interests of the Council;
 - c) the Constitution of the Council;
 - d) provision in the annual estimates or capital programme of the Council where expenditure is involved;
 - e) the appropriate conditions of service for staff;
 - f) the requirements of employment legislation and Council personnel policies;
 - g) the managerial requirements of the Head of Paid Service otherwise than in matters of professional expertise;
 - h) the legal requirements of the **Lead Legal and** Monitoring Officer;
 - i) the financial requirements of the Director who is the Section 151 Officer.
2. Any delegation to the Chief Executive, a Director, Assistant Director or **other Manager so authorised** may be exercised on his/her behalf by any other officer authorised in writing by him/her. This power applies also to any other matter for which they are a designated officer within the Constitution or any policy or procedure.
3. Any reference in this document to statute shall be deemed to include a reference to any statutory extension, amendment, modification or re-enactment of it for the time being in force.
4. The scheme delegates powers and duties within overall functional descriptions. The exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything which will facilitate or is conducive or incidental to the discharge of any of the specified functions.
5. Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet Member or local Member before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the relevant Cabinet Member or decision taking body for consideration unless there is specific provision for dealing with objections within a particular delegation.
6. The Cabinet or relevant Cabinet Member may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority.

7. An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Cabinet Member or decision taking body for determination.
8. An officer must not exercise delegated powers in relation to any matter in which they have a private or prejudicial interest.
9. The scheme does not delegate to officers any power to confirm an order, or to issue or grant any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised unless there is specific provision for dealing with objections within a particular delegation.
10. An officer must exercise delegated powers in accordance with the Access to Information Procedure Rules which in particular require that:
 - Any key decision to be made by an officer must be published first in the Forward Plan.

AND

- In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which require Executive decisions made by officers to be published for public inspection **on the Council's web site.**

NOTE: If in doubt, the Lead Legal and Monitoring Officer should be consulted.

11. Officers have an obligation to keep Members appropriately informed of activity arising within the scope of these delegations
12. The Chief Executive shall determine any issues that may arise in relation to the operation of this scheme.

The following functions and powers are delegated:

Chief Executive/Head of the Paid Service

The Chief Executive is the Council's Head of the Paid Service. The Chief Executive can take any decisions in respect of executive functions for which he/she is responsible and where legally permissible, which are delegated to Directors, Heads of Service and **other** Managers.

In addition, the Chief Executive is empowered to take any decision which he/she considers necessary on the grounds of urgency, efficiency or cost.

If the Chief Executive is absent or unable to act a Director may exercise all the powers referred to above. **In the absence of a Director for any reason which**

prevents them from acting, an Assistant Director may exercise all of the above powers where legally permissible.

Directors

Directors are responsible for a range of services as listed below. Each is empowered to take any decisions in respect of executive functions for which he/she is responsible and where legally permissible, which the Assistant Directors or other Managers reporting to them can take.

The Chief Executive, Director with responsibility for finance and the Lead Legal and Monitoring Officer may authorise covert surveillance in accordance with the Council's policy. The Lead Legal and Monitoring Officer is the Senior Responsible Officer (SRO).

Assistant Directors and other Managers

Assistant Directors and other Managers are responsible for the operational management of a range of services as listed below and the contractual performance of any services bought by the Council within their areas of responsibility. They have the delegated authority to make all decisions necessary in respect of executive functions to manage the services for which they are responsible, subject to the caveats referred to in paragraph 10 above.

In accordance with the Council's commercial aspirations and to facilitate speedy decision making, the Chief Executive and Directors may transfer functions from one Assistant Director to another in the interests of the efficiency of the service and for whatever period they feel is appropriate.

Responsibilities of Officers

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
Chief Executive		<ul style="list-style-type: none"> • Head of Paid Service • Progressing achievement against strategic objectives • Leading programmes of change and development • Delivering on major projects • Electoral Registration Officer • Returning Officer • Public Order
Director (1)		<ul style="list-style-type: none"> • Leading and managing a range of services • Progressing achievement against strategic objectives • Leading programmes of change and development • Delivering on major projects • Economic Development

