

**STANDING ORDERS  
RELATING TO DUTIES OF PROPER OFFICERS  
AND DELEGATION TO OFFICERS**

**DUTIES OF PROPER OFFICERS**

1. The Halton Borough Council hereby appoints the Chief Executive, the Executive Director – Environment and Regeneration, Executive Director – Children’s Services, Executive Director – Adult Services and the Director of Public Health as the Proper Officers in relation to any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instruments made before 26th October 1972 to the Clerk of a Council or Town Clerk of a Borough Council respectively (in appropriate cases regard being had to the distribution of functions between them of functions previously undertaken by the Engineer to the Council) which by virtue of any provision of the said Act is to be construed as a reference to the proper officer of the Council.
2. The Halton Borough Council hereby appoints the following Officers (shown in column 3 below) to be the proper officers with respect to the associated functions described in columns 1 and 2 below:-

**KEY**

ED - ER	Executive Director - Environment and Regeneration
ED – C	Executive Director - Children’s Services
ED – A	Executive Director - Adult Services
CD – CXDU	Corporate Director Chief Executive’s Delivery Unit
OD- ICT	Operational Director - ICT and Support Services
OD-LD	Operational Director - Legal and Democratic Services
OD-F	Operational Director - Finance
OD-PPT	Operational Director - Policy, Planning and Transportation
OD – EEP	Operational Director - Economy, Enterprise and Property
D of PH	Director of Public Health
OD-CG	Operational Director – Community and Greenspace
OD-CSC	Operational Director - Children’s and Social Care
OD-EIP	Operational Director - Education, Inclusion and Provision
OD-CMSQ	Operational Director – Care Management, Safeguarding and Quality
OD-CP	Operational Director Commissioning and Provision
PDS	Principal Democratic Services Officer
HoHRO	Head of HR Operations

## Provisions of the Local Government Act 1972

Section 83	Receipt and taking of Declarations and Acceptance of Office by Members	Chief Executive
Section 84	Receipt of resignation from Members	Chief Executive
Section 88 (2)	To convene a meeting of the Council for the election of Chair/Mayor of the Council where the Office of Chair/Mayor is vacant as a result of a casual vacancy.	Chief Executive
Section 89(1)(b)	To receive Notice in writing from two local government electors for the area in connection with election to fill casual vacancy	Chief Executive
Section 96	Receipt of general notices and recording of disclosures of interests under Section 94	Chief Executive
Section 100(B)(2)	To exclude from public inspection documents which relate to items likely to be considered in private.	Chief Executive
Section 100 (B)(7)(c)	To supply to the press copies of documents supplied to Members of the Council.	Chief Executive
Section 100(C)(2)	To summarise business considered in private and report thereon to the Leader and Deputy Leader of the Council.	Chief Executive
Section 100(D)(1)(a)	To compile a list of background papers.	Chief Executive
Section 100(D)(5)	To determine which documents constitute background papers.	Chief Executive
Section 100(F)(2)	To decide which documents are to be made available to Members.	Chief Executive
Section 115	Receipt of money due from officers	OD-F
Section 146(1)	Statutory declarations and certificates relating to transfer of securities.	OD-F
Section 151	Responsibility for the administration of the financial affairs of the Council.	OD-F
Section 191	Receipt of applications under Section 1 Ordnance Survey Act 1841.	OD- PPT

Section 210(6) and (7)	Responsibility for charity functions.	OD-F
Section 225	Receipt of and retention of official documents.	OD-LD
Section 228	Arrangements for inspection of Minutes of Authority.	Chief Executive
Section 229(5)	Certification of photographic copies of documents in legal proceedings.	OD-LD
Section 234	Authentication of documents.	All Operational Directors
Section 236(9) and (10)	Sending copies of every byelaw made by the Borough Council to relevant Parish Councils.	OD-LD
Section 238	Certification of byelaws.	OD-LD
Section 248	To keep the roll of Freemen of the Borough.	Chief Executive
Section 249	Maintenance of Roll of Honorary Alderman.	Chief Executive
Schedule 12 para. 4(2)(b), and para 4(3)	Issue of summons to Members to attend Council meetings and receipt of notices regarding addresses.	Chief Executive
Schedule 14 para. 25(7)	To certify copy resolution of the Council as a true copy in connection with legal proceedings.	OD-LD
Schedule 29 para. 41	Exercise of functions under Section 9 (1) and (2), 13 (2) (h) and 3 (b) and 20 (b) of the Registration Services Act 1953.	ED-ER

#### **Local Government Act 1974**

Section 30 (5)	Publication of reports of Local Commissioner.	Chief Executive
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**Local Government (Miscellaneous Provisions) Act 1976**

Section 41	Certification of copies of resolutions, Minutes and other documents.	OD-LD
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**Local Democracy, Economic Development and Construction Act 2009**

Section 31	Statutory Scrutiny Officer	PDS
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**Provision of the Highways Act 1980**

Sections 205 and 211	Private Street Works Code.	OD-PPT
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**Local Elections (Principal Areas) Rules 1973**

Rule 47	Receipt from Returning Officer of the names of persons elected to the Council.	Chief Executive
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Rule 49	Receipt from Returning Officer of election documents.	Chief Executive
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Rule 51	Retention of election documents and making them available for public inspection.	Chief Executive
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**Provisions of the Building Act 1984**

Section 78	Dangerous buildings – emergency measures	OD- PPT
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	(a) Various purposes with regard to drainage, water supply, and sanitary accommodation.	OD- PPT
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	(b) Purposes relating to building control.	OD- PPT
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**Provisions of the Housing Act 1985**

Section 351	Authentication of copies of registration schemes in connection with legal proceedings.	OD-LD
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**Provisions of the Local Government and Housing Act 1989**

Section 2	Receipt of list of politically restricted posts.	OD-LD
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Section 4	Head of Paid Service.	Chief Executive
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Section 5	Monitoring Officer.	OD-LD
Sections 15 to 17	Receipt of various notices relating to political groups under relevant regulations.	Chief Executive
Section 18	Implementation of Scheme of Members' Allowances.	Chief Executive
Section 19	Receipt of Notices regarding Members' interests.	Chief Executive
<b>Registration Service Act 1953</b>		
Section 13	Discharging the functions of the proper officer with regards to the local organisation of the registrars' service.	OD-CG
<b>Civil Partnership Act 2004</b>		
	Overall legal and operational responsibility for the delivery of civil partnership registrations and related issues.	OD-CG
<b>Environmental Protection Act 1990</b>		
Section 149	Discharging the functions in the section for dealing with stray dogs.	DoPH
<b>Flood and Water Management Act 2010</b>		
Schedule 2 Paragraph 54	To exercise the Council's Lead Local Flood Authorities functions	OD-PPT
<b>Education and Inspections Act 2006</b>		
Part 4	Exercising the statutory functions of the Council in identifying and intervening in schools causing concern where this is appropriate.	ED-CS

**Housing Benefit and Council Tax Benefit Regulations 2001  
Discretionary Support Scheme, Discretionary Housing Payment and  
Discretionary Reduction in Liability**

SI no 2002 (amended)	To carry out a review of initial decision	OD-F (or nominee)
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**Local Government Finance Act 1988**

Section 44A	Discretionary Rate Relief – Partial Occupation	OD-F
Section 47	Discretionary Rate Relief – Charitable Occupation and amended scheme	OD-F rec to Executive Board
Section 49	Discretionary Rate Relief – Hardship Relief	OD-F rec to Executive Board

**Local Government Finance Act 1992**

Section 13A	Discretionary Reduction in Liability	OD-F (or nominee)
Section 13A	To waive liability for Council Tax upon application Due to exceptional circumstances	OD-F
Section 1A	Council Tax Reduction Schemes(Prescribed Requirements) (England) Regulations 2012	OD-F (or nominee)

**Anti-Social Behaviour, Crime and  
Policing Act 2014**

Part 4 Chapter 3	Closure of premises associated with nuisance or disorder	ED-ER
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The Chief Executive, or any officer designated to be the Proper Officer of the Council for a particular purpose, may give authority in writing to another officer of the Council to act on behalf of the said proper officer for any of the purposes specified in such written authority for which the said proper officer was appointed.

The Chief Executive may appoint another officer to be the acting Chief Executive in his/her absence.

References in this part of the Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation.

