

SCHEME OF DELEGATION TO OFFICERS

DELEGATIONS TO EXECUTIVE DIRECTOR: RESOURCES AND S151

Ref	Delegation	In consultation with
Finance		
1.	To be the “Chief Finance Officer” for the purposes of Section 151 of the Local Government Act 1972.	
2.	To administer the Council’s bank balances (including any necessary borrowing within limits approved by the Council) in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities, Financial Procedure Rules and the Treasury Policy Statement.	
3.	As the Council's S151 Officer, to amend the Council’s Treasury Strategy and Prudential Indicators to reflect the borrowing requirements of the Commercial Investment Strategy.	
4.	To set the Council Tax Base for the Borough.	
5.	To write-off debts up to £20,000 or debts arising as a result of the debtor being made insolvent, irrespective of the amount.	
6.	To approve virements within budgets up to £20,000.	
7.	To undertake the calculations related to the estimation of the collection fund surplus and deficit.	
8.	To vary, from time to time, the rate of interest charged by the Council on mortgages for which the Council is mortgagee.	
9.	To administer the Council's banking arrangements including the appointment of bankers.	
10.	To manage the Council’s borrowings and investments in accordance with the Council’s Treasury Management Policy.	
11.	To implement the national wage and salary awards.	
Other		
12.	Agreement of the governance arrangements of the business rates pool and to agree the Council’s entry or exit to/from the pool after consultation with the Lead Member.	Lead Member for Finance and Asset Management
13.	To make amendments of a minor nature to the Financial Procedure Rules.	

14.	To make minor amendments to the Management of Occupational Road Risk Policy, if necessary, following Union consultation.	Trade Unions
15.	To manage the Council's insurance, including risk management, and the appointment of the Council's insurers.	
16.	To approve future minor amendments to the Proceeds of Crime and Anti-Money Laundering Policy.	Counter Fraud Unit Manager, One Legal and the Lead Member for Corporate Governance.
17.	To revise annually all fees and charges relevant to the duties of the Executive Director: Resources and S151.	
18.	To approve future minor amendments to the Counter Fraud and Anti-Corruption Policy.	Counter Fraud and Enforcement Unit, One Legal and the Lead Member for Corporate Governance.
19.	To proceed with the acquisition of assets, subject to the acquisitions meeting the parameters of the Commercial Property Investment Strategy:	
	a. asset purchases of up to £12 million to be approved by the S151 Officer in consultation with the Lead and Support Members for Finance and Asset Management; and	Lead and Support Member for Finance and Asset Management
	b. asset purchases in excess of £12 million being referred to the Executive Committee.	

Section 151 Officer and Head of Paid Service

20.	To approve, together with the Head of Paid Service, pension expenditure under £20,000 subject to such expenditure being found from within existing budgets.	Lead Member for Finance and Asset Management
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DELEGATIONS TO DIRECTOR: COMMUNITIES

Ref	Delegation	In consultation with
Housing		
1.	To determine appeals against the decision of the Council's agents in respect of the refusal of applications by individuals to be included on the Council's Housing Register or against any decision to exclude an individual from the Council's Housing Register.	
2.	To determine applications for accommodation under Part VII of the Housing Act 1996 (Homelessness) (As Amended).	
3.	To monitor the performance of Severn Vale Housing Society Limited, or any other Registered Social Landlord under any agency, or other agreement for the time being in operation.	
4.	To monitor other agencies delivering housing related services through Service Level Agreements or otherwise.	
5.	In consultation with the Lead Member, the Chair of the Planning Committee and relevant Local Ward Members, to enter into arrangements, which are within policy and budget, to assist persons in need of affordable solutions resulting from the changes in the housing market provided that any decision made shall not reduce the percentage of social housing on any development. The Director of One Legal is authorised to enter into agreements, or to vary existing agreements, to implement these decisions.	Lead Member, the Chair of the Planning Committee and relevant Local Ward Members Director of One Legal
6.	To evaluate and select additional Preferred Registered Providers for the delivery and/or management of new affordable housing on the Strategic Allocation Sites.	
7.	To make further operational decisions within the Affordable Housing Partnership in consultation with the Lead Member for Built Environment.	Lead Member for Built Environment
8.	In consultation with the Executive Director: Resources and S151; the Lead Members for Built Environment and Finance and Asset Management; and the local Ward Members to make decisions on any offers made to the Council to purchase affordable properties at risk of repossession and, where it is not considered to be appropriate to buy them, to make the decision not to buy them.	Executive Director: Resources and S151; Lead Members for Built Environment and Finance and Asset Management; and local Ward Members

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| 9. | To determine any future consideration of asset disposals by Registered Providers operating in the Borough. | |
| 10. | To issue financial penalties as set out within the Civil Penalty Policy; Rent Repayment Order Policy; and Minimum Energy Efficiency Standards in Privately Rented Homes Policy. | Director of One Legal |
| 11. | To make any future amendments to the Housing and Homelessness Strategy Action Plan. | Lead Member for Housing, Health and Wellbeing. |

Environmental Health

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| 12. | To serve notices and take all necessary action in respect of abandoned vehicles. | |
| 13. | To issue Street Litter Control Notices. | |
| 14. | To designate litter control areas. | |
| 15. | To take appropriate action in respect of the collection of controlled waste. | |
| 16. | To serve Notices concerning litter and refuse on private land. | |
| 17. | To serve Notices under Sections 46 and 47 of the Environmental Protection Act 1990 and take all necessary action to enforce the requirements of such Notices including authorising staff as necessary. | |
| 18. | To grant/issue, renew, refuse, amend/vary, transfer, suspend, revoke, where appropriate, licences, permits, registrations, designations and authorisations, as the case may be, in connection with the following: | |
| | <ul style="list-style-type: none"> • Licences under the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018. • Registration of scrap metal dealers under of the Scrap Metal Dealers Act 2013. • Licences under the Zoo Licensing Act 1981. • Street Collection permits under the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Local Government Act 1972. • House to House Collection permits under the House to House Collections Act 1939. • Street trading consents under the Local Government (Miscellaneous Provisions) Act 1982. • Licences under the Dangerous Wild Animals Act 1976. • Licensing of Boats. • Licensing of Caravan Sites and Mobile Homes. • Licences under the Licensing Act 2003. • Licences under the Gambling Act 2005. | |

<ul style="list-style-type: none"> • Hackney Carriages and Private Hire Vehicles Drivers and Operators (in accordance with Council Policy). • Licences for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. • Licences under the Hypnotism Act 1952. • Licences for acupuncture, tattooing, ear piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982. • Licences under the Business and Planning Act 2020. • Any other non-controversial licence, registration or consent after appropriate consultations following local and national guidance. 	
<p>19. In consultation with the Lead Member for Clean and Green Environment, to determine the fees for scrap metal licence applications.</p>	<p>Lead Member for Clean and Green Environment</p>
<p>20. To administer and enforce the provisions of Part 1 of the Health Act 2006.</p>	
<p>21. To appoint a public analyst and food examiner for the authority.</p>	
<p>22. To discharge the provision of the Environmental Protection Act 1990 in relation to contaminated land, namely the inspection of land, service of remediation notices and the maintenance of a contaminated land register.</p>	
<p>23. To issue Abatement Notices and other statutory notices in respect of legislation within the environmental health remit e.g.</p> <ul style="list-style-type: none"> • public health nuisances. • pest control. • drainage and water supplies. • caravan sites. • pollution and noise control. • food safety. • health and safety at work. • dog control. • contaminated land. • licensing. • clean air/air quality. • medical waste. 	
<p>24. To authorise and appoint suitably qualified and competent staff and inspectors under relevant Environmental Health legislation including:</p> <ul style="list-style-type: none"> • Authorising inspectors under the Zoo Licensing Act 1981 for the purposes of discharging functions of the Council. 	