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
	Assistant Director responsible for Community Fulfilment	<ul style="list-style-type: none"> • Boundary Reviews • Democratic process and meetings • Electoral registration and elections • Member support and appointments to other bodies • Advertising and sponsorship • Corporate communications and marketing • Community involvement and market research • Corporate identity and branding • Leisure Promotions, e.g. Play in the Parishes, Whizzfizzing Festival and other similar events • Community Safety • Safeguarding • Grants and voluntary sector • Community Cohesion • Prevent • Forward Planning design • Local Development Plans and briefs • Major development areas and key sites • Garden Towns • Economic Development • Planning policies • Affordable housing delivery • Housing partnerships and strategy • Emergency planning • Parish advice (Code of Conduct/governance issues) • Parking strategy
	Assistant Director responsible for Customer Fulfilment	<ul style="list-style-type: none"> • Green Spaces • Food hygiene and safety • Environmental health, licensing and public safety • Private sector housing • Housing grants and loans • Public health • Community spaces • Street cleansing (For the time being passed to the Assistant Director responsible for Business Support and enablement) • Refuse collection and recycling (For the time being passed to the Assistant Director responsible for Business Support and Enablement) • Waste policies (For the time being passed to the Assistant Director

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
		<p>responsible for Business Support and Enablement)</p> <ul style="list-style-type: none"> • Building Control • Engineering and flood control • Conservation / Heritage • All Development Management aspects. • Major Development Areas and key sites • Design • Development Management plans and briefs • Affordable housing allocation • Housing Needs and Advice and Homelessness • Operational parking (For the time being passed to the Assistant Director responsible for Business Support and Enablement) • Shopmobility • Customer Service Centres • Revenues and Benefits • Council Tax collection / arrears • Concurrently with the Group Manager (Customer Relationship) to make technical changes to Council Tax Discounts, Exemptions, Penalties and Reductions. • Planning enforcement • Anti-social behaviour
Director (with responsibility for Finance) (Director2)		<ul style="list-style-type: none"> • Leading and managing a range of services • Progressing achievement against strategic objectives • Leading programmes of change and development • Section 151 Officer • Procurement • Connected Knowledge • Compensation payments under the Localism Act 2011 (Assets of Community Value)
	Assistant Director responsible for Business Support and Enablement	<ul style="list-style-type: none"> • Comments, compliments and complaints • Freedom / reuse of information • IT systems and infrastructure • Corporate Health and Safety • Equality and diversity • Payroll • Business Rates Collection/Arrears

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
		<ul style="list-style-type: none"> • Debtors/creditors • Insurance • Business continuity • (Until further notice) Refuse collection and recycling • (Until further notice) Street cleansing • (Until further notice) Waste policies • (Until further notice) Operational parking
	<p>Assistant Director responsible for Commercial and Business Strategy (Also Data Protection Officer and Deputy Section 151 Officer)</p>	<ul style="list-style-type: none"> • Contracts • Data Protection (GDPR) • Project management • Audit, fraud and business assurance • Performance management • Risk Management. • Accountancy and financial planning • VAT • Commercial Companies Governance • Information Governance • HR
	<p>Assistant Director responsible for Commercial Property and Regeneration</p>	<ul style="list-style-type: none"> • Facilities management and property maintenance • Gateway Conference facilities • Town Centre regeneration and management • Markets • Commercial Property Strategy and Investment • Property not in the operational control of another service • Local Land Charges • Community Centres • Leisure Centres and Theatres • Estates
	<p>Lead Legal and Monitoring Officer</p>	<ul style="list-style-type: none"> • The taking and defending of legal proceedings • Legal functions and advice • Discharging Monitoring Officer statutory duties and ethical governance (Code of Conduct) • Parish advice (Standards and Code of Conduct) • Determination of Assets of Community Value

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
	Digital Programme Director	<ul style="list-style-type: none"> All matters related to Connected Knowledge delivery

Specific Delegations –

Chief Executive, Directors and Assistant Directors **and other Managers so authorised**

To respond to any representations received on why a meeting of cabinet or a committee of cabinet where it is intended to exclude the public and hold a meeting or part of a meeting in private, should be open to the public pursuant to regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Director (1)

The consideration, and after consultation with the relevant Cabinet Member, the determination of any objections received in respect of any Road Traffic Regulation Order proposed to be made by the Council whether pursuant to the Road Traffic Regulation Act, 1984, the Traffic Management Act, 2004 or any other enabling power.

Democratic Manager

To update the officer scheme of delegations in relation to executive functions to reflect changes:

- of a factual, technical or legal nature.
- arising from decisions of Cabinet, Cabinet Members or Cabinet Committees.
- to officer structures or officer post titles.

