

Part 3.2

Scheme of Delegation

Table 1

DELEGATED POWERS - OFFICERS

Arranged in the following Order:-

A: Planning Services; B: Environmental Services (including Licensing & Housing) C: Financial, Legal and Corporate Functions, D: Delegations Related to Standards Matters following the Localism Act 2011; E: Proper Officer Provisions

Note – All references to consultation with the Chairman of a Committee extend to the Vice-Chairman should the Chairman be unavailable.

A: PLANNING SERVICES

	<i>Function and Legislation</i>	<i>Delegation & Provisos (caps)</i>
	<u>Town & Country Planning Act 1990, as amended and related legislation</u>	
	Planning applications (including applications for listed building consent and advertisement consent)	
1(a)	<p>To determine applications with the exception of those applications falling within categories A to J below:-</p> <ul style="list-style-type: none"> A. Applications for 'major' residential development (as defined by the Development Management Procedure Order 2015 i.e. 10 dwellings or 0.5ha where the number of dwellings is unclear) B. Applications for change of use or total demolition or demolition of a significant portion of properties covered by Assets of Community Value C. Total demolition or demolition of a significant portion of Listed Buildings D. Non-residential development involving more than 1,000 square metres of additional floorspace, unless upon land allocated for commercial development in the development plan or other development document. E. Applications by East Northamptonshire Council (with the exception of non-material amendments and discharge of condition applications). F. Applications affecting property owned or controlled by an officer or Member of the Council. G. Observations on proposals referred by adjoining Planning Authorities, Government Departments, crown bodies and statutory undertakers in those cases where such proposals are likely to significantly affect this District. H. Any application at the discretion of the Head of Planning Services I. Any application which a Member requests to be determined by Planning Management Committee within the agreed 21 day time scale. 	<p>Head of Planning Services, Planning Development Manager, Executive Director with the ability of any of these to specify other officers (in addition to those above) within Planning Services to act under the scheme</p> <p>SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION</p>

1 (b)	Applications on which Parish or Town Councils have made representations	
	Where - 1. Representations are made on non-planning grounds, or 2. Objections can be overcome by imposing a planning condition, or 3. Objection has been overcome by an amendment to the proposal, or 4. The decision accords with the representations. 5. Upon direct consultation with the ward members, they agree that a delegated decision should be made. Otherwise determination shall be by:-	HoPS, PDM; Executive Director with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION Planning Management Committee
1 (c)	Discharge of Planning Conditions	
	To determine applications / determine the suitability of details submitted pursuant to planning conditions (including conditions attached to applications for listed building consent and advertisement consent)	HoPs; PDM, Development Management Officers, Senior Conservation Officer, Enforcement Officers
2.	Environmental Impact Assessment	
	Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended, to form a view as to whether an Environmental Statement is considered necessary in connection with a particular development proposal and to respond to scoping requests.	HoPS, PDM; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
3.	NO LONGER IN USE	
4 (a)	Non-Material Amendments	
	Determination of applications for non-material amendments, after notification to relevant Ward Cllr(s).	HoPS, PDM; Executive Director, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
4 (b)	Certificates of Lawfulness	
	To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council	HoPS, PDM, in consultation with the LGSS Legal Service (if required); with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

	Enforcement	
5.	Institution of proceedings for failure to comply with an enforcement notice.	HoPS, PDM in conjunction with the Council's Legal Advisor (as required) with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION. Notice of intention to take action to be given to Ward Members
5 (a)	Issue of Cautions for Planning Related minor offences	HoPS, PDM and Principal Planning Enforcement Officer with the ability to specify other officers (in addition to those shown) to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
6.	Institution of legal proceedings under the Town and Country Planning (Control of Advertisement) Regulations relating to fly posting.	HoPS, PDM; in conjunction with the Council's Legal Advisor (as required) with the ability to specify other officers (in addition to those shown) to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION. Notice of intention to take action to be given to Ward Members
7.	Service of Planning Contravention Notices (Section 17c) and Requisition for Information notices Section 330. The Town and Country Planning Act, 1990	HoPS, PDM; Principal Enforcement Officers and Senior Conservation Office; in conjunction with council's legal advisers if required; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION Notice of intention to take action to be given to Ward Members.
8.	Issue of Enforcement Notices, Completion Notices Breach of Condition Notices, Tree Replacement Notices, Advert Removal Notices, Temporary Stop Notices and Stop Notices (see under Planning (Listed Building and Conservation Areas Act 1990 for listed buildings enforcement)	HoPS, PDM; Principal Enforcement Officers and Senior Conservation Officers; in conjunction with the council's legal advisers as required; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION. Notice of intention to take action to be given to Ward Members
9.	Rescind/withdraw Enforcement Notices (or authority to take action) where matters have been satisfactorily resolved	HoPS, PDM; Principal Enforcement Officers and Senior Conservation Officers; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND

		THE DATE OF AUTHORISATION. Notice of intention to take action to be given to Ward Members
10.	Service of Notices under Section 215 – Land adversely affecting amenity.	HoPS, PDM; Principal Enforcement Officers and Senior Conservation Officers; in conjunction with the councils legal advisers if required; with the ability to specify other officers (in addition to those shown) to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION Notice of intention to take action to be given to Ward Members
11.	Service of Discontinuance Notices under the Town and Country Planning (Control of Advertisement) Regulations.	HoPS, PDM; Principal Enforcer Officer in conjunction with the council's legal advisers if required; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION Notice of intention to take action to be given to Ward Members
11 (a)	Authority to enter land and premises (Section 196A and 196B - Town and Country Planning Act, 1990) for enforcement purposes	HoPS, PDM; Enforcement Officers, Development Management Officers and Senior Conservation Officer; with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
12.	Notifications/Prior approval	
	To determine notifications and prior approval applications under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)	HoPS, PDM; Executive Director, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
12 (a)	The Planning (Hazardous Substances) Regulations 2015	
	To determine applications for Hazardous Substance Consent	HoPS, PDM; Executive Director, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
13.	Legal Agreements (S106)	
	Execution and completion of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission.	Chief Executive, Executive Director in consultation with the Chairman of the Council and after appropriate input from the council's legal advisers.