## DELEGATIONS TO OFFICERS

Officers named shall carry out the following functions on behalf of the appropriate Forums and Panels, boards or committees, in accordance with the following principles and conditions:

1. Powers shall be exercised in accordance with Standing Orders and Financial Regulations of the Council, and are additional to those conferred in Standing Orders and Financial Regulations.
2. The Officer exercising such power shall give effect to any resolution of the Council upon any matter of principle or policy in relation to the functions concerned.
3. Where an Officer is authorised to make a decision such decision need not necessarily be taken personally by that Officer and may be further delegated provided that a suitable record shall be kept of all Officers so authorised such record to be copied to the Monitoring Officer.
4. In any case, where the Officer exercising the power considers that a new departure in policy (but not in practice) is likely to be involved or if the implications are such that the Officer considers, after consulting the appropriate Executive Director or Chief Executive, that reference should be made to Members the matter shall be referred to the appropriate panel, board or Committee for consideration.
- 5.1 The Leader in consultation with the Chief Executive is authorised to amend the Terms of Reference of the Council, Executive Board, Policy and Performance Boards and related Committees (“the Scheme”) by addition, adjustment or deletion of functions in the interests of ensuring fully accountable provision of local services consistent with the principles of best value, economy, efficiency and effectiveness.
- 5.2 The authorisation in paragraph 5.1 above may be exercised either to change the Scheme generally or specifically in relation to a particular case or set of facts.
- 5.3 Where the authorisation in paragraph 5.1 is exercised a report shall be submitted to the next meeting of the Council.
6. All the delegations to Officers may be exercised by the named Officer, Officer of the same grade within the Directorate and any Officer on a more senior grade within the Directorate or the Chief Executive (or his/her nominee) in the absence of the named Officer.
7. References in this part of the Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation and to subordinate legislation relating to that legislation.
8. Where a delegated power may be exercised by a person other than the named person, it may be exercised in the name of that other person.

9. All delegations relating to Personnel matters will be exercised in consultation with the Head of HR Operations or his delegated representative (including grievances and disciplinary matters)
10. The Chief Executive, in consultation where practicable with the Leader of the Council and the OD-F and/or OD-LD as necessary, be authorised to take decisions on matters of urgency namely those that require a decision before the next formal meeting of Council, Executive Board or Committees as appropriate to the subject matter of the decision and any matters dealt with on this basis will be reported by the Chief Executive for information at the first practically available formal meeting after the taking of the decision, as decision requiring immediate action under this delegated power shall not be subject to call-in.
11. Where any matter is reserved for decision to the Council or to any Board, Committee, Sub-Committee, Panel, Forum or Working Party of the Council, the Chief Executive and each Executive Director are authorised to make any arrangements they consider appropriate for the carrying out and determination of all matters preparatory to or incidental to any decision relating to such matter (including, by way of illustration only, the content and scheduling of any reports associated with such matter), and for the implementation of any decision which may be reached in respect of such matter.
12. It is common for legislation to deal with a range of matters which results in delegations to more than one person in these Standing Orders. This also happens when the same matter has different aspects; for example the decision to grant or refuse licences may be delegated to one person but the investigation of applications for licences and the enforcement of legislation may be delegated to another person. Except where specific matters are delegated under these Standing Orders to a specified person or persons, all persons who have been granted general delegated powers in relation to such matters may exercise such delegated powers.
13. Where more than one person is named in the following list as being authorised to exercise delegated powers, each person is so authorised independently of the other except where the context indicates otherwise (e.g by such qualifying words as "in consultation with").
14. Where a delegated matter may be exercised under a general or a specific delegation, an Officer may exercise the delegation under either the general delegation or the specific delegation or both.

**(Matters relating to Council Policy)**

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| 1. To manage the Council's Local Land Charges Function and the Registration of Commons and Village Greens, but excepting decisions whether or not to register land as a common or village green. | OD-LD   |
| 2. To receive notices by Officers disclosing pecuniary interests in contracts and other matters in accordance with Section 117 Local Government Act 1972.  | OD-LD   |
| 3. To implement the Community Strategy.  | Chief Executive   |
| 4. To implement the Council's Corporate Plan.  | Chief Executive   |
| 5. To implement the Council's Communications and Marketing Strategy.   | OD-LD   |
| 6. To implement the Council's Regional Strategies.   | OD- PPT   |
| 7. To progress the Council's twinning activities.  | Principal Executive<br>Officer to Chief<br>Executive<br>OD- PPT                     |
| 8. To take all necessary administrative and operational steps to deliver the Council's Corporate Risk Management Strategy and Business Continuity Strategy.                                      | OD- PPT   |
| 9. To exercise voting rights on behalf of the Council where the Council is the shareholder of a company and to take action up to £250,000 which may be considered appropriate from time to time. | Chief Executive   |
| 10. To implement the Council's Community Safety Strategy and to exercise the powers and duties of the Council under the Crime and Disorder Act 1998.   | Chief Executive   |
| 11. To act as authorising officer and issue authorisations under the Regulation of Investigations Powers Act 2000.   | Chief Executive and such<br>other Officers as s/he may<br>nominate for this purpose |
| 12. To implement the Council's Procurement Strategy.   | OD-F  |

13. To implement the Council's Accommodation Strategy.	ED-ER in consultation with the Executive Board Member for Corporate Services
14. To take steps to implement the Mersey Gateway Project	ED-ER in consultation with the Executive Board Member for Environment and Urban Renewal
15. To implement the Council's Equal Opportunities Policy.	All ED 's
16. To implement the Council's Strategic Risk Management Strategy.	All ED 's
17. To take such decisions as may be deemed necessary under Part 1 Chapter 3 of the Localism Act 2011 (Assets of Community Value)	OD-EEP
18. To take such decisions as may be necessary under Part 1 Chapter 2 of the Localism Act 2011 (Community Right to Challenge)	SD-ECR
19. To authorise, institute, defend and conduct on behalf of the Council any legal proceedings (whether criminal or civil) and to take all other action necessary to protect and/or further the Council's interests.	OD-LD
20. To act as the Council's money laundering reporting officer	OD-LD (or the DM Audit, Procurement and Operational Finance & OD- F in the OD-LD's absence).
21. To institute legal proceedings for the Council under the Proceeds of Crime Act 2002.	OD-LD (with the Trading Standards Officers/Consumer Protection Officers delegated as investigating officers).

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| 22. To make decisions in relation to the public interest under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. | OD-LD  |
| 23. To make appointments to fill casual vacancies and mid-year appointments in respect of outside bodies.  | Chief Executive in consultation with the Council Leader. |
| 24. To approve and amend the Publication Scheme under section 19 Freedom of Information Act 2000.  | OD-LD  |
| 25. <i>DELETED</i>   |  |
| 26. To determine applications to use the Council's logo and/or coat of arms.   | OD-LD  |
| 27. To appropriate Council land from one local authority purpose to another under section 122 Local Government Act 1972.                               | ED-ER  |

28. Regulation Of Investigatory Powers Act 2000

(RIPA) and Investigatory Powers Act 2016

28a RIPA Designated Persons involving employment of juveniles or vulnerable CHIS or the acquisition of confidential information

Chief Executive or in his absence ED-AS/ED-CS/ED-ER(Subject to the independence requirements of the ICCO Circular of 1 June 2015)

28b RIPA Designated Persons except in respect of 28a matters

Chief Executive  
Group Solicitors (Subject to the independence requirements of the ICCO Circular of 1 June 2015)

28C RIPA – Other positions

Senior Responsible Officer

RIPA Co-ordinator

OD – LD

Practice Co-ordinator, Legal Services

28d IPA Senior Responsible Officer  
IPA “made aware” Officers

D of PH  
Group Solicitors

**(Matters relating to Economic Development and  
Regeneration)**

29. To implement the Council’s Regeneration Strategy.

ED-ER

30. To implement the Council’s involvement in its various Joint Venture Companies.

ED-ER in consultation with the OD-LD

31. To take all necessary administrative and executive steps to implement the Council's strategies in relation to the economic and social development of the Borough. All ED's

32. To approve payments made pursuant to aid programmes and to issue grants funded by any governmental agency whether regional or national. All ED's

**(Matters relating to Finance)**

33. To manage all of the property portfolio of the Council, including the maintenance of Council buildings and the authorisation of transactions involving the acquisitions and disposal of interests in land where the value of the transaction does not exceed £2,000,000. OD-EEP

34. To exercise the powers, functions and duties of the Council, as Landlord in relation to applications for consent to assignments or under-lettings of premises. OD- EEP  
in conjunction with the  
OD-LD