- Authorising staff under the Food and Environment Protection Act 1985.
- Authorising staff to act in matters arising under the Food Safety Act 1990 and to serve notices.
- Authorising staff to act in matters arising under the European Communities Act 1972.
- Authorising staff under Section 343(1) of the Public Health Act 1936 with powers and other duties of staff arising under the Act and subsequent associated legislation.
- Appointing inspectors of health and safety under Section 19(1) of the Health and Safety at Work etc. Act 1974 with powers of inspection as deemed appropriate including the power for inspectors to authorise other persons to accompany them on inspections under Section 20(2) c(i) and to authorise the Health and Safety Executive and other Councils in Gloucestershire to undertake the inspections.
- Authorising staff to act in matters arising under the Building Act 1984 including powers under Sections 93 and 95.
- Authorising inspectors with powers of inspection under Regulation 8 of the Bovine Products (Production and Despatch) Regulations 1997.
- Appointing inspectors to act in matters arising under the Environmental Protection Act 1990 and subsequent associated legislation for the purposes of the discharge of functions of the authority including having the power to serve notices, authorisations and other documents.
- Appointing inspectors under Part 2 of Schedule 2 of the Sunday Trading Act 1994.
- Appointing the Shellfish Liaison Officer for the Council.
- Designating staff or persons under the Water Industry Act 1991 to exercise powers and perform duties of the authority under the Act including the service of the notices under Sections 80 and 85 of the said Act.
- Authorising staff under Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018.
- Authorising staff under the Animal Welfare Act 2006.
- Authorising staff under the Animal Health Act 1981.

- Authorising staff under the Dangerous Dogs Act 1991.
- Authorising staff under the Deer Act 1991.
- Authorising staff under the Control of Dogs Order 1992.
- Authorising staff under the Rabies (Importation of Dogs, Cats and other Mammals) Order 1974.
- Authorising staff under the Trade in Animals and Related Products Regulations 2011.
- Authorising staff under the Animal By-Products (Enforcement) (England) Regulations 2013.
- Authorising staff under Section 3(1) of the Dangerous Wild Animals Act 1976.
- Appointing specific veterinary surgeons or practitioners as inspectors under the Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018, Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976.
- Authorising staff under the Licensing Act 2003.
- Authorising staff under the Gambling Act 2005.
- Authorising staff under the Business and Planning Act 2020.
- Authorising staff under the Refuse Disposal (Amenity) Act 1987.
- Authorising staff under Section 6(2) of the Scrap Metal Dealers Act 1964.
- Authorising staff under the Local Government (Miscellaneous Provisions) Act 1982 & 1976.
- Authorising persons under the Prevention of Damage by Pests Act 1949.
- Authorising staff under Section 56 of the Clean Air Act 1993.
- Authorising the nomination of a Proper Officer for the Control of Notifiable Diseases and Food Poisoning under the Public Health (Control of Disease) Act 1984, and associated legislation, with powers to act in accordance with the powers of a Proper Officer including the signing of Notices and documents under the Act and associated legislation.
- Authorising staff under the Public Health (Control of Disease) Act 1984 and other associated legislation.

- Authorising persons under Section 108 of the Environment Act 1995 with powers specified in Sub-Section 4.
 - Designating persons under the Water Industry Act 1991 (power of entry, inspection and test).
 - Authorising staff under the Performing Animals (Regulation) Act 1925.
 - Authorising staff under Section 50 of the National Assistant Act 1948.
25. On behalf of the local authority, to have powers to declare Orders for air quality management areas under Section 83 of the Environmental Act 1995.
 26. To make purchases of goods and services or undertake sampling for the purposes of ascertaining whether the provisions of relevant legislation are being complied with.
 27. To carry out works in default in respect of legislation, and to recover the amount spent, through the County Courts if necessary.
 28. To certify the required heights of chimneys – Clean Air Act 1993.
 29. To refuse applications, give authorisation and vary authorisation as may be appropriate for the purposes of Part I of the Environmental Protection Act 1990 and associated regulations.
 30. To enter into contracts for the provision of pest control services to commercial premises.
 31. To determine applications including approval, refusal, payment and certification of completion for Renovation Grants, Common Parts Grants, Houses in Multiple Occupation Grants, Disabled Facilities Grants and for Home Repair Assistance under the Housing Grants, Construction and Regeneration Act 1996.
 32. To issue Notices and Orders in relation to the repair or unfitness of individual premises and to take enforcement action, works in default and the recovery of monies.
 33. To take action in relation to area renewal, slum clearance and group repair and to take enforcement action, works in default and the recovery of monies.
 34. To issue Notices in relation to overcrowding in residential premises and to take enforcement action, works in default and the recovery of monies.

35. To issue Notices, Directions or Orders in relation to houses in multiple occupation with reference to repair, fitness, overcrowding, amenities and means of escape, and management; to vary the adopted standards for homes in multiple occupation in individual cases, and to take enforcement action, works in default and the recovery of monies.
36. In respect of Houses in Multiple Occupation:
 - To approve, refuse or vary Licences for Houses in Multiple Occupation and to issue temporary exemption notices as considered appropriate in accordance with the prescribed procedures in the Housing Act 2004.
 - To attach conditions to the Licence in accordance with the prescribed procedures in the Housing Act 2004 using, wherever possible, agreed countywide common standards and procedures.
 - To charge a fee of £350 for a three-year Licence in cases where the application is fully complete enabling the authority to determine it.
 - To review and set the Licence fee on a periodic basis.
 - In consultation with the Director of One Legal, to take any necessary and appropriate enforcement action in relation to Houses in Multiple Occupation as prescribed in the Housing Act 2004.
 - That any action to revoke a Licence for Houses in Multiple Occupation, as considered appropriate in accordance with the prescribed procedures in the Housing Act 2004, be referred to the appropriate Committee for decision.
37. To determine Disabled Facilities Grant property charges on a case by case basis reflecting the individual circumstances of each applicant in accordance with legislation and guidance.
38. To regulate the use and operation of common lodging houses.
39. To make payments in relation to unfit premises including sums for well-maintained houses.
40. To take action in relation to the breach of grant conditions and to require repayment where appropriate.
41. To investigate cases of harassment and illegal eviction and to take appropriate action accordingly.