(The Democratic Manager is also a Deputy Monitoring Officer)

Corporate Planner

The consideration, and after consultation with the Chairman of the Development Management Committee, the determination of any objections received in respect of any Article 4 Direction (in relation to the removal of permitted development rights) proposed to be confirmed by the Council pursuant to the provisions of the Town and Country Planning (General Permitted Development) Order, 1995.

All powers associated with planning related injunctions concurrently with the Lead Legal and Monitoring Officer.

Group Manager (Regulatory Services)

In accordance with the provisions of the Housing and Planning Act, 2016:-

- The power to apply for a Banning Order against certain persons convicted of a Banning Order offence to prohibit them from letting property for a specified period of time.
- The power to apply for a Rent Repayment Order for certain offences to seek recovery of rent paid by Universal Credit.

- The power to delegate officers to enforce the provisions of the Act.

Director of Public Health

The Director of Public Health is authorised to exercise the following powers:

- Section 47 of the National Assistance Act 1948 – authority to move persons to a suitable hospital.
- Section 1 of the National Assistance (Amendment) Act 1951- authority for medical officer to make direct application to court under Section 47 of the 1948 Act.

DELEGATIONS TO OFFICERS – COUNCIL FUNCTIONS

This scheme delegates to officers the powers and duties of the Council which are not the responsibility of the Cabinet

1. The exercise of functions by officers shall be in accordance with:
 - a) the requirements of the relevant legislation;
 - b) the policy and interests of the Council;
 - c) the Constitution of the Council;
 - d) provision in the annual estimates or capital programme of the Council where expenditure is involved;
 - e) the appropriate conditions of service for staff;
 - f) the requirements of employment legislation and Council personnel policies;
 - g) the managerial requirements of the Head of Paid Service otherwise than in matters of professional expertise;
 - h) the legal requirements of the **Lead Legal and** Monitoring Officer;
 - i) the financial requirements of the Director who is the Section 151 Officer.
2. Any delegation to the Chief Executive, a Director, Assistant Director or **other Manager so authorised** may be exercised on his/her behalf by any other officer authorised in writing by him/her. This power applies also to any matter for which they are a designated officer within the Constitution or any policy or procedure.
3. Any reference in this document to statute shall be deemed to include a reference to any statutory extension, amendment, modification or re-enactment of it for the time being in force.
4. The scheme delegates powers and duties within overall functional descriptions. The exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything which will facilitate or is conducive or incidental to the discharge of any of the specified functions.
5. Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Committee Chairman or local Member before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the relevant or decision taking body for consideration unless there is specific provision for dealing with objections within a particular delegation.
6. The Council or relevant Committee may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority
7. An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Committee or decision taking body for determination.

8. An officer must not exercise delegated powers in relation to any matter in which they have a private or prejudicial interest.
9. The scheme does not delegate to officers any:
 - matter which by law may not be delegated to an officer
 - power to make an order for the compulsory acquisition of land
 - power to confirm an order, or to issue or grant any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised unless there is specific provision for dealing with objections within a particular delegation.
10. Any decision of an officer having substantive effect shall be recorded in such a manner so as to provide clarity on what action has been authorised and in particular be –

In accordance with the Openness of Local Government Bodies Regulations 2014 relating to Council functions, which require that decisions taken under a specific authorisation, grant a permission or licence, affect the rights of an individual, award a contract or expenditure which materially affects the Council's financial position to also be recorded and published for public inspection **on the Council's web site.**

NOTE: If in any doubt, consult the Lead Legal and Monitoring Officer.

11. Officers have an obligation to keep Members appropriately informed of activity arising within the scope of these delegations
12. This scheme also covers the appointment of “proper officers” for certain statutory purposes.
13. The Chief Executive shall determine any issues that may arise in relation to the operation of this scheme.

The following functions and powers are delegated:

Chief Executive/Head of Paid Service

To take any decisions in respect of Council functions where legally permissible which are delegated to the Directors, Assistant Directors and **other Managers.**

To take any decision on behalf of the Council which he/she considers necessary on the grounds of urgency, efficiency or cost.

If the Chief Executive is absent or unable to act a Director may exercise all the powers delegated to him/her. **In the absence of a Director for any reason which prevents them from acting, an Assistant Director may exercise all the powers delegated to the Chief Executive where legally permissible.**

Electoral Registration Officer.

Returning Officer for district and parish elections and parish polls.

Variations to polling districts and polling places.