35. To exercise the Council's powers and duties in respect of markets. OD-EEP

36. To raise and repay loans including bank overdraft to meet the capital requirements of the Council for such amounts and on such terms as considered necessary. In addition to borrow or lend on a short-term basis in the most effective way to maximise the Council's cash flow position. OD-F

37. To take all necessary steps relating to the demand, collection and recovery of rates, Community Charge and Council Tax and to issue all necessary notices and statements and to sign any documents and to institute civil and criminal proceedings on behalf of the Council as rating and Community Charge and Council Tax billing authority. OD-F

38. To take decisions on applications under Section 44A Local Government Finance Act 1988 for adjustments to rates payable.	OD-F
38a All actions with respect to awards of <ul style="list-style-type: none"> <li>• Discretionary Rate Relief under S49 LGFA (Hardship);</li> <li>• Discretionary Rate relief under S47 LGFA (when the applicant is <b>not</b> a CASC or registered charity or 'not for profit' organisation)</li> </ul>	OD-F
39. To serve on the Valuation Officer Notices of Objection to any proposals for alteration to valuation list.	OD-F
40. To make proposals for the alteration of the valuation list or for inclusion of particular properties in the valuation list. To sign valuation agreements.	OD-F
41. To pay sums due from the Council.	OD-F
42. To write off debts deemed to be irrecoverable not exceeding £100,000 in any one case and to write off debts which become necessary as a result of bankruptcy, dissolution, liquidation or where the debt becomes irrecoverable by operation of law.	OD-F
43. To deal with all insurance matters, including the settlement of claims.	OD-F
44. To arrange for the investment of any Council funds, subject to the requirements of the law.	OD-F
45. To approve successful applications for business loans not exceeding £1m under the Council's Support for Small and Medium Enterprise Scheme.	OD-F in consultation with the Portfolio Holder for Corporate Services and the OD-EEP
45A To approve successful applications for business loans between £1m and £5m under the Council's Support for Small and Medium Enterprise Scheme.	Chief Executive in consultation with the Leader, the Portfolio Holder for Corporate Services and the OD-F and OD-EEP

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| 46. To take any action against any debtor which is considered appropriate in connection with the recovery of any debt owed to the Council. | OD-F in consultation with the OD-LD  |
| 47. To deal with the Council's operating and financial leasing arrangements.   | OD-F   |
| 48. To set the Minimum Revenue Provision repayment periods in consultation with the Resources Portfolio Holder.                            | OD-F   |
| 49. To implement annual wage/salary increases in accordance with National Conditions.  | CD-CXDU  |
| 50. DELETED  |  |
| 51. DELETED  |  |
| 52. To approve funding decisions in respect of Locality Area Forum Projects.   | Nominated Lead Officer in consultation with the Locality Area Forum's Ward Members |
| 53. DELETED  |  |
| 54. To make decisions on the payment of grants for social or community purposes  | Relevant ED in conjunction with Portfolio Holder                                   |

**(Matters relating to Personnel)**

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| 55. To advertise vacancies on the establishment in accordance with the existing grade of the post.                       | HoHRO  |
| 56. To select, interview and appoint to all posts other than Executive Director/Corporate Director/Operational Director. | Relevant Divisional Manager In consultation with the HoHRO |
| 57. To select, interview and appoint Divisional Managers.  | Relevant OD in consultation with the HoHRO                 |
| 58. To authorise overtime working within approved budgets.   | Relevant Divisional Manager in consultation with the HoHRO |

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| 59. To appoint temporary and casual workers within approved budgets.   | Relevant Divisional Manager<br>in consultation with the HoHRO   |
| 59A To engage an agency worker within approved budgets and after ensuring that the procured contract for the supply of agency workers is utilised for that engagement.   | Relevant Divisional Manager in consultation with HoHRO and OD/FS  |
| 60. To authorise attendances of employees at training and study courses and to make arrangements for post entry training, including financial assistance and special leave for examination and revision.                                   | Relevant Divisional Manager<br>in consultation with the HoHRO   |
| 61. To make decisions on applications for car purchase, loans or other arrangements approved by the Council.   | OD-F  |
| 62. To grant concessionary leave on compassionate grounds up to seven days a year, in respect of any employee.   | Appropriate Divisional Manager in consultation with the HoHRO   |
| 63. To grant additional or accelerated increments to employees within their existing grade as a result of appropriate examination success.   | Operational Directors within their respective directorates in consultation with the HoHRO   |
| 64. To award honoraria under the Scheme of Conditions of Service within approved budget  | Executive Directors/Corporate Directors/Director of Public Health within their respective Directorates in consultation with the HoHRO |
| 65. To exercise the functions of the Council in relation to the agreed grievance/disciplinary and appeals procedures.  | Appropriate Divisional Managers in consultation with the HoHRO  |
| 66. To consider requests for voluntary redundancy other than in respect of the Chief Executive, Strategic Directors and Operational Directors and approve appropriate severance/redundancy arrangements in accordance with Council policy. | Strategic Director in consultation with Executive Board Member for Corporate Services , OD-F and the HoHRO                            |

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| 67. To consider requests for ill-health retirement other than Chief Executive, Strategic Directors and Operational Directors in accordance with Council policy. | Strategic Director in consultation with Executive Board Member for Corporate Services and the HoHRO |
| 68. To approve amendments to the establishment of the Council, including the creation and deletion of posts, within approved budgets and Council policies.      | Relevant Divisional Manager in consultation the Relevant ED / HoHRO and OD-F                        |

**(Matters relating to Council Tax and Housing Benefit)**

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| 69. To determine and grant applications for Council Tax Reduction. | OD-F |
| 70. To administer the Housing Benefit System.                      | OD-F |

**(Matters relating to Housing)**

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| 71. To be responsible for housing nominations to Registered Social Landlords in accordance with the Council's Housing Allocations Policy.   | ED-AS   |
| 72. To determine applications for caravan site licences in accordance with the Council's policy.  | D of PH   |
| 73. To determine applications for housing grants and loans under the Council's Private Sector Renewal Policy and approve applications for Disabled Facilities Grants up to £40,000.   | ED-AS   |
| 74. To waive repayments of grant or to demand a reduced repayment if appropriate under relevant legislation.  | ED-AS in consultation with the relevant Executive Board Member and the OD-LD and OD- FS |
| 75. To implement the Council's duties relating to the homeless and the provision of housing advice under relevant legislation.  | ED-AS   |
| 76. To serve notices under Part VI and IX of the Housing Act 1985, and to take all requisite steps to ensure compliance with the notices (including carrying out work in default and legal proceedings, repair notices and slum clearance). | ED-AS in conjunction with the OD-LD.  |

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| 77. To serve notices and maintain records in relation to Houses in Multiple Occupation as required under the Housing Act 2004, and to take necessary steps to ensure compliance with such notices.<br>(Houses in multiple occupation.)   | D of PH in conjunction with the OD-LD  |
| 78. To exercise on behalf of the Council the powers of entry in Sections 54 and 395 of the Housing Act 1985.   | ED-AS                                  |
| 79. To exercise the Council's functions under the Housing Act 2004 Part 1 Chapter 3: Emergency Measures.   | D of PH                                |
| 80. To allocate pitches at Riverview Gypsy site and Halton Transient Site (Haddock's Wood) in accordance with the Council's policy.  | ED-AS                                  |
| 81. To take action to serve notice on unauthorised persons staying at Riverview Gypsy Site or at Halton Transient Site (Haddock's Wood) .  | ED-AS in conjunction with the OD-LD    |
| 82. To exercise the Council's powers to licence Houses in Multiple Occupation under the Housing Act 2004.  | D of PH                                |
| 83. The Housing Act 2004 Part 1 To serve notices under the provisions in connection with housing conditions and disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works | D of PH in conjunction with the OD- LD |

**(Matters relating to Culture and Leisure Services)**

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| 84. To manage and regulate the use of the Council's parks, recreation grounds, open spaces, picnic grounds, play centres, tourist information centres, public halls, and all other places made available by the Council for the purpose of exhibitions, conferences or other social or community functions, including leisure and swimming pools. | OD-C&E |
| 85. To manage and regulate the use of the Council's play centres.   | OD-EAI |

86. To manage and regulate the use of public libraries. OD-CG

87. To make suitable provision for the takeover and future maintenance of areas of open space in any agreement under Section 106 of the Town & Country Planning Act, 1990 and under the Open Spaces Act, 1906, or by negotiation. OD-PPT

**(Matters relating to Planning and Transportation)**

88. To determine applications for an approval required by a development order or by a condition imposed on the grant of planning permission. OD- PPT