14.	Negotiation/drafting of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission	HoPS, PDM, in conjunction with the councils legal advisers
15.	Prosecution - great urgency	
	Laying information for contravention of regulations and instigation of emergency injunctions	The council's legal advisors Legal Service IN CONSULTATION WITH THE CHAIRMAN AND THEN SUBJECT TO RATIFICATION BY PLANNING MANAGEMENT COMMITTEE
16.	Footpath Orders (both Town and Country Planning Act and Highways Act 1980)	
	Confirmation of unopposed diversion or extinguishment orders made following the grant of planning permission. (Town and Country Planning Act) and the making and confirmation of diversion orders under the Highways Act	HoPS or the council's legal advisors (under instruction from HoPS) SUBJECT TO REPORTING TO MEMBERS
	Listed & Historic Buildings: (Planning (Listed Buildings and Conservation Areas) Act 1990)	
17.	Authority to enter land and premises (Section 88, 88a and 88c)	HoPS; Planning Development Manager, Enforcement Officers and Senior Conservation Officer; with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION
18.	To serve Listed Building Enforcement Notices; Repairs Notice, Building Preservation Notice and Urgent Works Notice	HoPS, PDM, Principal Enforcement Officers and Senior Conservation Officer, in conjunction with the council's legal advisers
	Trees: (The Hedgerow Regulations 1997)	
19.	To deal with notifications for removal of hedgerows	HoPS, PDM, Planning Policy & Conservation Manager AFTER CONSULTING WITH CHAIRMAN OF THE PLANNING MANAGEMENT COMMITTEE AND WARD MEMBER(S)
20.	The issuing of Notices to replant a hedgerow or to reinstate a gap in a hedgerow where it appears that a hedgerow has been removed in contravention of Regulation 5(1) or (9)	HoPS, PDM; Planning Policy & Conservation Manager with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION AND REPORTING TO MEMBERS
	(Town & Country Planning (Tree Preservation) (England) Regulations 2012; Local Government (Miscellaneous Provisions) Act 1976)	
21.	The making of Tree Preservation Orders.	HoPS, PDM, Planning Policy & Conservation Manager SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
22.	To sign Tree Preservation Orders.	Chief Executive, or Executive Director,

23.	Confirmation of unopposed Tree Preservation Orders	Chief Executive or Executive Director (also covers modification to original order to provide clarity) SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
24.	Confirmation of opposed Tree Preservation Orders (including modifications to orders)	Chief Executive or Executive Director SUBJECT TO AGREEMENT OF THE CHAIRMAN OF THE PLANNING MANAGEMENT COMMITTEE AND LOCAL WARD MEMBERS AND REPORTING TO MEMBERS
25.	The determination of applications pursuant to Tree Preservation Orders.	HoPS, PDM, Planning Policy & Conservation Manager with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION SUBJECT TO 1. REPORTING TO MEMBERS 2. APPROVALS TO OBSERVE THE FOLLOWING CRITERIA: TO MAINTAIN THE TREE IN A SAFE CONDITION OR TO IMPROVE THE RELATIONSHIP AND PROVIDE A BETTER BALANCE BETWEEN THE TREE AND ITS ENVIRONMENT OR IN FURTHERANCE OF GOOD ARBORICULTURAL PRACTICE
26 (a)	Revocation of Existing Tree Preservation Orders in cases of prior removal of tree or replacement of TPO	HoPS, PDM, Planning Policy & Conservation Manager – SUBJECT TO CONSULTATION WITH LOCAL WARD MEMBERS
26 (b)	Revocation of Existing Tree Preservation Orders in all other cases	Chief Executive or Executive Director SUBJECT TO CONSULTATION WITH THE CHAIRMAN OF THE PLANNING MANAGEMENT COMMITTEE AND LOCAL WARD MEMBERS
26 (c)	The consideration of Section 211 notices (Town and Country Planning Act, 1990) of intention to carry out works to trees in Conservation Areas and the taking of action arising therefrom.	HoPS, PDM, Planning Policy & Conservation Manager; with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION
27.	To respond to Forestry Authority consultations	HoPS, PDM, Planning Policy & Conservation Manager, Senior Tree and Landscape Officer – SUBJECT TO NOTIFICATION OF WARD MEMBER
28.	Authority to enter land or premises (Section 214B and 214C – Town and Country Planning Act 1990)	HoPs, Planning Development Manager, Planning Policy and Conservation Manager, Planning Enforcement Officers and Landscape Officer with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICER SO AUTHORISED AND THE DATE OF AUTHORISATION