The following personnel matters:

- Changes to the grading of posts provided that the costs could be met.
- Changes to people, payroll and pension policies or procedures.
- Dismissals related to disciplinary matters or any such other matters considered to be in the interests of the Council (including redundancies), in accordance with Council policy and procedures. The Chief Executive may at any time, in accordance with the general operational rules relating to this scheme of officer delegations, delegate this to Directors and Assistant Directors.
- Stage 1 appeals under the Local Government Pension Scheme Regulations 1977 as amended where the Payroll Manager took the decision the subject of the appeal.

Chief Executive/Directors

To take any decisions in respect of Council functions for which he/she is responsible and where legally permissible, which the Assistant Directors or Senior Service Managers reporting to them can take.

To determine appeals against dismissal of employees who fail to successfully complete their probationary period.

Chief Executive, Director with responsibility for Finance and the Lead Legal and Monitoring Officer

May authorise covert surveillance in accordance with the Council's policy. The Lead Legal and Monitoring Officer is the Senior Responsible (SRO).

Director 1

To exercise the functions of the Council relating to rights of way and to confirm orders except in those circumstances where an objection was made.

To deal with community safety and in particular enforcement functions under the Anti-Social Behaviour Legislation for the time being in force.

Assistant Director with responsibility for Customer Fulfilment / Group Manager (Regulatory Services)

To exercise the licensing and registration functions of the Council with the exception of:

- applications to license sex shops, the making of **Public Space Protection Orders** and the setting of certain fees (where they have to be advertised and any representations considered) which are determined by the Licensing Committee.
- applications under the Licensing Act 2003 which have to be submitted to the Licensing and Gambling Acts Sub- Committee for determination in the following circumstances:

Application/Decision	Proviso
Personal Licence	Where an objection is made.
Premises/Club Premises Licence	If a relevant representation is made.
Provisional Statement	If a relevant representation is made.
Variation of premises/Club Premises Licence	If a relevant representation is made.
Variation of Designated Premises Supervisor	If a police objection is made.
Transfer of a Premises Licence	If a Police objection is made.
Interim Authorities	If a Police objection is made.

To make minor changes to the Councils Taxi and Private Hire Policy in consultation with the Chairman of the Licensing Committee.

To deal with the issue of consents and registrations and undertake all aspects of enforcement action pursuant to the Council's statutory functions relating to animal welfare, caravan sites, environmental protection, food safety, health and safety, housing, pollution control and unauthorised encampments.

(Also) Assistant Director responsible for Customer Fulfilment /Group Manager (Regulatory Services)

1	Authority to exercise the powers conferred upon the Licensing Committee by the Gambling Act 2005 and any related legislation to the extent the Act permits it.
2.	Authority to exercise the functions relating to small society lotteries under the Gambling Act 2005.

3.	Authority to remove the gaming exemption for alcohol licensed premises pursuant to Section 284 of the Gambling Act 2005.	
4	Authority under the Gambling Act, 2005 for the following:-	
	Function	Relevant section of the Act
	Power to designate officer of a licensing authority as an authorised officer for a purpose relating to premises.	304
	Power to exchange information	350
	Duty to comply with requirement to provide information to Gambling Commission	29
	Functions relating to exchange of information	30
	Functions relating to occasional use notices	39

In consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee:

- Authority to exercise all the Council's licensing functions pursuant to the Scrap Metal Dealers Act 2013 to the extent that the Act permits.
- depart from the Council's general policy and procedure concerning taxi and private hire licensing if the facts and circumstances justify it.

Assistant Director responsible for Customer Fulfilment / Group Manager (Regulatory Services) / Licensing Officers (In consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee) to:-

- Refuse applications for, or suspend or revoke existing, hackney carriage and private hire licenses.
- To further delegate the authority to refuse, or suspend or revoke hackney carriage and private hire licences in consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee

All matters relating to powers granted to the Authority under the Anti-Social Behaviour, **Crime and Policing** Act, 2014.

Assistant Director responsible for Customer Fulfilment/Group Manager (Regulatory Services)

To carry out both written and oral hearings in respect of a homelessness or housing applicant to review a decision.

Head of People and Culture

To deal with all personnel functions with the exception of corporate management arrangements and salary awards which are reserved to Council and those matters delegated to the Assistant Director responsible for Commercial and Business Strategy.