89. To determine applications for consent under Section 198 of the Town & Country Planning Act, 1990 for the cutting down, topping, lopping, or destruction of trees. OD- PPT

90. To make Orders and confirm unopposed Orders under Section 198 of the Town & Country Planning Act, 1990 (Tree Preservation). OD- PPT

91. To determine applications for consent under regulations under Section 220 of the Town & Country Planning Act, 1990 (Advertisements) OD- PPT

92. At any time when Shared Service arrangements are not in place, to determine any matters under the Building Act, 1984, or any re-enactment thereof, or any Statutory Instruments, Regulations or Orders made there under or continued in force thereby in relation to building regulations. By way of illustration these matters include:  
 Sections 1, 8 and 16 – Determination of applications for Building Regulation Consent; applications for dispensation from, or relaxation of, Building Regulation requirements.  
 Sections 35 and 36 – Prosecution of offences (and removal of offending work) under the Building Regulations in consultation with the Council's Solicitor.  
 Sections 77 and 78 – Notices and action in respect of dangerous buildings and structures.  
 Section 81 – Notices in respect of demolition.  
 Sections 47-54 – Monitoring of building work supervised by approved inspectors.  
 Sections 10, 15, 18, 19, 20, 21, 24, 25, 32, 33, 71, 72, 73, 74, 95, 96 and 107.
- OD- PPT
93. To serve Notices under Section 330 of the Town & Country Planning Act 1990 and Section 16 Local Government ((Miscellaneous Provisions) Act 1976 (information as to interests in premises).
- OD- PPT
94. To determine variations to plans approved for the purposes of planning control.
- OD- PPT
95. To determine certain matters in relation to DPDs as follows:
- (i) SA/SEA (Strategic Environmental Assessment) Scoping Report;
  - (ii) Approval of public participation stage (or successor equivalent) documents for public consultation; and
  - (iii) SA/SEA Report to accompany public participation stage (or successor equivalent)
- OD- PPT
96. To exercise the functions of the Council as hazardous substances authority under the Hazardous Substances Act 1990.
- OD- PPT

97. To exercise the Council's powers, functions and duties under the provision of Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 relating to dangerous trees. OD- PPT

98. To exercise the Council's powers and duties and to determine all matters having regard to approved Council policies, standards and guidance within the powers and duties of the Development Control Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than in relation to an application which: OD- PPT

- (a) is a notifiable application;
- (b) relates to matters directly impacting on a Member's Ward and the Member makes a written request (for planning purposes) and with the agreement of the Chair that the application should be presented to the Committee;
- (c) is submitted by or on behalf of a Member
- (d) is submitted by or on behalf of an employee of the Council who is directly involved in the planning process;
- (e) involves more than 10 residential units;
- (f) involves non-residential development exceeding 1,000 square metres of building floor space (measured externally).

PROVIDED THAT:

- (1) Exceptions (a), (e) and (f) shall not apply in respect of an application to extend the life of a planning permission or to vary any condition attached to a planning permission and exceptions (e) and (f) shall not apply to the refusal of such applications.
- (2) None of the above exceptions shall apply to non-material amendments under section 96A of the Principal Act.
- (3) Exceptions (b),(c) and (d) shall not apply to any application submitted under (Class A1(e)) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- (4) None of the above exceptions shall apply to the handling of appeals.
- (5) None of the above exceptions shall apply to the giving of pre-application advice.

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| 99. To exercise the Council's enforcement powers   | OD-PPT                                  |
| 100. To determine applications for approval of reserved matters.   | OD- PPT                                 |
| 101. To give effect to Committee decisions to include conditions and reasons for refusal by drafting conditions, grounds of refusal, etc. consequent upon Committee decisions.                                 | OD- PPT                                 |
| 102. To determine applications for grants for listed buildings.  | OD- PPT                                 |
| 103. To take emergency action in respect of contraventions of Tree Preservation Orders and Listed Building Orders.   | OD- PPT in consultation with the OD-LD  |
| 104. To issue and serve Enforcement Notices, Temporary Stop Notices, Stop Notices and Waste Land Notices in respect of Sections 172, 171E, 183 and 215 of the Town & Country Planning Act, 1990.               | OD- PPT in consultation with the OD-LD. |
| 105. To exercise the Council's powers under Article 4(2) of the Town and Country Planning (Development Management Procedure) Order 2010 (to require further details on an application for outline permission). | OD- PPT                                 |
| 106. To serve Notices under Section 54 of the Town & Country Planning (Listed Buildings & Conservation Areas, Act 1990 (urgent repairs to listed buildings).   | OD- PPT in consultation with the OD-LD  |
| 107. To effect urgent preservation works on listed buildings.  | OD- PPT                                 |
| 108. To serve Repairs Notices under Section 48 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.  | OD- PPT in consultation with the OD-LD  |
| 109. To serve Building Preservation Notices.   | OD- PPT in consultation with the OD-LD  |

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| 110. To exercise the Council's powers and duties under the Safety of Sports Grounds Act including the powers of entry conferred by Section 11 of that Act.   | Chief Executive                        |
| 111. To determine whether an environmental assessment is required for any planning application under the appropriate regulations.  | OD- PPT                                |
| 112. To seek but except as otherwise authorised, not to determine permission for development under the Town & Country Planning General Regulations 1992 (applications by the Local Planning Authority).  | OD- PPT                                |
| 113. To exercise the following provisions of the Town & Country Planning Act 1990 as amended   | OD- PPT in consultation with the OD-LD |
| <ul style="list-style-type: none"> <li>• Section 171C (Planning Contravention Notices)</li> <li>• Section 173A (Withdrawal and Variation of Enforcement Notices)</li> <li>• Section 187A (Breach of Condition Notices)</li> <li>• Sections 191 to 194 (Certificates of Lawful Use or Development)</li> <li>• Section 196A and Section 196C(1) and (3) to (A) (Rights of Entry for Enforcement Purposes)</li> <li>• Section 196B (Obtaining Warrants for Rights of Entry)</li> <li>• Section 196C(2) (Prosecution of Persons Wilfully Obstructing Right of Entry)</li> <li>• Section 214B and Section 214D(1) and (2) (Rights of Entry in Connection with preservation of trees)</li> <li>• Section 214C (Obtaining Warrant for Rights of Entry in connection with preservation of trees).</li> </ul> |  |

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| 114. To issue authorisations and to serve notices under Part 2A of the Environmental Protection Act 1990.  | OD-PPT                                 |
| 115. To determine observations on particular applications and other specific matters affecting land within the Borough which are requested by central Government, other authorities and statutory undertakers.   | OD-PPT                                 |
| 116. To determine all matters under the Planning Act 2008 relating to Nationally Significant Infrastructure Projects up to the stage of acceptance of applications under Section 55 of the Act.  | OD-PPT                                 |
| 117. To deal with applications, to erect overground wires, to place structures on or under the footway, to place cables and pipes under the highway and to erect directional signs.  | OD- PPT                                |
| 118. To erect traffic warning and informative signs.   | OD- PPT                                |
| 119. To deal with dangerous trees on or abutting the highway.  | OD- PPT                                |
| 120. To deal with the dedication or transfer of land into the public highway.  | OD- PPT in consultation with the OD-LD |
| 121. To make minor amendments to parking schemes for redevelopment purposes.   | OD- PPT in consultation with the OD-LD |
| 122. To agree the adoption of roads and sewers.  | OD- PPT in consultation with the OD-LD |
| 123. To exercise the powers and duties of the Council under Part II of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction of traffic on roads, including prohibition or restriction in connection with certain special events) and Section 21 of the Town Police Clauses Act 1847 (power to make orders for preventing obstructions in the streets during public processions, etc.). | OD- PPT                                |