Director of One Legal

42.	To make arrangements for the restoration of supply of water, gas or electricity in appropriate cases.	
43.	To maintain and manage (including power to authorise lettings etc.) buildings used for arts, culture, sports, recreation and leisure and to determine their opening hours.	
44.	To allocate grants to organisations from the Lottery Partnership Support Fund in accordance with the approved procedure and criteria.	
45.	To issue grant approvals and refusals to voluntary and charitable organisations and to make payments accordingly.	
46.	To administer formal cautions, in conjunction with the Director of One Legal, in respect of any offences contrary to legislation.	Director of One Legal
47.	To undertake the preparation of an Energy Conservation Report under the Home Energy Conservation Act 1995.	
48.	To set charges for the production of export health certificates for foodstuffs as defined by the UK Export Certification Partnership (UKECP).	
49.	To approve any future minor amendments to the Environmental Health Enforcement Policy and Fixed Penalty Scheme.	Lead Member for Clean and Green Environment and Director of One Legal
Other		
50.	To supply information to the Gloucestershire County Council, and the Secretary of State as appropriate, on matters pertaining to civil emergencies.	
51.	To assist the Gloucestershire County Council in making or revising civil defence plans and, when necessary, taking steps in carrying out those plans in the event of a civil emergency (including making arrangements for appropriate staff to be trained).	
52.	To operate an emergency standby service.	
53.	To respond to approaches from the Police to take such other action as appears to him/her appropriate under the Provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 to protect and maintain the quality of life of individuals or parts of the community within the Borough, in consultation with the Lead Member and Ward Councillors for the area or areas affected.	Lead Member and relevant Ward Councillors

54. In consultation with the appropriate Lead Member and the Executive Director: Resources and S151, to vary the Garden Waste Collection service charge in order to ensure full recovery of costs of delivering the service.	Appropriate Lead Member and Executive Director: Resources and S151
55. In consultation with the Lead Member and Chair of the Licensing Committee, to make any minor amendments to the Hackney Carriage and Private Hire Driver's Policy in line with legislation.	Lead Member and Chair of Licensing Committee
56. To determine a star rating appeal under the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018.	
57. To immediately suspend or revoke a Hackney Carriage or Private Hire vehicle where considered necessary in the interest of public safety.	
58. To immediately suspend or revoke a Hackney Carriage or Private Hire Driver's Licence where considered necessary in the interest of public safety.	
59. In respect of hackney carriages and private hire vehicles to fix a table of fares to which objection has been made.	
60. To immediately suspend or revoke an Animal Activity Licence where considered necessary in the interest of animal welfare.	
61. To revise annually all fees and charges relevant to the duties of the Director: Communities.	
62. To review and make minor amendments to the Council's Sandbag Policy e.g. adding or removing Parish Councils to the list in the appendix to the policy.	
63. To make decisions on allocating grants for the Warm Community Spaces Fund / Community Food Fund.	
64. To make decisions on the criteria and decision-making on allocating grants for further funds that are related to inflationary pressures.	
65. To receive the nomination, undertake a gateway assessment and make a decision on whether to include the asset on the list of assets of Community Value in consultation with the Lead Member for Community	Lead Member for Community
66. In the event of an internal review, to consider the grounds for appeal on decisions made on the List of Assets of Community Value.	Executive Director: Resources and S106
67. In consultation with the Lead and Ward Members as appropriate, to act as an initial point of contact for any group who wishes to receive advice or submit a nomination for an asset of community value.	Lead and Ward Members as appropriate.

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| <p>68. To make the decisions needed to develop and implement the action plan arising from the UK Shared Prosperity Fund and Rural Prosperity Fund, or subsequent funds, or vary it in response to circumstances which may arise as a consequence of the need, including authority to enter into agreements, notices and other legal documents as necessary.</p> <p>69. To be responsible for the management of the Growth Hub.</p> <p>70. To allocate community grants as required.</p> <p>71. To allocate Environmental Improvement Grants.</p> | <p>Executive Director:
Resources and S151,
the Lead Member for
Economic
Development/Promotion
and the Lead Member
for Community.</p> |
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DELEGATIONS TO EXECUTIVE DIRECTOR: PLACE

Ref	Delegation	In consultation with
1.	To take emergency measures to deal with dangerous buildings under the Building Act 1984.	
2.	To identify buildings of special architectural or historic interest and make proposals to include any such buildings in any listing under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
3.	To allocate grants relating to heritage assets including statutory and non-statutory designations.	
4.	To devise a scheme for Planning Performance Agreements and review and amend as necessary.	
5.	To determine proposals for street naming.	
6.	To allocate numbers to buildings in new streets and in existing streets including renumbering.	
7.	To maintain, improve and construct land drainage works; to maintain flow in watercourses; to deal with the deposit of soil on banks; and to carry out works in default of the responsible party.	
8.	To approve Temporary Road Closures under Section 21 of the Town Police Clauses Act 1847.	
9.	To agree proposals from developers/landowners for the transfer of open space and, subject to the agreement of the Executive Director: Resources and S151, the amount of any commuted sums payable by the developer / landowner in respect thereof.	Executive Director: Resources and S151
10.	To lodge objections with the appropriate authority to applications from bus operators to raise fares, or alter routes or schedules, after consultation with the Chair of the Planning Committee.	Chair of Planning Committee
11.	To approve the designation of neighbourhood areas where a relevant body proposes a neighbourhood area that follows their Parish Council boundary meeting the requirements of r5A of SI 2012/637 (The Neighbourhood Planning (General) Regulation 2012).	

12. **Planning and Related Applications**

The Council has delegated its planning responsibilities to the Planning Committee. In order to assist Councillors to focus on the more significant and contentious proposals, and to improve the speed of decision-making on minor and uncontentious matters, the majority of planning applications are delegated to the Executive Director: Place. Subject to the safeguards set out below the Executive Director: Place has the authority to deal with a range of issues on behalf of the Planning Committee including the following:

- Planning applications.
- Environmental Impact Assessment Screening and Scoping Opinions.
- Reserved matters applications.
- Applications for Lawful Development Certificates.
- Advertisement Consent applications.
- Listed Building Consent applications.
- Non-material minor amendments.
- Approval of details required by, and discharge of, conditions.
- Permitted development prior approval notifications.
- Applications for works to trees subject of Tree Preservation Orders.
- Notifications of works to trees in conservation areas.
- Hazardous Substance Consent.
- Permission in Principle.
- Technical Details Consents.
- Other notifications and consultations received by the Council as local planning authority, including those from statutory undertakers and other local authorities.

Under the terms of the Scheme, the Executive Director: Place has authority to approve or refuse submissions subject to the safeguards listed below. In all cases, observations from Town/Parish Councils, Councillors, the local community and other consultees will be taken into account where they have been received before a decision is issued or representations are made.

The Executive Director: Place also has the authority to decline to determine applications under section 70A, 70B and 70C of the Town and Country Planning Act 1990, or section 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Head of Development Services will 'finally dispose' of applications under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where it is appropriate to do so.