Lead Legal and Monitoring Officer

To deal with the following insofar as they relate to functions of the Council:

- Criminal and civil litigation
- Ethical governance and standards
- Legal advice
- To take action in relation to referrals under the relevant regulations.
- Concurrently with the Democratic Manager, determine the membership of the Hearing Sub-Committees of the Standards Committee.
- To determine applications for dispensation under Section 33 of the Localism Act 2011 after consultation with the Chairman or Vice Chairman of the Standards Committee (or where these are unavailable or for some reason conflicted out, the Chairman of the Council) and an independent person. Where all members are conflicted out an independent person only is to be consulted.
- **Signing and sealing of documents**

Concurrently with the Electoral Manager and Democratic Manager to deputise as Electoral Registration Officer and to deputise for the Returning Officer for elections and parish polls.

Concurrently with the Electoral Manager and Democratic Manager, to give public notice of a vacancy in the office of councillor

Concurrently with the Democratic Manager, the following constitutional matters:

- Changes to the constitution of a factual, technical or legal nature.
- Updating the scheme of delegations arising from decisions of Council or committees and changes to officer structures or officer post titles.
- Determining the membership of the Licensing and Gambling Acts Sub-Committee, the Senior Appointments Committee, panels of the Appeals and Complaints Committee, the Hearing Sub-Committees of the Standards Committee, the Independent Remuneration Panel and the Members Pay Negotiating Team.
- Adjustments to the Member allowances scheme.
- Appointment of representatives to outside bodies.

Concurrently with the Democratic Manager, matters relating to parish councils and parish meetings including the appointment of temporary members.

Concurrently with the Democratic Manager, the following matters relating to the Petitions Scheme:

- Receipt, management and reporting of petitions sent to the Council under the scheme as referred to in Section D of the Constitution.
- Following consultation with the Leader of the Council to reject petitions which are considered to be vexatious, abusive or otherwise inappropriate.

Assistant Director responsible for Customer Fulfilment/Corporate Planner

1. To deal with the following insofar as they relate to the functions of the Council:

- Conservation / Heritage
- Development Management aspects
- Design
- Major Development areas and key sites
- Development Management plans and briefs

With the exception of:

(a)	any application* which a Member has requested be referred to the appropriate Development Management Committee for consideration (provided that the Member has given a material planning reason for the request).
(b)	any application* where the Parish Council has made material planning representations which are contrary to the recommendation made by Officers and where the Parish Council has confirmed in it's consultation response that they will be in attendance to speak at the meeting of the appropriate Development Management Committee. ¹
(c)	any application* for any consent approval or determination made by or on behalf of the District Council which have been subject to representations contrary to the Case Officer's recommendation.
(d)	Any application made by an elected Member or senior officer of the Council, or a close relation** of either such persons, which refers to more than one property and where material planning representations objecting to the application have been received. Delegation is still permitted if the application is refused. ¹

*Application in this context excludes the applications referred to in section 2 below and prior approval submissions regarded as HS2 Schedule 17 submissions which are not regarded as planning applications, given that planning permission would be granted under the HS2 legislation.

**Close relation being the same as under the rules of intestacy¹

and subject to the Assistant Director or the Corporate Planner being satisfied that:

- (i) all such decisions are made in accordance with the Council's approved or adopted planning policies;
 - (ii) exercising delegated powers is appropriate;
 - (iii) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any application is made by a Member or key officer;
 - (iv) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any Parish Council representations have been received contrary to the recommendations made by officers.
 - (v) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any request is made by a Member for an application to be referred to the appropriate Committee and there is a dispute as to what is a material planning application.
2. To determine all applications (including those from Members or officers) for Certificates of Lawful Development under Section 191 (existing use or development) and Section 192 (proposed use or development) of the Town and Country Planning Act 1990, notwithstanding that representations have been received that are contrary to the recommendations made by officers and notwithstanding any request received from a Member that the application be referred to the appropriate Development Management Committee for consideration.
3. The taking of any action in respect of complaints relating to High Hedges made under Part 8 of the Anti-Social Behaviour Act 2003 except for:
- a) Any complaint where any Member objects to the Corporate Planner exercising this authority;
- and subject to the Corporate Planner being satisfied that:
- a) Exercising delegated powers is appropriate;
 - b) No complaint involving a Member or key Officer is determined using delegated powers.
4. To decide which applications should be categorised as "other key growth related developments" for determination by the Strategic Development Management Committee.