29.	To determine high hedge complaints and associated appeals under the High Hedges (Appeals) (England) (Regulations) 2005 and Part 8 of the Anti-social Behaviour Act 2003 and the issuing of remedial notices	HoPS, PDM, Planning Policy & Conservation Manager with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICER SO AUTHORISED AND THE DATE OF AUTHORISATION AND SUBJECT TO RIGHT OF REFERRAL, TO THE PLANNING MANAGEMENT COMMITTEE OF ANY APPLICATION BY MEMBERS, WHERE THEY CONSIDER APPLICATION GIVES RISE TO MORE SIGNIFICANT ISSUES
30.	General Operational Arrangements relating to Planning applications. <ol style="list-style-type: none"> 1. No application* is determined before the expiration of the 21 day period allowed for public comment. 2. Delegated decisions are made on a daily basis 3. Applications in the delegated categories are identified in notifications to Councillors 4. All applications received are included on a weekly list circulated to all Members and Parish/Town Councils. The list is also available to view on the Council's web site at www.east-northamptonshire.gov.uk 5. Members wishing to refer an application to Planning Management Committee for determination must do so before the expiration of 21 days from the date of publication of the relevant weekly list, by notifying – in writing – the appropriate Planning Management Officer (via the Planning Admin e-mail address - planning@east-northamptonshire.gov.uk) stating the reason for the call in. <p>* For the avoidance of doubt, the following application types are excluded as they do not require public consultation:</p> <ul style="list-style-type: none"> • Applications for lawful development certificates • Applications for discharge of condition • Applications for non-material amendments • Consultations from other authorities/bodies etc. • Certain applications for prior notification/approval (as specified in legislation) • Requests for screening opinions 	

	<u>Function/Legislation</u>	<u>Delegation & Provisos (caps)</u>
31.	<u>Building Control: (Building Act 1984)</u> See under Environmental Services (includes delegation to Building Control and Planning officers)	
	<u>(Party Wall Etc. Act 1996)</u>	
	To appoint a third surveyor to arbitrate between two surveyors representing	Head of Planning Services or Building Control Manager

	respective neighbours:	
31 A	<u>Building Act 1984 – Section 95</u>	
	Power to Enter Premises	Head of Planning Services, Building Control Manager, Principal Building Control Surveyor, Building Control Surveyor
	<u>Street Naming & Numbering: Public Health Act 1925 (Sections 17-19); Town Improvement Clauses Act 1847 (Sections 64 and 65); Public Health Act 1875 (Section 160); Public Health Act 1907 (Section 21); Local Government Act 1972</u>	
32.	To implement street naming on <u>new developments</u> where all the statutory consultees are in agreement:	Applications Manager or Property Systems Officer IN CONSULTATION WITH WARD MEMBER(S)
33.	To number streets:	Applications Manager or Property Systems Officer
34.	To respond to requests from the Infrastructure Planning Commission for confirmation of the adequacy of the applicant's community consultation carried out at the pre-application stage.	Head of Planning Services, Development Control Manager SUBJECT TO CONSULTATION WITH THE CHAIRMAN OR VICE-CHAIRMAN OF THE PLANNING MANAGEMENT COMMITTEE.
	<u>Planning Policy: Town & Country Planning Act 1990 – Section 324</u>	
35.	Powers of entry:	Head of Planning Services; Planning Policy and Conservation Manager; Principal Senior Planning Officer; Planning Officer;
	End of delegation specifically relating to Planning functions	

	B: ENVIRONMENTAL SERVICES (INCLUDING LICENSING & REGISTRATION, HOUSING):	
	<u>Function/Legislation</u>	<u>Delegation and Provisos (in caps)</u>
	General	
36.	To specify other officers or posts to act under any specific licensing or environmental health legislation (following changes to staff or responsibilities): (provided that a central record is kept of officers so authorised by the Democratic and Electoral Services Manager).	Chief Executive, Executive Director PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC AND ELECTORAL SERVICES MANAGER); Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer; Environmental Health Officer; Health Protection Technical Officer; Licensing Enforcement Officer; Licensing Compliance Officer; Senior Environmental Protection Officer, Environmental Protection Officers, Trainee Environmental Health Officer, Environmental Services Officer; Waste Management Officer, Housing Technical Officer.
37.	Appropriate specified legislation within this Scheme – extension of authority to include powers in schedules or orders made under the Act or regulations, or East Northamptonshire Byelaws	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer; Environmental Health Officer; Health Protection Technical Officer; Licensing Enforcement Officer; Licensing Compliance Officer; Senior Environmental Protection Officer, Environmental Protection Officers, Trainee Environmental Health Officer, Environmental Services Officer; Waste Management Officer, Housing Technical Officer.
	<u>Acupuncture, Tattooing etc: (Local Government (Misc. Provisions) Act 1982 - as amended by the Local Government Act 2003)</u>	
38.	Powers of entry, inspection & examination Sections 15- 17 and Schedule 1(14) Acupuncture etc:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Licensing Enforcement Officer; Waste Services Manager
39.	To register ear piercers, cosmetic piercers, skin-colouring businesses, tattooists, electrolysis (Sections 13-16):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Health Protection Officer; Environmental Health Officer, Senior Environmental Health Officer

40.	NO LONGER IN USE	
41.	NO LONGER IN USE	
42.	NO LONGER IN USE	
43.	NO LONGER IN USE	
	<u>Animal Health Act 1981</u>	
44.	Part 1 - Powers by Ministers to make orders to Local Authorities:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager
45.	Part 2 - Disease Control, powers of entry and inspection:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Health Protection Officer, Licensing Enforcement Officer, Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officers, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Environmental Services Officer, Waste Management Officer
46.	Part 4 – Local Authority Responsibilities: Part 5 - Enforcement, Offences and Proceedings:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, the Council's Legal Advisors if instructed by ENC authorised officers
	<u>Animal Health & Welfare Act 1984</u>	
47.	Sections 1-4 Amendment to Animal Health Act 1981 to allow seizure to prevent the spread of disease including powers of entry:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager.
48.	<u>Animal Welfare Act 2006</u> Sections 1 – 34: - Introductory: Sections 4 – 8 - Prevention of Harm: Sections 9 – 12 - Promotion of Welfare: Section 13 - Licensing and Registration:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager.
48(a)	Sections 18 – 21 - Animals in Distress:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Health Protection Officer, Licensing Enforcement Officer, Senior Environmental Protection