13. **Planning and Related Applications - Safeguards**

1. The Executive Director: Place cannot grant permission for a proposal which is clearly contrary to the approved policies of the Council, or where the Planning Committee has specifically required that an application be determined by the Committee.
2. Councillors are notified of all planning and related applications/notifications via the Council's Public Access system. Any Councillor who is concerned about a proposal which would normally be delegated will notify the Case Officer in writing within 21 days of receiving the list. If, after discussing the application with Officers, a Councillor wishes the proposal to be determined by the Committee, the application will be referred to the Planning Committee.
3. The opportunity to enhance, amend or otherwise improve proposals in accord with the fairness and good neighbour yardstick, the general planning interest and the Council's policy will be taken where appropriate.
4. The Executive Director: Place will use their discretion to refer any proposal to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.
5. Planning and related applications will not be dealt with under delegated powers, save where the application is in respect of a previously permitted scheme and only seeks to make either minor material amendments, non-material amendments, or is a S73/S73A application seeking to vary or remove conditions which does not change the nature of the scheme, and shall instead be referred to the Planning Committee for a decision in the following circumstances:

- (i) Applications where a Town or Parish Council has submitted a written objection raising substantive planning issues has been received within the normal consultation/publicity period and it has not been addressed by discussion, amendment, or by written response.
- (ii) Applications submitted by the Council, by or on behalf of, a Tewkesbury Borough Councillor or by, or on behalf of, an employee of the Council.
- (iii) Full or outline applications for the erection of 10 or more residential units.
- (iv) Reserved Matters applications involving more than 20 dwellings.
- (v) Applications for the use of land involving the stationing of five or more caravans for permanent residential use.

The above safeguards shall be subject to, and not affect, the authority of the Executive Director: Place to act in respect of those cases where strict statutory time limits are involved for making a decision or taking action, for example, in cases of agricultural buildings, demolitions and telecommunications determinations and in respect of notifications of works to trees in Conservation Areas, and any other matters where non-action within a set period automatically gives consent.

14. **Planning Enforcement**

1. The Executive Director: Place in consultation with the Director of One Legal, has the authority to carry out the following:
 - a. to issue Notices in respect of clear breaches of planning and listed building control and all other planning related legislation if it is considered expedient to take such action.
 - b. to issue a Planning Contravention Notice or Requisition for Information.
 - c. to issue any Notices under Section 215 of the 1990 Planning Act to require the proper maintenance of land.
 - d. to issue/serve any urgent notices under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and all other planning related legislation.

Director of One Legal

- e. to take action pursuant to the Rights of Entry under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, Part 8 of the Anti-Social Behaviour Act 2003 and all other planning related legislation.
- f. to issue a Discontinuance Notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

15. Listed and Unlisted Heritage Assets

- 1. The Executive Director: Place has the authority to respond to consultations from, or make proposals to, the relevant organisations on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest.
- 2. The Executive Director: Place has the authority to make amendments to the local list of heritage assets.

16. S106 Obligations

- 1. The Executive Director: Place has the authority to negotiate, and to instruct the Director of One Legal to progress and enter into, s106 legal obligations in respect of any matter being dealt with under delegated powers (including appeals). In cases which have been subject to a Planning Committee decision, which is subject to the completion of a S106 planning obligation, the authority will be subject to the terms of that resolution.
- 2. The Executive Director: Place has the authority to approve any details required to be submitted to the Council for approval under the terms of any S106 planning obligations.

Director of One Legal

3. The Executive Director: Place will approve the expenditure of any monies paid to the Council under the terms of any S106 planning obligations in consultation with a Panel of local/Lead Members to include Lead Member for Community; Lead Member for Built Environment; Lead Member for Finance and Asset Management; and Lead Member for Housing, Health and Wellbeing. A member of the Finance Team, One Legal and the Community Development Team will advise the Panel. Where a member of the panel has a connection to the applicant (e.g. sit on the Board, or Parish Council that is making an application), they will be required to declare this and not be able to sit on the panel for that decision. This may be a virtual panel with information circulated via email.
4. The Executive Director: Place has the authority to agree deeds of variation of existing s106 obligations and to modify/discharge obligations under the Town and Country Planning Act 1990.
5. The Executive Director: Place will use their discretion to refer any proposal to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.

Executive Director:
Resources and S151
In consultation with a panel of Members to include: Lead Member for Community; Lead Member for Built Environment; Lead Member for Finance and Asset Management; Lead Member for Housing, Health and Wellbeing; and the local Member(s).

17. **Trees**

1. The Executive Director: Place has the authority to carry out the following:
 - to make and confirm Tree Preservation Orders which are not the subject of objection which cannot be resolved;
 - to revoke or vary existing orders, which are not the subject of objection which cannot be resolved; and
 - to serve Tree Replacement Notices.
2. Tree Preservation Orders, or proposals to revoke or vary existing orders which are subject to objection, shall only be confirmed by the Planning Committee.
3. To make provisional (emergency) Tree Preservation Orders.

18.	High Hedges	Director of One Legal
1.	The Executive Director: Place has authority to issue, withdraw, waive or relax a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 and, in consultation with the Director of One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the terms of a Remedial Notice served under Part 9 of the Act.	
19.	Hedgerows	Director of One Legal
1.	To issue notices under the Hedgerows Regulations 1997.	
2.	In consultation with the Director of One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the provisions of the Hedgerows Regulations 1997.	
20.	Public Rights of Way	
1.	The Executive Director: Place has authority to make orders affecting public rights of way under the Town and Country Planning Act 1990 and to make observations on consultations from other authorities on public rights of way matters.	
21.	Miscellaneous	
1.	<p>The Executive Director: Place has the authority:</p> <ul style="list-style-type: none"> <li data-bbox="347 1234 995 1294">a. to make minor changes to the Pre-Application Planning Advice Scheme as necessary. <li data-bbox="347 1335 1031 1464">b. to commission appropriate specialist consultants in order to properly carry out the Council's Development Management functions, including appeals. <li data-bbox="347 1505 954 1568">c. to deal with consultations and proposals in respect of hazardous materials. <li data-bbox="347 1608 1011 1700">d. to make representations on applications for heavy goods operators' licences to establish or continue vehicle operation centres. <li data-bbox="347 1740 1046 2002">e. to undertake any other actions and decisions as a local planning authority and/or the hazardous substances authority under the Town and County Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990, Planning (Hazardous Substances) Act 1990 and all planning related legislation, except as specifically allocated to or by Council. 	

22.	To issue certificates of Lawful use or Development in consultation with the Director of One Legal.	Director of One Legal
23.	To issue certificates of Appropriate Alternative Development in consultation with the Director of One Legal.	Director of One Legal
24.	To approve applications under Sections 73 and 73A to vary or remove conditions in consultation with the Director of One Legal.	Director of One Legal
25.	To make a decision on whether to include the asset on the List of Assets of Community Value in consultation with the Lead Member for Community.	Lead Member for Community
26.	To agree the adoption of elements of Sustainable Drainage Systems when it is in the interest of the community and environment to do so and where they form part of an agreed land drainage design. Systems are only to be adopted when it is agreed that the Council will receive a commuted sum of money from which the interest, calculated at the rate of 4%, would be sufficient to finance the maintenance of the system in perpetuity. That the reed beds on the Brockworth/Hucclecote airfield site be adopted on these conditions and that all such adoptions be upon such terms and conditions as the Director of One Legal deems appropriate.	Director of One Legal
27.	To maintain the register of Local Land Charges pursuant to Section 3(2) of the Local Land Charges Act 1975 including the entry, amendment and cancellation of registrations and the issue of an official search certificate and all duties consequent upon that responsibility.	
28.	To revise annually all fees and charges relevant to the duties of the Executive Director: Place.	