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| 124. To exercise the Council's powers and duties under the provisions of the following sections of the Local Government (Miscellaneous Provisions) Act 1976:-   | OD- PPT |
| <ul style="list-style-type: none"> <li>• Section 2 (Control of Scaffolding on Highways)</li> <li>• Section 8 (Power to take emergency action in relation to derelict buildings)</li> <li>• Section 25 (Control of dangerous excavations)</li> </ul> |         |
| 125. To exercise the powers and duties of the Council relating to the naming of streets and the allocation of house numbers   | OD- PPT |
| 126. To exercise the Powers and Duties of the Council under Part 9 of the Highways Act, 1980 (Prevention of damage to or interference with Highways).   | OD- PPT |
| 127. To operate the provisions of the New Roads and Street Works Act 1991.  | OD- PPT |
| 128. To exercise the powers and duties of the Council under the Land Drainage Acts 1991 and 1994  | OD- PPT |
| 129. To exercise the powers and duties of the Council under the Flood and Water Management Act 2010   | OD-PPT  |
| 130. To exercise the powers and duties of the Council under the Water Industry Act 1991.  | OD- PPT |
| 131. To exercise the powers and duties of the Council under the Transport Act 1985 and Transport Act 2000 in accordance with the policies of the Council.   | OD- PPT |
| 132. To exercise the powers and duties of the Council under the Traffic Management Act 2004 in accordance with the policies of the Council.   | OD- PPT |
| 133. To exercise the powers and duties of the Council as Highways Authority, Traffic Authority, Street Authority and Street Works Authority.  | OD- PPT |

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| 134. To exercise the powers and duties of the Council under the Hedgerow Regulations 1997.  | OD- PPT                                    |
| 135. To exercise the powers and duties of the Council in connection with Common Land and Town/Village Greens.   | OD-LD                                      |
| 136. To determine any matters under the Reservoirs Act 1975.  | OD- PPT                                    |
| 137. To exercise the Council's powers and duties under Part III of the Wildlife and Countryside Act 1981 (Public Rights of Way).  | OD- PPT                                    |
| 138. To exercise the powers and duties of the Council under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges.  | OD- PPT                                    |
| 139 To exercise all the Council's powers and functions under Part IIA of the Environmental Protection Act 1990, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and to exercise the powers contained in Part IIA of the Environmental Protection Act 1990 relating to contaminated land. | OD-PPT                                     |
| <b>(Matters relating to Licensing, Environmental Health and Trading Standards)</b>  |  |
| 140. Be authorised to determine applications for licences, registrations consents and permits under all relevant Acts and Regulations.  | OD-LD                                      |
| 141. To exercise the powers, duties and functions of the Council in connection with the Local Government (Miscellaneous Provisions) Act 1982 and associated Council bye-law in relation to the practice of Tattooing, Body Piercing, Acupuncture, semi-permanent make-up and or Electrolysis  | D of PH                                    |
| 142. To serve notice and discharge duties under the Animal Health Act 1981 – articles 13 and 14 of the Rabies (Import of Dogs, Cats and Other Mammals) Order 1974 (as amended).   | D of PH /All Environmental Health Officers |

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| 143. To act as, and appoint other suitably qualified persons to act as the designated Proper Officers for the Public Health (Control of Diseases) Act 1984, the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.  | D of PH<br>and<br>Public Health<br>Consultants  |
| 144. To discharge the powers and duties of the Council under Sections 1 to 40 and 58 of the Clean Air Act 1993.   | D of PH   |
| 145. To exercise the powers and duties of the Council under the Public Health (Control of Disease) Act 1984 except Part III (Disposal of Dead Bodies)   | D of PH<br>and<br>Public Health<br>Consultants  |
| 146. To exercise the provisions of the Building Act 1984 (Sections 59, 60, 62, 64, 65, 76, 79, 80, 81, 82, 84 & 85); Local Government (Miscellaneous Provisions) Act 1976 (Section 16); Local Government (Miscellaneous Provisions) Act 1982 (Section 29); Shops Act 1950 (Section 71) Public Health Act 1936 (Sections 275 & 291). Prevention of Damage by Pests Act 1949 Public Health Act 1936, Sections 35 & 50. Public Health Act 1961 Sections 17, 22, 34, 36 and 37. | D of PH   |
| 147. To exercise the functions of the Council under Part 1 (Injunctions) of the Anti-Social Behaviour Crime and Policing Act 2014.  | OD-CG   |
| 148. To exercise the functions of the Council under Part 4 Chapter 1 (Community Protection Notices) of the Anti-Social Behaviour Crime and Policing Act 2014.   | OD-C&E and<br>D of PH   |
| 149. To exercise the functions of the Council under Part 4 Chapter 2 (Public Spaces Protection Orders) of the Anti-Social Behaviour Crime and Policing Act 2014.  | OD-C&E and<br>D of PH<br>(in consultation with the<br>Portfolio holder for<br>Community Safety) |

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| 150. To exercise the functions of the Council under Part 4 Chapter 3 (Closure of Premises associated with nuisance or disorder etc), of the Anti-Social Behaviour Crime and Policing Act 2014 other than those reserved to the Chief Executive or person nominated by the Chief Executive.   | OD-C&E and<br>D of PH                            |
| 151. To exercise the following provisions:<br>The Environmental Protection Act 1990 (S80 and 81) as amended by the Noise and Statutory Nuisance Act 1993<br>The Noise Act 1996<br>The Shops Act 1950 (S71)<br>The Refuse Disposal (Amenity) Act 1978 (S2).<br>The Clean Neighbourhoods and Environment Act 2005 and to authorise appropriately qualified officers to exercise any of the powers granted under this legislation as may be appropriate for the purpose of enforcement and administration of the legislation. | D of PH  |
| 152. To exercise the Council's powers, functions and duties under sections 77,78 and 79 of The Clean Neighbourhoods and Environment Act 2005 and to authorise appropriately qualified officers to exercise any of the powers granted under this legislation for the purpose of enforcement and administration of the legislation.  | D of PH  |
| 153. To exercise the provisions of Sections 57, 91 and 92 of the Control of Pollution Act 1974.  | D of PH /All<br>Environmental<br>Health Officers |
| 154. To exercise the provisions of Sections 60, 61, 76, 79, 80, 82 & 93 of the Control of Pollution Act 1974.  | D of PH  |
| 155. To exercise the provisions of Sections 60(8), 61(5) & (10), 68, 69, 78, 80(7) and 93(3) of the Control of Pollution Act, 1974.  | D of PH<br>in consultation with the<br>OD-LD     |
| 156. To exercise the powers, duties and functions of the Council as waste collection and waste disposal authority, and a Principal Litter authority.   | OD – C&E   |
| 157. To exercise the powers and duties of the Council under the Refuse Disposal (Amenity) Act 1978.  | OD-C&E   |

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| 158. To exercise the provisions of Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 (removal of obstructions from sewers).  | D of PH |
| 159. To serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary accommodation at places of public entertainment).   | D of PH |
| 160. To serve notices/issue consents under the following Sections of the Building Act 1984:<br><br>S66 Replacement of earth closets<br>S68 Erection of public conveniences<br>S70 Provision of food storage.  | D of PH |
| 161. To serve notices/issue consents under Schedule 27 Water Act 1989 (Provision of Water Supply).  | D of PH |
| 162. To exercise the Council's powers and duties under the Private Water Regulations 2009   | D of PH |
| 163. To issue authorisations and to serve notices under the Environmental Protection Act 1990. To issue permits and to serve notices under the Pollution Prevention and Control Act 1999.   | D of PH |
| 164. To appoint suitably qualified persons to carry into effect provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 (as amended), the Official Feed and Food Control (England) Regulations 2009, the Trade in Animals and Related Products Regulations 2011 and any provisions of regulations and orders having effect by virtue of the European Union (Withdrawal) Act 2018 in so far as those provisions relate to food and agriculture. | D of PH |
| 165. To authorise any person to carry into effect and enforce the Health Act 2006 Chapter 1 and regulations made thereunder relating to smoke-free premises and vehicles.   | D of PH |

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| 166. To appoint appropriate officers as inspectors for carrying into effect relevant statutory provisions of the Health and Safety at Work etc. Act 1974 and to terminate any such appointment as necessary.   | D of PH                               |
| 167. To act as a duly appointed inspector under section 19 of the Health and Safety At Work Etc Act 1974 for the purpose of instituting proceedings under section 38 of the Health and Safety At Work Etc Act 1974.  | OD-LD                                 |
| 168. To authorise a person or persons to enter any premises accompanied by an inspector duly appointed by the Council under Section 19 of the Health and Safety at Work Etc Act 1974 (Expert Witness Authorisations).  | D of PH                               |
| 169. To undertake the legal requirements in respect of the transfer of premises under the Health and Safety (Enforcing Authority) Regulations 1998.  | D of PH                               |
| 170. To investigate and deal with complaints for harassment, unlawful eviction and similar offences under the Protection from Eviction Act 1977  | D of PH in conjunction with the OD-LD |
| 171. To exercise all powers and functions conferred, imposed on, or transferred to the Council under the Pollution Prevention and Control Act 1999, and any regulations made under the Act, to respond to statutory consultations from the Environment Agency on Integrated Pollution Prevention and Control Permits, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and exercise the powers for the purposes of Regulations made under the Pollution Prevention and Control Act 1999. | ED-ER /OD – PPT/<br>OD-LD/D of PH     |
| 172. To act as the appointed Officer for the purposes of S.149(1) of the Environmental Protection Act 1990.  | D of PH                               |
| 173. To act as authorised Officer for the purposes of S.149(2) of the Environmental Protection Act 1990.   | D of PH                               |
| 174. To exercise the Council's powers, functions and duties under the legislation listed in Appendix A to these Standing Orders.   | D of PH                               |