		Officer; Environmental Protection Officers, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Environmental Services Officer, Waste Management Officer, Licensing Compliance Officer
48(b).	Sections 22 – 29 - Enforcement Powers: Sections 30 – 31 - Prosecutions:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager.
49	Section 51 – Inspectors Section 53 – Powers of entry, inspection and search: supplementary Section 54 – Power to stop and detain vehicles Section 55 – Power to detain vessels, aircraft and hovercraft	Senior Environmental Health Officer; Environmental Health Officer Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer – where the officer has at least one years experience in licensing and inspecting Animal Activities Businesses or has the required qualification
50	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Power to licence animal activities establishment	Senior Environmental Health Officer; Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer – where the officer has at least one years experience in licensing and inspecting Animal Activities Businesses or has the required qualification
	Anti-Social Behaviour, Crime and Policing Act 2014	
51 (a)	Part 1: Civil Injunctions	Head of Environmental Services; Heath Protection Manager; Environmental Protection Manager ; Waste Protection Manager; Head of Community and Customer Services and Community Partnerships Manager
51 (b)	Part 2: Criminal Behaviour Order.	Head of Environmental Services ; and Head of Community and Customer Services
51 (c)	Part 4 Community Protection Notices	Head of Environmental Services, Head of Planning Services, Head of Community and Customer Services. With the ability of the above to delegate to other officers to act under the scheme of delegation subject to keeping a record of the officers so authorised and the date of authorisation. Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Protection Officer, Environmental Protection Officer; Housing Technical Officer; Senior Environmental Health Officer; Environmental Health Officer; Health

51 (d)	Chapter 3 Closure Notices	Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer; Waste Management Officer; Environmental Services Officer Head of Environmental Services,
51 (e)	Part 7 Dangerous Dogs	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
51 (f)	Part 4 Chapter 2: Public Spaces Protection Orders (PSPO)	Head of Customer & Community Services, Community Partnerships Manager, Head of Environmental Services, Environmental Protection Manager, Waste Manager, Health Protection Manager
51 (g)	Chapter 3: Closure Powers	Closure Notice (up to 48 hours) and Closure Order (up to 6 months): Chief Executive, Executive Director, and Head of Environmental Services
52.	NO LONGER IN USE	
53.	NO LONGER IN USE	
54.	NO LONGER IN USE	
55.	<u>Building Control: Building Act 1984</u>	
	To issue decisions with appropriate conditions as necessary on applications under Building Regulations:	Building Control Manager or Head of Planning Services.
56.	To determine applications for relaxation of Building Regulations	Head of Planning Services or Building Control Manager.
57.	To take action for contravention of Building Regulations – fine and removal/alteration of offending work (Sections 35 and 36):	Head of Planning Services or Building Control Manager.

58.	<u>Building Act 1984</u> Part 3 – Other Provisions about buildings: Part 4: General	Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Manager; Health Protection Officer; Environmental Services Officer Licensing Enforcement Officer; Senior Environmental Protection Officer; Environmental Protection Officers; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Management Officer; Housing Technical Officer
59.	To serve notices (Section 69 – Houses insufficient water supply):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
60.	To serve notices regarding dangerous structures and require work to be done at the owners expense (Sections 77 and 78):	Head of Planning Services and Building Control Manager
61.	To serve notices about demolition works (sections 81 and 82):	Head of Planning Services and Building Control Manager
62.	To take all appropriate action to apply to the Magistrates Court in respect of any potentially dangerous buildings or other structures:	Head of Planning Services or Building Control Manager SUBJECT TO AGREEMENT OF THE COUNCIL'S LEGAL ADVISORS
63.	<u>Caravan Sites & Control of Development Act 1960</u> Part 1	Health Protection Manager; Head of Environmental Services; Senior Environmental Protection Officer; Environmental Protection Manager; Housing Technical Officers; Health Protection Officer; Environmental Protection Officers; Senior Environmental Health Officer, Environmental Health Officer; Waste Services Manager; Licensing Enforcement Officer
	<u>Caravan Sites Act 1968</u>	
64.	Part 1 – Provisions for the protection of Residential Occupiers Part 2 - Control of Unauthorised Encampments:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Health Protection Officer; Licensing Enforcement Officer; Senior Environmental Protection Officer; Environmental Protection Officers; Senior Environmental Health Officer, Environmental Health Officer; Waste Services Manager; Housing Technical Officer
65.	Part 3 – Miscellaneous Powers including enforcement:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager.
	<u>Clean Air Act 1993</u>	
66.	Part 1 - Dark Smoke:	Health Protection Manager; Head of Environmental Services;

	Part 2 - Smoke, Grit, Dust and Fumes: Part 4 - Control of certain forms of air pollution: Part 7: Miscellaneous and General:	Environmental Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officers; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Services Manager; Waste Management Officer, Environmental Services Officer
	<u>Clean Neighbourhoods and Environment Act 2005</u>	
66 (a)	Part 2 – Vehicles Sections 3 – 5 Part 3 - Litter and refuse Par 4 - Graffiti Part 6 - Waste	Head of Planning Services, Planning Development Manager, Senior Planning Enforcement Officer, Planning Enforcement Officer, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Health Protection Manager, Waste Management Officer, Environmental Services Officer, Licensing Enforcement Officer, Licensing Compliance Officer,
67.	<u>The Contaminated Land (England) Regulations 2000</u>	ALL - Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer
68.	<u>The Contaminated Land (England) (Amendment) Regulations 2001</u>	
69.	All sections – Amendments to previous legislation <u>The Contaminated Land (England) Regulations 2006</u> Sections 1 – 14 Amendments to previous legislation Schedules 1 - 3	
70.	<u>The Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2010</u> Sections 1 – 4 Amendments to previous legislation	
71.	<u>Control of Pollution Act 1974</u> Part 3 – Noise: Part 5 – Supplementary Provisions	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officers; Environmental Services Officer; Health Protection Officer; Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer; Waste Services Manager; Licensing Enforcement Officer; Licensing Compliance Officer, Waste Management Officer
72.	<u>Control of Pollution (Amendment) Act 1989</u> Sections 1-11 – Waste Carriers:	Head of Environmental Services, Health Protection Manager, Environmental Protection Manager, Senior Environmental Protection