Planning Policy Manager

To deal with the following insofar as they relate to the functions of the Council:

- Forward Planning design
- Local Development Plans and briefs
- Major development areas and key sites
- Planning policies
- Assistance with the preparation of Neighbourhood Plans and the “making” of such plans following a positive referendum result.

Assistant Director **responsible for Customer Fulfilment / Commercial Services Manager**

To deal with the following insofar as they relate to the functions of the Council:

- Building control
- Engineering and flood control

PROPER OFFICER FUNCTIONS

- 1) The “proper officers” for various statutory functions are listed below.
- 2) Where legally permissible the Chief Executive, and relevant Director is authorised to act as “Proper Officer” for any function:
 - in the absence or inability to act of the “Proper Officer” specified by the Council; or
 - for which a “proper officer” has not been identified within this scheme.

Chief Executive

- a) Appointed formally as the “Head of the Council’s Paid Service” for the purposes of Section 4(l) of the Local Government and Housing Act, 1989.
- b) Registration Officer for any constituency or part of a constituency coterminous with or contained in the District.
- c) Returning Officer for the election of Councillors of the District and of Councillors of parishes within the District.
- d) Representation of the People Act, 1983, Sections 75, 81 and 82 – Declarations and Returns of Election Expenses.
- e) The Neighbourhood Planning (Referendums) Regulations 2012 and the Neighbourhood Planning (Amendment) Regulations 2013.
- f) Any reference in any enactment passed before or during the 1971 – 1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972, to the clerk of a council or the town clerk of a borough which, by any provision of the said Act, is to be construed as a reference to the proper officer of the Council.
- g) Any reference in any local statutory provision to the clerk of a specified council or the town clerk of a specified authority which is to be construed as a reference to the proper officer of the Council.

Group Manager Regulatory Services Manager

- a) The Public Health (Control of Disease) Act 1984 with the exceptions of Sections 20, 21, 32, 36, 40, 43 and 48.
- b) The Building Act 1984 insofar as it relates to environmental health matters.

Assistant Director responsible for Customer Fulfilment / Commercial Services Manager

- a) Any reference in any enactment passed before or during the 1971 -1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October 1972, or in any local statutory provision to the surveyor of a council or borough.
- b) Section 191 (2) of the Local Government Act 1972 - To receive notice of applications under the Ordnance Survey Act 1841.
- c) Sections 93 and 126 of the Building Act 1984.

Director (with responsibility for finance)

- a) Under Section 151 of the Local Government Act 1972, to have responsibility for the proper administration of the financial affairs of the Council. (The Assistant Director responsible for Commercial and Business Strategy and the Strategic Finance Lead are Deputy Section 151 Officers)
- b) Any reference in any enactment passed before or during the 1971 – 1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October 1972, or in any local statutory provision to the treasurer or financial officer of a council or borough.
- c) The following provisions of the Local Government Act 1972, namely:-

Section 115(2)	To receive monies held by officers on the council's behalf
Section 146(1)	To arrange for transfers of securities on any changes of area or boundaries.
Section 210	To exercise any powers in respect of a charity which are vested in the Council.

Lead Legal and Monitoring Officer

To act as “Monitoring Officer” for the purposes specified in the Local Government and Housing Act 1989.

To act as Monitoring Officer under Section 33 of the Localism Act 2011 for the receipt of requests from Members for dispensation.

(The Council has two Deputy Monitoring Officers, namely the Assistant Director responsible for Business Support and Enablement and the Democratic Manager).

For the following purposes of the Local Government Act, 1972, as amended:-

Section 13 (3)	To act as Parish Trustee in respect of parish meetings, concurrently with the Democratic Manager.
Section 83	To receive declarations of acceptance of office, concurrently with the Democratic Manager and Electoral Manager.
Section 84	To receive written notices of resignation, concurrently with the Democratic Manager and Electoral Manager.
Section 88 (2)	To convene the council to fill a vacancy of Chairman of the Council, concurrently with the Democratic Manager.
Section 89 (1)	To receive written notice of casual vacancies, concurrently with the Democratic Manager and Electoral Manager.
Section 96	To receive and record general notices of Members' interests, concurrently with the Democratic Manager.
Section 100B	Providing and maintaining copies of the agenda and reports for both public inspection and for the press, concurrently with the Democratic Manager.
Section 100C(1)	Providing and maintaining copies of Minutes and any summary thereof for inspection after meetings for a period of 6 years, concurrently with the Democratic Manager.
Section 100C(2)	Provision of written summaries of proceedings, concurrently with the Democratic Manager.
Section 100F (2)	Documents to be regarded as "exempt" from members' inspection concurrently with the Democratic Manager.
Section 100G	Making available to the public and press at the various Council offices the details as to Members, delegated powers to officers and summary of rights of attendance at meetings, concurrently with the Democratic Manager.
Section 223 (1)	To prosecute and defend in magistrates' court proceedings.
Section 225 (1)	To receive and hold documents deposited with the Council.
Section 229 (5)	To certify the accuracy of photographic copies of documents.
Section 234 (1)	To authenticate notices, orders or other documents.