DELEGATIONS TO DIRECTOR: CORPORATE RESOURCES

Ref	Delegation	In consultation with
1.	To be responsible for internal audit arrangements pursuant to the Accounts and Audit Regulations 1996 on behalf of the Section 151 Officer.	
2.	To approve future minor amendments to the Council's Corporate Enforcement Policy.	Counter Fraud Unit Manager, the Director of One Legal and the Lead Member for Corporate Governance.
Benefits Administration		
3.	To assess and, where necessary, to review entitlement to Housing Benefit and Council Tax Reduction according to the relevant regulations and to undertake all associated administration, including the making of all determinations considered appropriate.	
4.	To represent the Council in any proceedings before the Social Security Appeals Tribunal in respect of appeals against decisions relating to Housing Benefit.	
5.	To consider claims for, and make decisions to award, Discretionary Housing Payments.	
Council Tax Administration		
6.	To administer the statutory schemes for the billing, collection and enforcement of Council Tax including the imposition of penalties for breaches of statutory duties; the instruction of enforcement agents; the institution of proceedings in a court of summary jurisdiction for the recovery of unpaid Council Tax and to authorise Officers to represent the Council and to appear in such proceedings.	
7.	To make proposals for the alteration of the valuation list or object to any proposal for alteration of the valuation list.	
8.	To apply the discount for care leavers, with any dispute being subject to an internal reconsideration by the Executive Director: Resources and S151.	
9.	To agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.	Lead Member for Finance and Asset Management.

National Non-Domestic Rates Administration

10. To administer the statutory schemes for the billing, collection and enforcement of National Non-Domestic Rates including the imposition of penalties for breaches of statutory duties; the instruction of enforcement agents; the institution of proceedings in a court of summary jurisdiction for the recovery of unpaid National Non-Domestic Rates, and to authorise Officers to represent the Council and to appear in such proceedings.
11. To determine applications for mandatory and discretionary relief from Non-Domestic Rates under the Local Government Finance Act 1988.
12. To make proposals for the alteration of the Rating List or object to any proposal for alteration of the Rating List.

Assets

13. To undertake and agree rent reviews in respect of properties leased by, or to, the Council after consulting with the Director of One Legal. Director of One Legal
14. To regularly inspect, repair, redecorate and otherwise maintain all premises occupied by the Council.
15. To agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions. Lead Member for Finance and Asset Management
16. To regularly inspect all premises let or leased by the Council where there is a liability to repair imposed upon the tenant or lessee and to inform the Director of One Legal if any tenant or lessee has not complied with the conditions of the tenancy or lease as to the maintenance and repair of the premises. Director of One Legal
17. In consultation with the Director of One Legal, to sell any area of land after consultation with any relevant Executive Director, Director or Associate Director and Ward Member, provided that:
 - (a) the area shall not exceed 0.02ha/200m² and shall be for the benefit of the applicant's existing or proposed property;
 - (b) the sale price shall be approved by a properly qualified person; and
 - (c) there shall be a presumption against the sale of land which is subject to an obligation to use only as open land, unless the Executive Director: Place / Associate Director: Planning deems that the presumption should be waived. Director of One Legal and relevant Executive Director, Director or Associate Director and Ward Member

18.	<p>In consultation with the Director of One Legal, in connection with leases and tenancies granted by the Council:</p> <ul style="list-style-type: none"> (a) to issue licences to assign, sublet, charge or part with possession of land or premises; (b) to consent to change of use or alterations; (c) to review rents in accordance with such leases and tenancies; and (d) to serve Notices terminating such leases or tenancies. 	Director of One Legal
19.	<p>In consultation with the Director of One Legal in connection with any property which the Council holds on lease tenancy or licence:</p> <ul style="list-style-type: none"> (a) to oppose any Notice terminating the lease; (b) to serve Notices requesting renewals of such leases or tenancies; (c) to agree and enter into licences to assign, sublet, charge or part with possession of land or premises; (d) to apply for and agree licences for change of use or alterations; (e) to agree reviewed rents in accordance with such leases and tenancies; and (f) to serve Notices terminating such leases or tenancies. 	Director of One Legal
20.	<p>In consultation with the Director of One Legal to grant easements rights and licences after consultation with any relevant Executive Director, Director or Associate Director and the Ward Member.</p>	Director of One Legal, relevant Executive Director, Director or Associate Director and relevant Ward Member
21.	<p>In consultation with the Director of One Legal to grant leases and tenancies for:</p> <ul style="list-style-type: none"> • service related property on terms not exceeding 10 years after consultation with the Lead Member and the Ward Member; and • commercial investment property on terms not exceeding 20 years after consultation with the Lead and Support Member 	Director of One Legal, relevant Lead and Support Member, relevant Ward Member

<p>22. In consultation with the relevant Ward Member and the Lead Member:</p> <ul style="list-style-type: none"> • to dedicate and/or agree terms for the transfer or lease of land for highway purposes where this does not materially interfere with the proper management of the retained land or its investment value; • to agree terms of the transfer or lease of land for public utilities where this does not materially interfere with the proper management of the retained land or its investment value; and • to grant such rights as may be necessary or advisable in support of the dedications, transfers and leases described above; <p>upon such terms as the Executive Director: Resources and S151 considers appropriate.</p>	<p>Relevant Ward and Lead Member</p>
<p>23. In so far as they are not included in any of the above categories, in consultation with the Director of One Legal and any other Executive Director, Director or Associate Director:</p> <p>(a) to renew any leases of land and/or premises which expire by effluxion of time;</p> <p>(b) to grant leases of land to the appropriate statutory body for electricity substations, gas governor kiosks and water/sewage pumping stations, together with any rights necessary or desirable for the efficient functioning of such installations;</p> <p>(c) to grant and determine licences, wayleaves and service tenancies in respect of land and/or premises; and</p> <p>(d) to authorise the temporary or seasonal use of land and/or premises.</p>	<p>Director of One Legal and relevant Executive Director, Director or Associate Director</p>
<p>24. In consultation with the Director of One Legal, to release, relax or vary restrictive covenants benefiting or imposed upon the Council after consultation with any relevant Executive Director, Director or Associate Director and the Ward Member.</p> <p>NOTE: For the avoidance of doubt the delegations referred to above are on the basis that:</p> <p>(a) the Director of One Legal shall incorporate such terms and conditions as he/she deems appropriate; and</p>	<p>Director of One Legal and relevant Executive Director, Director or Associate Director and Ward Member</p>

- (b) in the event of disagreement between the consultees, or where the Executive Director: Resources and S151 / Director of One Legal deems appropriate, the matter shall be brought before Committee for decision.

and include power:

1. to refuse or oppose such requests;
 2. to enter into Contracts and Deeds effecting the transaction;
 3. to enter into such ancillary agreements and upon such terms as the Director of One Legal deems appropriate; and
 4. to take such ancillary action as the Director of One Legal deems appropriate including, for avoidance of doubt but without limitation, taking court action or making applications to court.
25. To operate and manage the Council's car parks (including the power to deal with applications for the temporary use of car parks).
26. To waive charges or other requirements in respect of off-street parking in cases where there are reasonable grounds for doing so.
27. To operate Decriminalised Parking Enforcement in accordance with the Council's policy and ensure compliance with the Traffic Management Act 2004.
28. To approve adverse possession claims where:
- i. the area of land is less than 200sqm; and
 - ii. there is no strong evidence rebutting the applicant's claim; and
 - iii. the Executive Director: Resources and S151 considers that the land is not of strategic importance to the Council.