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| 175. To deal with dangerous dogs under the Dangerous Dogs Act 1991.  | D of PH            |
| 176. To serve notices under Section 77 Criminal Justice and Public Order Act 1994.   | ED-A               |
| 177. To nominate and authorise officers of the Council and other persons to issue fixed penalty notices for littering offences under the Environmental Protection Act 1990 and for breaches of dog control orders.   | D of PH and OD-C&E |
| 178. To recommend any future changes to Fixed Penalty Notice amounts and early payment discounts as may be required and implement decisions made.  | ED-ER and D of PH  |
| 179. To issue fixed penalty notices.   | OD-C&E and D of PH |
| 180. To appoint a Chief Inspector of Weights and Measures and Inspectors of Weights and Measures in accordance with Section 72 of the Weights and Measures Act 1985.   | D of PH            |
| 181. To authorise officers to exercise the powers conferred on the authority by the Consumer Protection From Unfair Trading Regulations 2008   | D of PH            |
| 182. In relation to the joint exercise of functions (not affecting the delegation of the enforcement of the Consumer Credit Act already furnished to Officers), to enforce Part 3 of the Consumer Credit Act 1974 (pursuant to Section 101(5) of the Local Government Act 1972, Regulation 11 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000, Section 20 of the Local Government Act 2000 and all other enabling powers). | D of PH            |
| 183. To issue simple cautions on behalf of the Council in connection with the powers and duties allocated to the Director of Public Health   | D of PH            |

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| 184. To appoint one or more Public Analyst under the Food Safety Act 1990 and an Agricultural Analyst/Deputy Agricultural Analyst under the Agriculture Act 1970.   | D of PH  |
| 185. To waive or vary charges for the collection of bulky household items.  | OD-C&E in consultation with the Executive Board Member for Environment and Urban Renewal |
| 186. The exercise of all functions under the Clean Neighbourhoods and Environment Act 2005.   | OD-C&E and D of PH   |
| 187. To exercise the Council's functions under the Scrap Metal Dealers Act 2013 other than those functions delegated to the OD-LD (being Sections 1 to 8 and Schedule 1 of the Act).  | OD-C&E   |
| 188. To exercise the Council's functions under Sections 1 to 8 and Schedule 1 (Licensing) of the Scrap Metal Dealers Act 2013   | OD-LD  |
| 189. To exercise the powers and duties of the Council in relation to the burial and cremation of the dead.  | ED-ER  |
| 190. To determine all matters associated with, and to carry out, the consequential work associated with the discharge of the Council's Licensing functions within the jurisdiction of the Council's Regulatory Committee other than matters under the Licensing Act 2003 and the Gambling Act 2005. | OD-LD  |
| 191. To determine applications for vehicles licences; drivers and operators licences under the Local Government (Miscellaneous Provisions) Act 1976 and to sign licences and consents.  | OD-LD  |
| 192. To suspend vehicles, drivers or operators licences under Sections 60, 61, 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976.   | OD-LD  |

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| 193. To relax criteria for temporary periods consequent upon medical problems of, or long term leave of, drivers and vehicle licence holders.  | OD-LD in consultation with the Chair of the Regulatory Committee (all such action to be reported to the Committee) |
| 194. To determine applications for street trading consents, to amend standard conditions and to renew consents with relaxation provisions under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.  | OD-LD  |
| 195. To determine applications relating to sex establishments and to determine conditions relating thereto under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.   | OD-LD  |
| 196. To administer the Street Collections and House to House Collections legislation.  | OD-LD  |
| 197. To exercise the Council's enforcement powers and duties relating to taxi and private hire legislation and the Council's policies and conditions relating thereto (including Part 1 Health Act 2006 to the extent that it relates to taxis and private hire vehicles).   | Legal Services Enforcement Officer(s),<br>Legal Services Licensing Manager, OD-LD                                  |
| 198. To exercise the Council's relevant powers, functions and duties under the Animal Welfare Act 2006 and to authorise appropriately qualified officers as inspectors for the purposes of the Act to exercise any powers granted under this legislation for the purpose of enforcement and administration of the legislation. | D of PH  |

**(Matters relating to the Licensing Act 2003)**

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| 199. To determine an application for a personal licence if no objection has been made.                              | OD-LD |
| 200. To determine an application for premises/licence club premises certificate if no representation has been made. | OD-LD |
| 201. To determine an application for a provisional statement if no representation has been made.                    | OD-LD |

202. To determine an application to vary a premises licence/club premises certificate in no representation has been made.	OD-LD
203. To determine applications to vary designated premises supervisor where there has been no police objection.	OD-LD
204. To determine requests to be removed as designated premises supervisor.	OD-LD
205. To determine an application for transfer of premises licence where there has been no police objection.	OD-LD
206. To determine applications for interim authorities where there has been no police objection.	OD-LD
207. To determine decisions on whether a complaint is irrelevant, frivolous, vexatious etc.	OD-LD
208. To determine applications to vary premises licences at community premises to include alternative licence condition where there has been no police objection.	OD-LD
209. To decide whether to consult other responsible authorities on minor variation applications.	OD-LD
210. To determine minor variation applications.	OD-LD
211. To call extra meetings of the Regulatory Committee and Regulatory Sub-Committees.	OD-LD in consultation with the Chair and Vice Chair

**(Matters relating to the Gambling Act 2005)**

212. To determine applications for premises licences where no representations have been received or where representations have been withdrawn	OD-LD
213. To determine applications for variations to licences where no representations have been received or where representations have been withdrawn	OD-LD
214. To determine applications for transfers of licences where no applications have been received from the Gambling Commission or where representations have been withdrawn	OD-LD

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| 215. To determine applications for provisional statements where no representations have been received or where representations have been withdrawn | OD-LD |
| 216. To determine applications for other permits   | OD-LD |
| 217. To cancel licensed premises gaming machine permits  | OD-LD |
| 218. To consider temporary use notices   | OD-LD |

**Matters relating to the Licensing Act 2003  
and the Gambling Act 2005**

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| 219. Where matters are reserved to the Council or the statutory Licensing Committee or Licensing Sub-Committee of the Council, to determine all matters preparatory to or incidental to such matters (including, by way of illustration only, the determination of whether relevant representations have been made). | OD-LD |
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**(Matters relating to Vehicle Fleet Management)**

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| 220. To manage the chief functions in respect of vehicle fleet management and maintenance services within the terms of reference of the Executive Board and to report thereon as directed by the Executive Board. | OD- PPT |
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**(Matters relating to Children's Services)**

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| 221. To support the work of the School Forum on the Dedicated Schools Grant and deal with all matters relating to the operational and management aspects of the DSG. | OD- EIP |
| 222. To deal with all matters relating to the management of the Children and Young People's Budget.  | OD- EIP |
| 223. To deal with all aspects of school admissions and school admission appeals processes in accordance with the Council's policy.                                   | OD- EIP |

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| 224. To deal with all aspects of school exclusions and school exclusion appeals processes in accordance with the Council's Policy.   | OD - EIP                 |
| 225. To appoint School Appeal Panel members.   | Chief Executive          |
| 226. To appoint Local Authority School Governors in consultation with the Leader and Portfolio holder  | ED-CS or his/her nominee |
| 227. To authorise all legal matters related to school attendance.  | OD- EIP                  |
| 228. To deal with all matters relating to the identification, assessment and support of pupils and students with special educational needs in accordance with statutory requirements, the SEN Code of Practice and the Council's policy. | OD-EIP                   |
| 229. To deal with all matters to secure positive activities for young people.  | OD-EIP                   |
| 230. To deal with all matters relating to the implementation of continuing education in accordance with the Council's policy.  | OD- EIP                  |
| 231. To deal with all matters relating to the operational and management aspects of the Youth Service in accordance with the Council's Policy.   | OD- EIP                  |
| 232. To determine applications for mandatory and discretionary awards in accordance with statutory regulations and the Council's policy.   | OD- EIP                  |
| 233. To consider any appeal lodged for assistance for transport in conjunction with the Portfolio Holder for Children, Young People and Families.  | OD- EIP                  |
| 234. To determine applications for benefits or remissions in relation to educational services in accordance with statutory regulations and Council's policy.   | OD- EIP                  |
| 235. To grant licences for children to take part in public performance and to grant work permits for children.   | OD- EIP                  |