Section 236	To circulate byelaws, when made, as required by law.
Section 238	To certify the accuracy of printed byelaws produced in evidence in legal proceedings.
Section 248 (2)	To keep the roll of freeman of a former borough, concurrently with the Democratic Manager.
Schedule 6 Para 1 (a)	Registration of electors, concurrently with the Electoral Manager.
In Schedule 12 Para 4 (2) (b)	To issue summonses for meetings of the Council, concurrently with the Democratic Manager.
In Schedule 12 Para 4 (3)	To receive requests from Members for Council summonses to be sent to an alternative address, and to receive requests for the electronic delivery of Council summonses, concurrently with the Democratic Manager.
In Schedule 14 Para 25 (7)	To certify the accuracy of copies of Council resolutions to be received in evidence in legal proceedings, concurrently with the Democratic Manager.

Making available the lists of background papers when transmitted to her/him by the “proper officer” in relation thereto. (Concurrently with the Democratic Manager).

The following provisions of the Local Government and Housing Act, 1989 namely:-

- a) To retain the lists of Officers designated for political restrictions identified in accordance with Section 2(2).
- b) Section 15 and Schedule 1 (Voting rights and political balance on Committees and Sub-Committees). (Concurrently with the Democratic Manager).
- c) For receiving notices of Members interests under Section 19 and the Local Authority (Members Interests) Regulations 1992.

Local Authorities (Referendums) (Petitions & Directions) (England) Regulations 2000 (Concurrently with the Electoral Manager).

Local Authorities (Standing Orders) (England) Regulations 2001, concurrently with the Democratic Manager.

Also authorised to act in relation to the following in the absence or inability to act of the Chief Executive:-

Electoral Registration Officer (Concurrently with the Electoral Manager).

Returning Officer

Representation of the People Act, 1983, Sections 75, 81 and 82 –
Declarations and Returns of Election Expenses. (Concurrently with the
Electoral Manager).

Chief Executive, Directors, Assistant Directors, Lead Legal and Monitoring Officer

For the following purposes of the Local Government Act 1972, as amended, in
relation to reports prepared by them.

- a) Section 100B (2) (designation of reports as “not for publication”).
- b) Section 100D (1) (a) (designation of lists of “background papers”).
- c) Section 100D (5) (a) (identification of “background papers”).
- d) Section 234 (i) (authentication of documents relating to the functions of
their department or Division).

For the functions set out in the Local Authorities (Executive Arrangements)
(Meetings and Access to Information) (England) Regulations 2012 and those
set out in the Openness of Local Government Bodies Regulations 2014
relating to Council functions.

Assistant Director responsible for Commercial and Business Strategy

For the purposes of the GDPR provisions, this Director is the Data Protection
Officer. He/she is responsible for overseeing the data protection strategy and
implementation in compliance with GDPR requirements.

Director of Public Health or in his/her absence the Consultant for Communicable Disease Control or the Consultant in Public Health Medicine

- a) Matters relating to notifiable diseases and food poisoning generally and
in particular for those sections of the Local Government Act 1972 and of
any legislation thereafter requiring the appointment of a general medical
practitioner as Proper Officer.
- b) The Medical Advisor to the Council on matters relating to environmental
health.
- c) Public Health (Control of Disease) Act 1984 – Sections 20, 21, 24, 29,
31, 32, 35, 36, 40, 43 and 48.
- d) Section 234 (1) of the Local Government Act 1972 for the purpose of
signing on behalf of the Council any Notice, Order or other document
relating to the functions undertaken on behalf of the Council, including
any function the exercise of which has been delegated.

Strategic Finance Lead

To act in relation to Sections 115(2), 146(1), 151 and Schedule 25 Para 6 of the Local Government Act, 1972 in the absence or inability to act of Director with responsibility for finance or the Assistant Director **responsible for** Commercial and Business Strategy.