Other |

29. To begin proceedings, and to represent the Council, in the County Court under the small claims procedure to obtain judgement for unpaid debts; to enforce judgement orders by attachment of earning or allowances Orders and/or distraint; and to prove debts in insolvency proceedings.
30. To participate in National Fraud Initiatives.

31. To approve amendments to existing Revenues and Benefits Policies that have no financial impact on the Council.	
32. To consider, on an individual case-by-case basis, any exceptional circumstances where it may be appropriate to grant a locally defined Council Tax reduction e.g. flooding.	Chair and Vice-Chair of Executive Committee
33. To make minor textual amendments to either the Risk Management Strategy or the Risk Management Policy if and when required.	
34. In consultation with the Lead Member for Finance and Asset Management, to implement any further business rate reliefs introduced by the government.	Lead Member for Finance and Asset Management
35. To present petitions for the liquidation of companies and bankruptcy petitions where necessary to recover debts due to the Council.	Director of One Legal
36. To revise annually all fees and charges relevant to the duties of the Director: Corporate Resources.	
37. To undertake Proper Officer functions as set out under the Proper Officer provisions which include designation as Returning Officer, Electoral Registration Officer and Monitoring Officer.	
38. To deal with all claims for payment of Members' Allowances (Basic and Special Responsibility) and for Members' Travelling and Subsistence Allowances.	
39. To recruit and maintain the Independent Remuneration Panel.	
40. To certify the following for Members of staff: (a) Official Certificates of Appointment (Identity). (b) Authority to Enter Premises for authorised functions.	
41. To make any minor changes/amendments to the Constitution such as spelling, grammar, typographical and formatting changes that do not affect the substantive content and in line with any decisions the Council makes that impact on the Constitution.	
42. To make changes/fill vacancies on Committees, Working Groups etc. in accordance with Rule of Procedure 2.1.	
43. Convening all meetings of Councillors (Council, Committees, Working Groups, Seminars etc.) including setting the time and place of such meetings.	

44. That authority be delegated to the Returning Officer/Electoral Registration Officer and their deputy to keep polling places and polling stations under review and amend any such arrangements where there is an operational need prior to the next full review of polling places.

DELEGATIONS TO DIRECTOR OF ONE LEGAL

Ref	Delegation	In consultation with
1.	To institute proceedings in any Courts, as appropriate, as and when necessary, in consultation with the appropriate Committee Chair and Vice-Chair where he/she is satisfied that the matters in question call for urgent action, and where he/she considers that delay could be prejudicial to the Council's interest.	Chief Executive or other Executive Directors as appropriate. Appropriate Committee Chair and Vice-Chair.
2.	To brief Counsel where it is considered to be in the Council's interest to be represented by Counsel.	Chief Executive or other Executive Directors as appropriate.
3.	To institute, take or defend legal proceedings under any statute, regulation, order or bylaw within the remit of the Committee, in any Court, tribunal or public inquiry (including taking any necessary steps in connection with such proceedings) or make representations in the name of the Council for any of the purposes mentioned in Article 13 of this Constitution and to authorise suitably qualified Officers to represent the Council and to appear in such proceedings.	
4.	To take action (including legal proceedings) to recover any debt owed to the Council.	
5.	To present petitions for the liquidation of companies and bankruptcy petitions where necessary to recover debts due to the Council.	
6.	To take action pursuant to the rights of entry under Sections 196A, 196B and 196C of the Town & Country Planning Act 1990.	
7.	To convene proceedings in the Magistrates Court for failure to return information pursuant to a Planning Contravention Notice or Requisition for Information.	
8.	To institute proceedings for offences of failure to comply with the Tewkesbury Borough Council Car Parking Orders. (Enforcement for non-payment of Penalty Charge Notice).	
9.	To institute and defend, on the Council's behalf, Legal proceedings under any statute, regulation, order or bylaw within the remit of the Committee.	
10.	In consultation with the Director: Communities, to negotiate and enter into an Agreement with any Registered Provider for the accommodation of minors and the granting of related legal tenancies to the Housing Services Manager and that the Housing Services Manager be authorised to enter into legal tenancies to facilitate the accommodation of minors housed with Registered Providers within Tewkesbury Borough.	Director: Communities

11.	<p>In consultation with the Executive Director: Place has the authority to carry out the following:</p> <ul style="list-style-type: none"> a. To convene proceedings in the Magistrates Court for failure to return information pursuant to a Planning Contravention Notice or Requisition for Information. b. To apply to the courts for injunctions to restrain breaches of planning and listed building control. c. To instigate prosecution proceedings against non-compliance with any of the above matters. 	Executive Director: Place
12.	To negotiate and conclude such documents as deemed necessary or desirable to reflect the Head of Terms negotiated by the Section 151 Officer to enable completion of each acquisition in respect of commercial property investments.	S151 Officer
13.	To make amendments of a minor nature to the Contract Procedure Rules.	
14.	To administer formal cautions in accordance with Home Office guidelines.	
15.	To approve minor amendments to the Regulation of investigatory Powers (RIPA) / Investigatory Powers Act Policies.	Counter Fraud Unit Manager and the Lead Member for Corporate Governance.
16.	To approve future minor amendments to the Use of the Internet and Social Media in Investigations and Enforcement Policy.	Counter Fraud Unit Manager and the Lead Member for Corporate Governance.

DELEGATIONS TO CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS

Ref	Delegation	In consultation with
1.	To assume responsibility for the recruitment, appointment and conditions of service of all NJC staff, the wages and conditions of other workers, pensions matters, honoraria and gratuities proposed for any employees of the Council including the forgoing of repayment of advances of remuneration to deceased employees.	
2.	To be responsible for the health, safety and welfare of employees.	
3.	To implement alterations to conditions of service and/or employment.	
4.	To extend the period of probationary service of any new entrant beyond the period of six months laid down in the National Conditions of Service.	
5.	To approve the appointment and termination of staff (including negotiated departures); the working of paid overtime; special leave, with or without pay; attendance of staff on training courses, day release, evening classes and correspondence courses together with the payment of fees and financial assistance within the approved scales; the exercise of discretion in respect of sick leave; disturbance and travelling allowances for employees compulsorily transferred from their centre of duty; job descriptions for members of staff; ill health retirement; disciplinary proceedings and dismissal. Dismissal of any employee may only be effected after consultation with the Director of One Legal* *(Dismissal of posts of Associate Directors and above are subject to specific procedures as set out in Part 4 of the Constitution).	Director of One Legal
6.	To approve staff reorganisations (including regrading) provided the funding for which is from within existing budgets or from ongoing savings.	
7.	To make appointments and gradings within the authorised establishment in accordance with agreed procedures provided that any proposals for the filling of vacancies are in accordance with the Officer Employment Procedure Rules within the authorised budget for the establishment.	
8.	To implement national agreements on salaries terms and conditions of employment and to undertake talks and negotiations on industrial relations as appropriate.	
9.	To oversee where, and so far as is necessary, the working hours of employees and matters relating to all forms of leave.	