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| 236. To approve the payment of fees and expenses to occasional speakers, examiners, coaches, consultants in accordance with the Financial Regulations and within budgetary constraints.  | OD- EIP   |
| 237. To approve service contracts, subscriptions and licences for matters relating to children's services that are consistent with the Council's policy and within budgetary constraints.  | E-CS  |
| 238. To respond to or initiate contact with Government Departments, other public agencies and other relevant outside organisations consistent with the Council's policies.   | All relevant Operational Directors  |
| 239. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.  | ED-CS in consultation with Executive Board Member for Children, Young People and Families |
| 240. The payment of the cost of any application for registration as a British Citizen on behalf of a child in the care of the Council.   | OD-CSC  |
| 241. The payment of legal fees for adopters where legal representation is necessary (and where there is no possibility of legal aid being allowed) and in appropriate circumstances the payment of medical fees in connection with adoption. | OD-CSC  |
| 242. To act as joint trustee (with the appropriate named Officer) in respect of trust monies held on behalf of children in the care of the Council.  | OD-CSC  |
| 243. To act as next friend of any child in care with regard to insurance claims.   | OD-CSC  |
| 244. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee.  | OD-CSC  |
| 245. To exercise all powers of entry vested in the Council as Social Services Authority.   | OD-CSC  |
| 246. Subject to any court order, control visitors to and contact with children in homes provided by the Council.   | OD-CSC  |

247. In relation to children who are the subject of care orders give consent for the medical treatment (including operations), marriage and absence abroad on holiday.	OD-CSC
248. To grant permission for the placement of a child in secure accommodation for a period not exceeding 72 hours.	OD-CSC
249. To act as Authorised Officer under Children's and Adoptions legislation.	OD-CSC
250. Power to impose requirements or prohibit the keeping of foster children at specified addresses.	OD-CSC
251. To seek, where necessary, placements outside of the Borough including placement for children requiring adoption and to incur the necessary expenditure, subject to finance being available.	ED-CS
252. To decide upon recommendations of Adoption Panels.	OD-CSC
253. To approve foster parents.	OD-CSC
254. To provide for continued maintenance, education or support of young persons formerly in the care of the local authority.	OD-CSC
255. To make grants and allowances to children, their relatives or foster parents according to the special needs involved to a maximum to be decided from time to time by the Council.	OD-CSC
256. Where exceptional circumstances so require, to authorise payments to fosterers in excess of the Council's approved schedule of fees and charges.	OD-CSC
257. To give approval to the placement of children subject to care order with their parents.	OD-CSC
258. To establish at least one Adoption Panel.	ED-CS
259. To establish a Children Safeguarding Partnership	ED-CS
260. To deal with all matters relating to the provision of sufficient child-care.	OD- EIP

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| 261. To make arrangements for the provision of information on any services, facilities and publications which may assist the parents of children and young people up to the age of 20. | OD- EIPI |
| 262. To act as lead signatory for Police and CRB checks relating to Children in Care.  | OD-CSC   |
| 263. To deal with all matters to secure positive achievement and attainment for young people.  | OD- EIPI |

**(Matters relating to Community and Health)**

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| 264. Determination of rates of maintenance at homes operated by voluntary organisations providing residential or temporary accommodation within approved budgets.   | ED-AS in consultation with the Executive Board Member for Health and Wellbeing |
| 265. To make arrangements with or contributions to voluntary organisations providing residential or temporary accommodation in accordance with the policy of the Committee.   | ED-AS in consultation with the Executive Board Member for Health and Wellbeing |
| 266. To administer arrangements and schemes for the welfare of persons suffering from a mental disorder, physically disabled persons, older people and those incapacitated by illness or disability including in particular the recovery of such charges as may be determined from time to time by the Council. | ED-AS  |
| 267. Power to make an application to act for and to act as receiver of property for persons who, by reason of mental disorder, are incapable of managing their own affairs including applications involving the Court of Protection and Appointeeship.  | OD-F   |
| 268. Power to make arrangements for the temporary protection of property of persons admitted to hospital and other temporary care arrangements including making payments for the care of animals.   | ED-AS  |

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| 269. To exercise all powers of entry vested in the Council as Social Services Authority.   | ED-AS |
| 270. To exercise the duties imposed by the Mini Bus Act, 1977 and regulations made thereunder, in so far as they relate to the Council in its capacity as the Social Services Authority.   | ED-AS |
| 271. To approve and re-approve Approved Mental Health Professionals (AMHPs), employed by the Local Authority or other organisations as having appropriate competence in dealing with persons who are suffering from mental disorders under the Mental Health Act 1983 (as amended by Mental Health Act 2007) . | ED-AS |
| 272. To act as Guardian under the Mental Health Act 1983 (Ss. 7 & 37).   | ED-AS |
| 273. To authorise social workers as Best Interest Assessors under the Mental Health Act 2007   | ED-AS |
| 274. To authorise Deprivation of Liberty Safeguards on behalf of the Local Authority under the Mental Health Act 2007.   | ED-AS |
| 275. To provide aftercare under Section 117 of the Mental Health Act 1983.   | ED-AS |
| 276. To arrange for the supervision and aftercare of conditionally discharged restricted patients.   | ED-AS |
| 277. To consent to the making of an application for a Residence Order where required.  | ED-AS |
| 278. To approve adult placement carers.  | ED-AS |
| 279. Authority to withdraw, reduce or waive charges for services or the withdrawal of a contribution notice (or agree that no such notice be served) in exceptional circumstances.   | ED-AS |
| 280. To administer the provision of services for the welfare of older persons.   | ED-AS |

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| 281. To administer the provision of aids and adaptations (including work to individual dwellings in the private sector) where the cost of the individual schemes does not exceed £15,000 and is within approved budgets   | ED-AS |
| 282. To investigate requests and referrals for admission to appropriate accommodation; to arrange admissions to such accommodation under the control of the Council (including transfers as appropriate to other accommodation).  | ED-AS |
| 283. To manage such accommodation including the assessment and recovery of charges and the adjustment of liability with any other local authority in providing the accommodation.   | ED-AS |
| 284. To administer the disabled drivers car badges scheme and travel permits for disabled persons.  | ED-AS |
| 285. To make payments in kind and cash payments to Asylum Seekers.  | ED-AS |
| 286. To arrange for the provision of 'Appropriate Adults' under the Police and Criminal Evidence Act 1984.  | ED-AS |
| 287. To exercise powers in relation to the removal of persons from house under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 (including the power to appoint suitable registered medical practitioners as proper officers for the purposes of these provisions). | ED-AS |
| 288. To exercise powers of a Social Services Authority under the NHS and Community Care Act 1990.   | ED-AS |
| 289. To carry out assessments as required by the Chronically Sick and Disabled Persons Act 1970.  | ED-AS |

290. To make the necessary arrangements for the establishment of joint health scrutiny committees where required pursuant to the direction of the Secretary of State for Health dated 17<sup>th</sup> July 2003. Chief Executive
291. To exercise all powers under the Mental Health Act 2007. DoPH
292. All local authority powers and duties referred to in the following sections of the Health and Social Care Act 2012 when enacted and in each case commenced:-
- Sections 29,31 and 32  
Section 30 DoPH  
Chief Executive
293. All those powers and duties listed in section 73A(1) of the National Health Service Act 2006. DoPH
294. Such actions as are necessary to give effect to the public health and related powers and duties conferred upon the Council as a result of the reform of the National Health Services legislation Chief Executive  
(or his/her nominee)

## Appendix A

### (relating to Paragraph 174 of the Scheme of Delegation)

#### Part 1 Matters mainly associated with Trading Standards, Consumer Protection and Weights and Measures

Accommodation Agencies Act 1953  
Agriculture Act 1970  
Animal Feed (Composition, Marketing, Use) (England) Regulations 2015  
Animal Feed (Hygiene, Sampling etc Enforcement) (England) Regulations 2015  
Animal Feed (Basic Safety Standards) (England) Regulations 2019  
Anti-Social Behaviour Act 2003  
Bankers Books Evidence Act 1879  
Cancer Act 1939  
Children and Families Act 2014  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Chiropractors Act 1994  
Clean Air Act 1993  
Companies Act 2006  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Pollution Act 1974  
Copyright Designs & Patents Act 1988  
Cosmetic Products Enforcement Regulations 2014 and the EU Cosmetics Regulations as defined therein  
  