10. To authorise suitably qualified individual Officers to exercise specific statutory powers on behalf of the Council.
11. To hear and determine employees appeals within the Council's procedures in relation to the suspension of the sickness scheme.
12. Subject to the general provisions, and to any specific provisions within the Scheme, to enter into arrangements (including the setting of fees) for the execution of the day-to-day operation of matters within the Officer's areas of responsibility.
13. To lodge holding objections on behalf of the Council to any proposal appearing adversely to affect the Borough's interests.
14. To exercise powers of entry for the purposes of any statutory power insofar as those powers relate to the function entrusted to that Officer.
15. To invite and accept quotations and tenders and to authorise expenditure in accordance with the Contract and Financial Procedure Rules.
16. To appoint the Supervising Officer in contract documents and authorise him/her to take action regarding defects and defaults in accordance with the procedures set out in contract documents approved by the Council.
17. To procure plant and equipment in accordance with the functions of the Council and the Contract and Financial Procedure Rules.
18. To enter into agreements for the maintenance of equipment purchased by the Council.
19. To seek financial support for activities and special events through grant aid, sponsorship and/or partnership arrangements.
20. To approve a statement to be issued to the press on matters of public interest which have been considered by a Committee or which affect Council policy.
21. To respond and give comments to the press on administrative matters affecting the Officer's own area of responsibility.
22. To submit, on behalf of the Council, applications for planning permission and Building Regulations approval required in respect of its own proposals.
23. To purchase services in accordance with any Council approved procurement policy.

24.	<p>The appropriate Executive Directors and Chief Executive are given delegated power to take a decision which would normally be taken by Council or a Committee subject to the following:</p> <ul style="list-style-type: none"> i) The matter is urgent. ii) The decision is within Council policy. iii) The action is taken after consultation with appropriate Lead Member(s) (or in their absence the Leader of the Council). iv) The consultation with the Members listed above takes place in liaison with the Chief Executive and other Executive Directors as appropriate. v) The action is reported by the Chief Executive to the next available meeting of the appropriate Committee or Council for information. vi) If, on being consulted, any Member so requests, the Executive Director: Resources and S151 shall convene an Extraordinary meeting of the Council or a Special meeting of the appropriate Committee in accordance with Rule of Procedure Nos. 4 and 38 to deal with the business to which the consultation related. 	<p>Relevant Lead Member(s), Chief Executive and Executive Directors as appropriate.</p>
25.	<p>To undertake the Tewkesbury Borough Council shareholder representative role in respect of Ubico with delegated authority to make all shareholder decisions, subject to prior consultation with the Leader and Lead Members for Finance and Asset Management and Clean and Green Environment.</p>	<p>Leader and Lead Members for Finance and Asset Management and Clean and Green Environment.</p>
26.	<p>To be responsible for the day-to-day management of the Human Resources (HR) function.</p>	

PROPER OFFICER PROVISIONS

The following Officers have been appointed as ‘Proper Officers’ for the purposes of the legal provisions set out in the table below and any future changes:

Chief Executive

Legislative Provision	Function	Proper Officer	Delegation
Local Government and Housing Act 1989			
S.2	Deposit list of politically restricted posts with Proper Officer.	Chief Executive	Associate Director: People, Culture and Performance
S.4	Head of Paid Service - to prepare proposals for the consideration of the Council as to the co-ordination of the discharge of the Council’s functions; the number and grades of staff that are required to discharge those functions; the organisation of the Council’s staff; and the appointment and proper management of the Council’s staff.	Chief Executive	Executive Directors
Local Authorities (Standing Orders) (England) Regulations 2001			
Schedule 1, Part II, Paragraph 3.	Officer who will give written notice of appointment or dismissal of Officers listed.	Chief Executive	

Legislative Provision	Function	Proper Officer	Delegation
Other	To be the Proper Officer of the Council in relation to any reference in any enactment which is to be interpreted as a reference to a Proper Officer of a local authority where the Council has not appointed another Officer to be its Proper Officer and also excepting any reference which is within the direct remit of one of the Council's Executive Directors, Directors and Associate Directors or which implies that the Council's Monitoring Officer or the Section 151 Officer, shall be so designated.	Chief Executive	

Chief Finance Officer / Section 151 Officer – Executive Director: Resources and S151

Legislative Provision	Function	Proper Officer	Delegation
Local Government Act 1972			
S.115(2)	Receipt of money due from Officers.	Executive Director: Resources and S151	Associate Director: Finance
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities.	Executive Director: Resources and S151	Associate Director: Finance
S.151 – and S.114 Local Government and Finance Act 1988	The Officer responsible for the proper administration of the Council's financial arrangements.	Executive Director: Resources and S151	Associate Director: Finance
S.210(6) and (7)	Charities.	Executive Director: Resources and S151	Associate Director: Finance
S.228(3)	Accounts for inspection by any Member of the Council.	Executive Director: Resources and S151	Associate Director: Finance
Local Government Finance Act 1988			
S.114	Reporting on unlawful expenditure.	Executive Director: Resources and S151	No delegation permitted.

Legislative Provision	Function	Proper Officer	Delegation
Local Government and Housing Act 1989			
S.6	Administration of financial affairs.	S151 Officer	Associate Director: Finance
S.37	Statement of accounts from a voluntary body.	Executive Director: Resources and S151	Associate Director: Finance
Rent Act 1977			
	Officer authorised to sign certificates on behalf of the Council, as the Local Housing Authority.	Executive Director: Resources and S151	Associate Director: Finance
Local Authorities Cemeteries Order 1977			
Regulation 10	Officer responsible for the registration of burials, for the storage of appropriate records, the operational management of cemeteries and the grant of burial rights.	Executive Director: Resources and S151	Director: Corporate Resources
Local Government (Miscellaneous Provisions) Act 1976			
S.16	Requisition for information about interest in property.	Executive Director: Resources and S151	Director: Corporate Resources
Executive Director: Resources and S151			
Legislative Provision	Function	Proper Officer	Delegation

Local Government Act 1972

S13(3)	Officer who, in the circumstances of a Parish not having a separate Parish Council shall, with the Chair of the Parish Meeting, constitute the "Parish Trustees".	Executive Director: Resources and S151	
S.83	Witness and receipt of Declaration of Acceptance of Office.	Executive Director: Resources and S151	Director: Corporate Resources
S.84	Receipt of notice of resignation of Elected Member.	Executive Director: Resources and S151	Director: Corporate Resources

Legislative Provision	Function	Proper Officer	Delegation
S.86	To declare any vacancy in accordance with this section.	Executive Director: Resources and S151	Director: Corporate Resources
S.87	To publish notice of vacancies.	Executive Director: Resources and S151	Director: Corporate Resources
S.88(2)	Arranging a Council meeting to appoint the Mayor.	Executive Director: Resources and S151	Director: Corporate Resources
S.89	Receives requests for filling of vacancies (including Parishes).	Executive Director: Resources and S151	Director: Corporate Resources
S.89(1)(b)	The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough.	Executive Director: Resources and S151	Director: Corporate Resources
S.91	Appointment of a temporary Councillor.	Executive Director: Resources and S151	Director: Corporate Resources
S.96(1) and (2)	Receipt of Member information on interests in contracts.	Executive Director: Resources and S151	Director: Corporate Resources
S.100 (A)(6)	To give public notice of any meeting to which the public are entitled to attend, provide copies of Agenda and facilities for the press.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(B)(2)	Designation of reports 'not for publication' to the press and public.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(B)(7)	Supply of copies of documents.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(C)(2)	Written summary of the proceedings at Committees and Sub-Committees.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(D)(1)	List of background papers.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(F)	Disclosure of exempt information.	Executive Director: Resources and S151	Director: Corporate Resources

S.100(G)(1)	Register of Elected Members.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(G)(2)	List of delegated powers of Officers.	Executive Director: Resources and S151	Director: Corporate Resources
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents.	Executive Director: Resources and S151	Director: Corporate Resources
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent.	Executive Director: Resources and S151	
S.204(3)	Receipt of notice of applications for Justices' Licences.	Director: Communities	
S.212	Registrar of Local Land Charges.	Executive Director: Place	
Legislative Provision	Function	Proper Officer	Delegation
S223(1)	Authorisation to prosecute, defend or appear on the Council's behalf.	Director of One Legal	
S.224	Custodian of documents.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.225	Deposit of documents.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.229(5)	Certification of photographic copies of documents.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.234	Authentication of documents.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.236	Sending of copies of byelaws to the County Council.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.238	Certification of byelaws	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
S.248	The Roll of Freeman.	Executive Director: Resources and S151	Director: Corporate Resources

Local Government Act 1972 Schedule 12

S.99 Para.4(2)(b)	Signing of summons to Council meeting.	Executive Director: Resources and S151	Director: Corporate Resources
Para.4(3)	Receipt of notice about address to which summons to meeting is to be sent.	Executive Director: Resources and S151	Director: Corporate Resources

Local Government Act 1972 Schedule 14

Para.25	Certification of resolution for legal proceedings.	Executive Director: Resources and S151	Executive Directors, Directors and Associate Directors
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Local Government Act 1974

S.30(5)	Giving notice that copies of a report of the Local Government and Social Care Ombudsman are available.	Executive Director: Resources and S151	Director: Corporate Resources
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Local Government (Miscellaneous Provisions) Act 1976

S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings.	Executive Director: Resources and S151	Director: Corporate Resources
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Legislative Provision	Function	Proper Officer	Delegation
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Representation of the People Act 1983

S.8	Registration Officer.	Chief Executive	Executive Director: Resources and S151
S.35	Returning Officer for Local Elections.	Chief Executive	Executive Director: Resources and S151
S.82 and 89	Receipt of Election expense declarations and returns and the holding of those documents for public inspection.	Chief Executive	Executive Director: Resources and S151

Local (Principal Area) (England and Wales) Rules 2006

Rule 54	Retention and public inspection of documents after an Election.	Chief Executive	Executive Director: Resources and S151
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Local Government and Housing Act 1989

S.5	Officer designated as the Council's Monitoring Officer.	Principal Lawyer – One Legal	
S.15 to 17 and associated regulations	Receipt of notices concerning: <ul style="list-style-type: none">• Constitution of political groups.• Membership of political groups.• Wishes of political groups.• Review of allocation of seats to political groups. Notification to political groups of: <ul style="list-style-type: none">• Allocation of seats.• Vacation of seat.	Executive Director: Resources and S151	Director: Corporate Resources
S.18 and associated regulations	Officer responsible for the purposes of the Council's Members' Allowances Scheme.	Executive Director: Resources and S151	Director: Corporate Resources
S.19 and associated regulations	Officer to whom general notices of interests shall be given and who shall maintain records which are open to public inspection.	Principal Lawyer - One Legal	

Legislative Provision	Function	Proper Officer	Delegation
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Local Government (Committees and Political Groups) Regulations 1990

S.8 and 17	For the purposes of the composition of Committees and nominations to political groups.	Executive Director: Resources and S151	Director: Corporate Resources
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Local Government Act 2000

All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation (Council structures and Constitution).	Executive Director: Resources and S151	Director: Corporate Resources
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Freedom of Information Act 2000

Officer responsible for Access to Information.	Chief Executive
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Regulation of Investigatory Powers Act 2000

S.29 and 29	Officer designated to grant authorisation for the carrying out of intrusive surveillance.	Executive Director: Resources and S151
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Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

Regulation 5	Publication of the verification number.	Executive Director: Resources and S151	Director: Corporate Resources
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Other

The signing of notices required by statute to be served and not otherwise provided for within the Scheme of Delegation/Terms of Reference of Committees.	Executive Director: Resources and S151	Director: Corporate Resources
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Legislative Provision	Function	Proper Officer	Delegation
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Localism Act 2011

7(a)	<p>To receive complaints in writing regarding allegations of failure to comply with the Code of Conduct and:</p> <ul style="list-style-type: none"> i) determine, after consultation with the Independent Person, whether a complaint should be investigated and to arrange such investigation; ii) seek local resolution of complaints without formal investigation where it is possible to do so; iii) close a Code of Conduct complaint if the investigation finds no evidence of failure to comply with the Code of Conduct; iv) agree a local resolution where an investigation finds evidence of a failure to comply with the Code of Conduct, subject to consultation with the Independent Person(s), and the complainant being satisfied with the proposed resolution; v) grant dispensations where it is considered that the business will be impeded because of the number of Members prohibited from participating; or where it is considered that, without the dispensation, the political 	Principal Lawyer – One Legal	
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proportionality would be distorted to alter the outcome of the vote.

General Data Protection Regulation (GDPR) 2016 and Data Protection Act 2018

As the Council's Designated Data Protection Officer to arrange for notification to be given under the Data Protection Act 1998 and to take steps to ensure that the details of the Council's notification are kept up to date.

Director: Corporate Resources

Executive Director: Resources and S151

Legislative Provision	Function	Proper Officer	Delegation
Representation of the People Act 1983			
S.52(3)	Deputy to the Registration Officer	Executive Director: Resources and S151	
S.35	Deputy Returning Officer for Local Elections and Neighbourhood Planning Referendums.	Executive Director: Resources and S151	

Executive Director: Place

Legislative Provision	Function	Proper Officer	Delegation
Building Act 1984			
S.61	Officer who shall be permitted to have free access to works of repair etc. to drains.	Associate Director: Planning	Building Control Manager
S.78	Officer who may exercise the powers of sub-section (1) relating to emergency measures necessary in respect of dangerous buildings or structures.	Associate Director: Planning	Building Control Manager

Legislative Provision	Function	Proper Officer	Delegation
Other	Officer authorised to serve any notice in respect of matters within his/her area of responsibility where such service is to be undertaken by an Officer designated by the authority.	Executive Director: Place	

Local Land Charges Act 1975

S.3(2)	Registration of Local Land Charges	Executive Director: Place	Associate Director: Planning
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Director: Communities

Legislative Provision	Function	Proper Officer	Delegation
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Public Health (Control of Disease) Act 1984

S.31	Certification by Officer of need for disinfection of premises.	Director: Communities	
S.32	Certification by Officer of need to remove person from infected house.	Director: Communities	

Public Health Act 1936

S.84 and 85 and Public Health Act 1961 – S.37	Cleaning and disinfestations of verminous people, premises and articles for sale.	Director: Communities	
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Housing Act 2004

S.4	Inspections to determine whether hazards exist.	Director: Communities	
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