Criminal Attempts Act 1981  
Criminal Justice Act 1988  
Criminal Law Act 1977 (common-law conspiracy to defraud)  
Crossbows Act 1987  
Customs and Excise Management Act 1979  
Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environment Act 1995 as it applies to the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012  
Environmental Protection (Microbeads) (England) Regulations 2017  
Estate Agents Act 1979  
European Communities Act 1972  
European Union (Withdrawal) Act 2018  
Explosives Act 1875  
Explosives (Age of Purchase) Act 1976  
Firearms Act 1968  
Fireworks Act 2003  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005

Hallmarking Act 1973  
Health and Safety at Work Etc. Act 1974  
Housing and Planning Act 2016 as it relates to Client Money Protection Schemes  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Legal Services Act 2007  
Licensing Act 2003  
Malicious Communications Act 1988  
Measuring Container Bottles (EEC Requirement Regulations) 1977  
Motor Cycles Noises Act 1987  
National Lottery Act 1993  
Offensive Weapons Act 1996  
Official Controls (Animals, Feed and Food) (England) Regulations 2006 in so far as it relates to feed law  
Official Feed and Food Controls (England) Regulations 2020 in so far as it relates to feed law  
Olympic symbol etc. (Protection) Act 1995  
Opticians Act 1989 S27  
Osteopaths Act 1993  
Petroleum (Consolidation) Regulations 2014  
Prices Act 1974  
Proceeds of Crime Act 2002  
Protection of Children (Tobacco) Act 1986  
Protection from Harassment Act 1997  
Psychoactive Substances Act 2016  
Public Health Acts 1936 and 1961  
Redress Schemes for Letting Agencies Work and Property Management Work Order (England) 2014  
Registered Designs Act 1949  
Regulatory Enforcement and Sanctions Act 2008  
Road Traffic Act 1988  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Act 1991  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Regulation Act 1984  
Road Traffic Offenders Act 1988  
Single Use Carrier Bags Charges (England) Order 2015  
Tattooing of Minors Act 1969  
Tenant Fees Act 2019  
The Ammonium Nitrate materials (High Nitrogen Content) Safety Regulations 2003  
The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013  
The Dangerous Substances and Explosive Atmosphere Regulations 2002  
The Explosive Regulations 2014  
The Offensive Weapons Act 2019  
The Petroleum (Consolidation) Regulations 2014  
Theft Act 1968  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Act 1968  
Trade Marks Act 1994

Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services (Amendment) Act 1975  
Video Recordings Act 1984  
Video Recordings Act 1993  
Weights and Measures Act 1976  
Weights and Measures Act 1985

## **Part 2 Matters mainly related to animal welfare, health and safety, statutory nuisance and licensing enforcement**

- Abandonment of Animals Act 1960
- Agricultural Act 1970
- Animal Health Act 1981
- Animal Health Act 2002
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Animal Health and Welfare Act 1984
- Anti-social Behaviour Act 2003 (Section 43 Fixed Penalty Notices for graffiti and fly-posting including power to request name and address for :-
  - Highways S 132 – painting or affixing things on structures on the highway
  - Town and Country Planning Act S224(3) where a person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control and Development Act 1960
- Clean Air Acts 1956-1993
- Clean Air Act 1993 S33 cable burning
- Clean Neighbourhoods and Environment Act 2005
  - Parts 2 (vehicles), 6 (graffiti and litter) Part 8 (high hedges)
  - S48 – graffiti removal notices
- Control of Pollution Act 1974 and 1989
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
  - S77 Unauthorised camping
- Dangerous Dogs Act 1989
- Dangerous Dogs Act 1991
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Dangerous Wild Animals Act 1976
- Defective Premises Act 1972
- Dog Control Orders 2012
- Dogs Act 1871
- Dogs Act 1906
- Dogs (Amendment) Act 1928
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
  - S108

- Environmental Protection Act 1990 Part I, Part III and Sections 149-152
  - Parts 2 and 4
- European Communities Act 1972 and associated regulations Sections 2 and 9(7)
- Factories Act 1961
- Fire Precautions Act 1971
- Food and Environmental Protection Act 1985 Part I, Part III and Part IV
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc Act 1974
- Home Safety Act 1961
- Housing Act 2004
- Land Compensation Act 1973
- Land Drainage Acts 1961 and 1976
- Late Night Refreshment Houses Act 1969
- Licensing Act 2003
- The Local Government Act 1894 (game licenses)
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Acts 1953-1989
- Local Government Act 1972 S16 Requisition for Information
- Mobile Homes Act 1977
- Mobile Homes Act 2013
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Pesticides Act 1996
- Petroleum (Consolidation) Regulations 2014
- Police and Criminal Evidence Act 1984
- Pollution, Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
- Protection of Animals Act 1911
- Protection of Animals (Amendment) Acts 1954 and 1988
- Protection of Animals (Amendment) Act 2000
- Protection Against Cruel Tethering Act 1988
- Protection from Eviction Act 1977
- Public Health (Control of Diseases) Act 1984
- Public Health Act 1936
- Public Health Act 1961
  - S34 – Accumulation of Rubbish
  - S73 – Derelict Petrol Tanks
- Radioactive Substances Act 1993
- Rag Flock Act 1961
- Refuse Disposal (Amenity Act) 1978
- Regulation of Investigatory Powers Act 2000
- Riding Establishments Act 1970
- Scotch Whisky Act 1982
- Shops Act 1950
- Sunday Trading Act 1994
- Sunbeds (Regulations) Act 2010

- Tattooing of Minors Act 1969
- Town Police Clauses Acts 1847-1889
- Trade Marks Act 1994
- Water Acts 1945-1989
- Water Industry Act 1991
- Welfare of Animals at Slaughter Act 1991
- Zoo Licensing Act 1981

## **Matters relating to Trading Standards**

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Biofuel Labelling Regulations 2004

Business Protection from Misleading Marketing Regulations 2008

Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008

Construction Products Regulations 2013

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights (Payment Surcharges) Regulations 2012

Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009

Crystal Glass (Descriptions) Regulations 1973

Detergents Regulations 2010

EC Fertilisers (England and Wales) Regulations 2006

Electrical Equipment (Safety) Regulations 2016

Electromagnetic Compatibility Regulations 2016

Energy Information Regulations 2011

Energy Performance of Buildings (England and Wales) Regulations 2012

Financial Services (Distance Marketing) Regulations 2004

Fluorinated Greenhouse Gases Regulations 2015

Footwear (Indication of Composition) Labelling Regulations 1995

Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

General Product Safety Regulations 2005

Package Travel and Linked Travel Arrangements Regulations 2018

Packaging (Essential Requirements) Regulations 2015

Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001

Personal Protective Equipment (Enforcement) Regulations 2018

Pressure Equipment (Safety) Regulations 2016

Pyrotechnic Articles (Safety) Regulations 2015

Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

Radio Equipment Regulations 2017

REACH Enforcement Regulations 2008

Recreational Craft Regulations 2017

Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013

Simple Pressure Vessels (Safety) Regulations 2016

Supply of Machinery (Safety) Regulations 2008

Textile Products (Labelling and Fibre Composition) Regulations 2012

Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010

Tobacco and Related Products Regulations 2016

Toys (Safety) Regulations 2011

Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

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European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animal Feed (Basic Safety Standards) (England) Regulations 2019

Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to feed law

Official Feed and Food Controls (England) Regulations 2009 in so far as it relates to feed law

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European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Measuring Container Bottles (EEC Requirements) Regulations 1977

Measuring Instruments Regulations 2016

Non-automatic Weighing Instruments Regulations 2016

Weights & Measures (Packaged Goods) Regulations 2006

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A separate authorisation is required under the Health and Safety at Work etc Act 1974 referring to the following:

i) Sections 20, 21, 22 and 25 of the 1974 Act;

ii) The following Regulations made under the 1974 Act:

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009

The Dangerous Substances and Explosive Atmospheres Regulations 2002,

The Explosives Regulations 2014,

The Petroleum (Consolidation) Regulations 2014, and

iii) The provisions of the following Acts mentioned in Schedule 1 to the 1974 Act;

Explosives Act 1875

Public Health Acts 1936 and 1961