		Officer; Environmental Protection Officer; Waste Services Manager; Licensing Enforcement Officer, Licensing Compliance Officer, Waste Management Officer, Environmental Services Officer, Police Community Support Officers; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer
	<u>Crime & Disorder Act 1998</u>	
73.	Part 1 – Prevention of Crime and Disorder: Part 115 – Disclosure of Information	Community Safety Officer (designated officers); Head of Environmental Services
74.	<u>Criminal Justice and Police Act 2001</u> To serve both closure and cancellation notices and applications to the Magistrates Court for closure orders (Sections 19 and 20):	Head of Environmental Services with ability to extend the delegation to other Officers in his Team subject to a central record being kept of such Officers given the delegation. ALL MEMBERS TO BE NOTIFIED AND SENT COPY OF THE SERVING OF SECTION 19 NOTICES.
	<u>Criminal Justice and Public Order Act 1994</u>	
75.	Part 5 – Public Order: Collective Trespass or Nuisance on land:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Environmental Services Officer; Waste Management Officer; Housing Technical Officer; SUBJECT TO NOTIFICATION OF WARD MEMBERS FOR ACTION TAKEN AGAINST UNAUTHORISED ENCAMPMENTS
	<u>Dangerous Wild Animals Act 1976</u>	
76.	Sections 1 – 10 – Licences, inspections, seizure, exemptions and penalties:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Environmental Services Officer SUBJECT TO REPORTING TO WARD MEMBERS ON ISSUE OF LICENCES
	<u>Deer Acts 1991</u>	
77.	Power to inspect:	Health Protection Manager; Environmental Protection Manager; Head of Environmental Services; Environmental Health Officers; Senior Environmental Health Officer; Health Protection Officer
	<u>Environment Act 1995</u>	

78.	Part 2 – Contaminated Land and Abandoned Mines:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Waste Services Manager, Senior Environmental Protection Officer
79.	Part 4 – Air Quality:	Head of Environmental Services; Environmental Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer, Waste Services Manager
80.	Part 5 – Miscellaneous, General and Supplemental Provisions:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Services Manager; Health Protection Officer
81.	<u>Environment and Safety Information Act 1988</u> Sections 1 – 5 – Maintaining Public Registers:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager.
82.	<u>Environmental Damage (Prevention and Remediation) Regulations 2009</u> Part 1 – Introductory Provisions and Definitions: Part 2 – Preventing Environmental Damage: Part 3 - Remediation: Part 4 – Administration and enforcement:	Head of Environmental Services; Environmental Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Health Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Services Manager
83.	<u>Environment Permitting (England and Wales) Regulations) 2010</u> Part 1 – General – Interpretation, exemptions, notices and submissions: Part 2 – Environmental Permits – Applications, granting, varying, transfers, revocations, surrendering permits and appeals: Part 3 – Discharge of functions in relation to a regulated facility: Part 4 – Enforcement and offences: Part 5: Public Registers: Part 6: Powers and functions of the regulator and the appropriate authority: Part 7 – Miscellaneous provisions:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer
	<u>Environmental Protection Act 1990:</u> Amendments made under the Clean Neighbourhoods and Environment Act 2005	

84.	Part 2 – Waste on Land:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Health Protection Officer; Environmental Services Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Services Manager; Waste Management Officer; the Council's Legal Advisors Legal Service; Licensing Enforcement Officer
85.	Part 2a – Contaminated Land:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Protection Officer; Environmental Protection Officer
86.	Part 3 – Statutory Nuisances and Clean Air:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Health Protection Officer, Senior Environmental Protection Officer; Environmental Protection Officer, Licensing Enforcement Officer, Licensing Compliance Officer, Environmental Services Officer, Waste Management Officer; Housing Technical Officer;
87.	Part 4 – Litter etc:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Health Protection Officer, Senior Environmental Protection Officer; Environmental Protection Officer, Licensing Enforcement Officer, Licensing Compliance Officer, Environmental Services Officer, Waste Management Officer, Housing Technical Officer
87 (a)	Littering from Vehicles Outside London (Keepers; Civil Penalties) Regulations 2018	Head of Environmental Services
88.	Part 8 – Miscellaneous: Part 9 – General:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Health Protection Officer, Senior

		Environmental Protection Officer; Environmental Protection Officer, Licensing Enforcement Officer, Licensing Compliance Officer, Environmental Services Officer, Waste Management Officer, Housing Technical Officer
	<u>Environmental Protection (Stray Dogs) Regulations 1992</u>	
89.	Sections 1-4 – Fees for seized dogs, register of seized dogs, finders who wish to keep dog:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
	<u>The Enterprise and Regulatory Reform Act 2013</u>	
90.	Part 6 – Miscellaneous and General	Head of Environmental Services, Environmental Protection Manager, Housing Technical Officer
	<u>Food Safety</u>	
	<u>Food Safety Act 1990 (as amended) and any orders, regulation, codes of practice and products regulations made thereunder</u> <u>European Communities Act 1972*,</u>	
91.	General authorisation to act:	Head of Environmental Services, Health Protection Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer; *NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.
92.	Food Safety and Hygiene (England) Regulations 2013 – powers to serve hygiene improvement and hygiene prohibition notices:	Health Protection Manager, Senior Environmental Health Practitioner, Environmental Health Practitioners
93.	Food Information Regulations 2014:	
94.	Lead Officer for Food safety:	Health Protection Manager
95.	Powers of entry, inspection and examination:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer

	<u>Food and Environment Protection Act 1985</u>	
96.	Part 1 – Contamination of Food: Part 3 – Pesticides etc: Part 4 – General and Supplementary:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; if appointed by the Minister
97.	To act as an investigating/enforcement officer - delegation from Department of Health:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager
98.	<u>Guard Dogs Act 1975</u> Section 3 – Issue of licences: Section 4 – Appeals: Section 5 – Offences, penalties and Civil Liability:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager
	<u>Gambling Act 2005</u>	
99.	Part 1 – Interpretation of Key Concepts: Part 3 - General Offences: Part 4 - Protection of Children & Young Persons: Part 5 - Operating Licences: Part 6 - Personal Licences:-	Head of Environmental Services, Health Protection Manager, Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer, Environmental Protection Manager, Senior Environmental Protection Officer; Environmental Protection Officers, Licensing Enforcement Officer; Waste Services Manager, Licensing Compliance Officer
100.	Part 7 – Operating and Personal Licences Appeals:	Head of Environmental Services, Health Protection Manager (Provided they have not been party to the original decision)
101.	Part 8 – Premises Licences: Part 9 – Temporary Use of Premises: Part 10 – Gaming Machines: Part 11 – Lotteries: Part 12: Clubs, Pubs, fairs etc: Part 13 – Prize Gaming: Part 14 – Private and Non-commercial Gaming and Betting: Part 15 – Inspection: Part 18 – Miscellaneous and General:	Head of Environmental Services, Health Protection Manager, Environmental Protection Manager, Waste Services Manager, Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer, Senior Environmental Protection Officer, Environmental Protection Officers, Licensing Enforcement Officer, Licensing Compliance Officer
102.	To determine non-contentious applications under the Gambling Act 2005 within the scope of Appendix 3 (1):	Head of Environmental Services, Health Protection Manager (WARD MEMBERS ARE NOTIFIED OF APPLICATIONS)

103.	To issue cancellations of gaming machine permits within the scope of Appendix 3 (1):	Head of Environmental Services, Health Protection Manager
104.	<u>Health Act 2006 (Smoking Prohibition)</u> Part 1 – Smoking:	Head of Environmental Services, Health Protection Manager, Environmental Protection Manager; Waste Services Manager; Licensing Enforcement Officer, Trainee Environmental Health Officer, Health Protection Officer, Senior Environmental Health Officer, Environmental Health Officer; Senior Environmental Protection Officer; Environmental Protection Officer, Waste Management Officer; Environmental Services Officer, Licensing Compliance Officer
105.	<u>Health Protection (Local Authority Powers) Regulations 2010</u> General Authority to act:	Head of Environmental Services, Health Protection Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer *NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.
106.	<u>Health Protection (Part 2A Orders) Regulations 2010</u> General authority to act:	
107.	<u>Health Protection (Notification) Regulations 2010</u> General authority to act:	
	<u>Health & Safety at Work Etc Act 1974 and Any Regulations made thereunder</u>	
108.	Powers of entry, inspection & examination/service of notices (S. 19 & 20):	Head of Environmental Services, Health Protection Manager, Health Protection Officer, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer
109.	Appointment of Inspectors (Section 19):	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer
110.	Powers of Inspectors (Section 20):	Health Protection Manager; Head of Environmental Services; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer,
111.	To serve notices (Sections 21 & 22) - Improvement & Prohibition and S. 25	Head of Environmental Services; Health Protection Manager; Health Protection Officer, Senior Environmental Health Officer, Environmental

		Health Officer
112.	Seizure of articles or substances - cause of imminent danger):	Head of Environmental Services; Senior Environmental Health Officer, Environmental Health Officer, Health Protection Manager, Health Protection Officer
113.	To authorise prosecution (Section 33):	Head of Environmental Services; Health Protection Manager; the Council's Legal Advisors
114.	To instigate proceedings under Section 38:	Head of Environmental Services, Health Protection Manager, Senior Environmental Health Officer, Environmental Health Officer, Environmental Protection Officer IN CONSULTATION WITH HEAD OF ENVIRONMENTAL SERVICES AND SUBJECT TO CONSIDERATION OF EVIDENCE BY THE COUNCIL'S LEGAL ADVISORS
115.	<u>Home Energy Conservation Act 1995</u> Sections 1-9 – Energy Conservation advice, guidance, loans, grants and reports:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Housing Technical Officer, Senior Environmental Protection Officer; Environmental Protection Officer, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer
	<u>House to House Collections Act 1939) and Police, Factories (Etc) (Miscellaneous Provisions) Act 1916</u>	
116.	Section 2 - To issue licences:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager. APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
	<u>Housing: Housing Act 1985</u>	
117.	Part 2 – Sections 17 & 18: Acquisition of Land etc	Head of Environmental Services following approval from Policy and Resources or any other necessary committee meeting
	Part 10 – Overcrowding: Part 11 – Houses in Multiple Occupation: Part 12 – Common Lodging Houses: Part 17 – Compulsory Purchase Order Part 18 – Miscellaneous and General Provisions:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Housing Technical Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer
	<u>Housing Act 2004</u>	
118.	Part 1 – Housing Conditions	Head of Environmental Services; Environmental Protection Manager Health Protection Manager; Waste Services Manager, Technical Officer;

		Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer
119.	<u>Except</u> Prohibition Orders (Sections 20-27 and 32-39) Emergency Prohibition Orders (Sections 43-45) and Chapter 4	Head of Environmental Services
120.	Emergency Remedial Action (Sections 40-42):	Head of Environmental Services, Environmental Protection Manager; Health Protection Manager; Waste Services Manager
121.	Part 2 – Licensing of Houses in Multiple Occupation:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
122.	Part 3 – Selective Licensing of Other Residential Accommodation:	Head of Environmental Services
123.	Part 4 – Additional Control Provisions in relation to Residential Accommodation:	Head of Environmental Services
124.	Chapter 3: Overcrowding Notices:	Head of Environmental Services; Health Protection Manager; Waste Services Manager; Environmental Protection Manager; Housing Technical Officer:
125	Part 6 – Other Provisions about Housing	Head of Environmental Services, Environmental Protection Manager, Senior, Environmental Protection Officer, Environmental Protection Officer
126.	<u>Mortgages:</u> To serve notice on mortgagors in arrears requiring either payments of the arrears of instalments or payment of the outstanding loan debt and, in default, to institute proceedings in the County Court for either recovery of debt or recovery of possession and power of sale as appropriate:	Head of Resources, Environmental Protection Manager and Chief Finance Officer
127.	To authorise the affixing of Council's seal on redemption of mortgages:	The Council's Legal Advisors
128.	To suspend temporarily repayments of the principal element of house purchase loans (authority to take effect retrospectively from date on which Social Security payments commenced):	BOTH - Head of Resources or Chief Finance Officer
129.	To determine and declare at 6 monthly intervals local average rate of applicable to each of the two main categories of mortgage lending:	

130. 131.	To transfer the outstanding sum to an alternative provider: To authorise incentive payments for the transfer of the mortgage to an alternative provider:	BOTH - Chief Finance Officer SUBJECT TO THE CONSENT OF THE BORROWER SUBJECT TO STATUTORY LIMITS
132.	<u>Housing Stock transfer</u> : To agree monies due from Spire Homes under the terms of the transfer contract:	Chief Finance Officer
	<u>Homelessness</u>	
133.	To decide on homelessness claims under Part III of the Act:	Housing Services Officer; Housing Strategy Manager (appeal to Executive Director in consultation with the council's legal advisors. In the absence of the Housing Services Officer or Housing Strategy Manager, the Executive Director to nominate an appropriately qualified officer in a neighbouring authority to make a recommendation on which a decision can be made by the Executive Director PROVIDED THAT A RECORD IS KEPT OF THE NAME(S) OF OFFICERS AND DATES OF ACTIONS TAKEN
	<u>Housing Grants Construction & Regeneration Act 1996</u>	
134.	To approve applications for renovation, disabled facilities and home repair grants:	Head of Environmental Services or in his absence, Environmental Protection Manager DETAILS TO BE REPORTED TO MEMBERS
135.	Section 82: Powers of entry, inspection & examination:	Head of Environmental Services; Health Protection Manager; Waste Services Manager; Environmental Protection Manager; Housing Technical Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer
135 (a)	<u>Housing and Planning Act 2016</u> Part 7 Compulsory Purchase Orders	Chief Executive, Executive Director following approval from full council to proceed.
135 (b)	Part 2 – Rogue Landlords and Property Agents in England	Head of Environmental Services and Officers so delegated by them
135 (c)	Part 5 – Housing, Estate Agents and Rent Charges: Other Charges and Associated Schedules	Head of Environmental Services and Officers so delegated by them

136.	<u>Hypnotism Act 1952</u> Sections 1-7 – Control of demonstrations at premises, fees, prohibition of hypnotising under 21s and powers of entry:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer, Licensing Compliance Officer
	<u>Land Drainage Act 1991</u>	
137.	To undertake land drainage functions under Sections 14, 15, 25, 26 and 64:	Executive Director; Chief Executive
138.	Local Government Act 1972 – Sections 112 and 223 To act as appropriate in the Magistrates Court:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Health Protection Officer; Waste Services Manager, Senior Environmental Protection Officer, Environmental Protection Officer, Housing Technical Officer, Waste Management Officer, Environmental Services Officer, Licensing Enforcement Officer, Licensing Compliance Officer,
139.	<u>Local Government & Housing Act 1989 – Section 97</u> Powers of entry, inspection and examination:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Housing Technical Officer; Senior Environmental Health Officer, Environmental Health Officer, Health Protection Officer, Licensing Enforcement Officer, Licensing Compliance Officer,
	<u>Lotteries & Amusements Act 1976</u>	
140.	To register Societies for the purpose of operating lotteries Schedule 1):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager. APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY POLICY AND RESOURCES COMMITTEE
	<u>Licensing Act 2003 and Police and Social Reform Act 2012</u>	
141.	Part 1 - Licensable Activities: Part 2 –Licensing Authorities: Part 3 - Premises Licences: Part 4 –Clubs: Part 5 –Permitted Temporary Activities:	Head of Environmental Services, Environmental Protection Manager; Health Protection Manager, Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer Senior Environmental Protection Officer; Environmental Protection Officer;

	Part 6 –Personal Licences: Part 7 – Offences: Part 8 –Closure of Premises: Part 9 –Miscellaneous and Supplementary:	Licensing Enforcement Officer, Licensing Compliance Officer
142.	To determine non-contentious applications (for example no representations to the grant of a premises licence) within the scope of Appendix 1 – Licensing Committee – 26/1/05	Head of Environmental Services or in his absence the Health Protection Manager or Executive Director WARD MEMBERS ARE NOTIFIED OF APPLICATIONS
143.	To act as Responsible Authority within the Licensing Act 2003 to submit representations and request reviews of licences	Head of Environmental Services; Health Protection Manager; Licensing Enforcement Officer
144.	To grant or refuse minor variations:	Head of Environmental Services, Health Protection Manager and Senior Environmental Health Officer WARD MEMBERS TO BE NOTIFIED IF OFFICERS MINDED TO APPROVE APPLICATIONS
145.	To issue Notices relating to hearings under the Hearings Regulations.	Democratic and Electoral Services Manager
146.	To arrange alternative Members to serve on Panels (from any Constituted Panel) whenever attendance difficulties arise:	Democratic and Electoral Services Manager; Head of Resources
147.	<u>Local Government (Misc. Provisions) Act 1976</u> To serve Notices for the provision of sanitary appliances at places of entertainment (Section 20 and Part II Sections 16 and 35):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Health Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Waste Services Manager; Licensing Enforcement Officer, Licensing Compliance Officer
148.	Powers of entry, inspection & examination:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager, Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer, Health Protection Officer; Waste Services Manager; Licensing Enforcement Officer, Licensing Compliance Officer
149.	To serve Requisitions for Information (Section 16):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior

		Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer ; Housing Technical Officer; Waste Management Officer, Head of Planning Services, Planning Development Manager, Building Control Manager, Principal Planning Enforcement Officer
150.	To serve Notices for removal of obstruction in private sewers (Section 35):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Housing Technical Officer; Environmental Services Officer, Environmental Protection Officer, Senior Environmental Protection Officer
151.	To grant applications for the issue of hackney carriage and private hire vehicle, drivers' and operators' licences, including renewals of drivers' licences where there have been previous issues arising from reports from CRB, DVLA or other sources but no subsequent issues have arisen since the last grant:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager. APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
152.	To suspend and revoke licences under Sections 60, 61 and 62 :	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Health Protection Officer; Waste Services Manager, Licensing Enforcement Officer, Licensing Compliance Officer
153.	To carry out all duties under the above legislation	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer; Waste Services Manager, Licensing Compliance Officer
154.	<u>Local Government (Miscellaneous Provisions) Act 1982</u> Powers to repair drains etc and to remedy stopped-up drains (Section 27):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Housing Technical Officer; Senior Environmental Protection Officer; Environmental Protection Officer

155.	To serve notices and to arrange for work to be done in default and recover costs (Section 29):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Housing Technical Officer; Senior Environmental Protection Officer; Environmental Protection Officer
156.	To institute legal proceedings - illegal street trading (Schedule 4 & Section 3):	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager AFTER CONSULTATION WITH THE COUNCIL'S LEGAL ADVISORS
157.	To issue licences for street layby trading (vacancies only):	Head of Environmental Services; Health Protection Manager; IN CONSULTATION WITH CHAIRMAN OF POLICY & RESOURCES COMMITTEE & SUBJECT TO COUNCIL'S POLICY
158	Mobile Homes Act 2013	
	To determine the fees to issue or transfer licences, issue enforcement notices, recovery of expenses and enforcement action	Head of Environmental Services, Environmental Protection Manager, Senior Environmental Protection Officer, Environmental Protection Officer
159.	<u>National Assistance Act 1948</u> Part 4 – General and Supplementary:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Health Protection Officer; Waste Services Manager
160.	<u>National Assistance Act 1951</u> Amendments made under the Act:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Health Protection Officer; Waste Services Manager
161.	<u>National Assistance –(Assessment of Resources) (Amendment) Regulations 1993</u> See also Proper Officer Provisions Powers of entry, inspection and examination:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Housing Technical Officer; Health Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Waste Services Manager
162.	<u>Noise Act 1996</u> Sections 1-9 – Summary procedure for dealing with noise at night:	Head of Environmental Services; Health Protection Manager;

	Section 10 – Seizure etc of equipment used to make noise unlawfully: Sections 11 – 14 – General provisions: Schedules relating to the above Sections:	Environmental Protection Manager; Waste Services Manager, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer; Licensing Enforcement Officer, Licensing Compliance Officer, Health Protection Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Waste Management Officer, Licensing Compliance Officer, Environmental Services Officer
163.	<u>Noise & Statutory Nuisance Act 1993</u> Powers of entry, inspection and examination (Schedule 3, para. 6): Sections 2-5 – Amendment to Environmental Protection Act 1990):	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Housing Technical Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer; Waste Management Officer, Licensing Enforcement Officer, Licensing Compliance Officer,
164.	Section 10 – Recovery of Costs:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; the council's legal advisors
165.	<u>Office Shops & Railway Premises Act 1963</u> Section 4 – 27 – Health Safety and Welfare of Employees (General Provisions): Sections 52 & 59: Enforcement: Section 63 – Offences:	Head of Environmental Services; Health Protection Manager; Health Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Licensing Enforcement Officer, Licensing Compliance Officer
166.	NO LONGER IN USE	
167.	Powers of entry, inspection & examination (Section 4):	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager, Trainee Environmental Health Officer; Senior Environmental Health Officer, Environmental Health Officer; Waste Services Manager, Health Protection Officer, Licensing Enforcement Officer; Licensing Compliance Officer
168.	<u>Prevention of Damage by Pests Act 1949</u> Part 1 – Rats & Mice: Part 2: Supplemental:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Licensing Enforcement Officer; Environmental Services Officer; Waste

		Management Officer, Licensing Compliance Officer
	<u>Private Water Supplies Regulations 2009</u>	
169.	Part 1 – Water Standards: Part 2 – Monitoring: Part 3 – Action in the Event of Failure: Part 4 – Notice Procedure: Part 5 - Miscellaneous:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Trainee Environmental Health Officer, Senior Environmental Health Officer, Environmental Health Officer, Environmental Services Officer
	<u>Protection from Eviction Act 1977</u>	
170.	Part 1 – Unlawful Eviction and Harassment: Part 2 – Notice to Quit: Part 3 – Supplemental Provisions:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Protection Officer; Environmental Protection Officer; Trainee Environmental Health Officer; Housing Technical Officer
	<u>Public Health Act 1936</u>	
171.	Part 2 – Sanitation and Disease:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Trainee Environmental Health Officer; Senior Environmental Health Officer, Environmental Health Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer; Health Protection Officer; Waste Management Officer; Housing Technical Officer
172.	Part 4 – Provisions for the protection of public from polluted water:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
173.	Part 12 – General:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer; Health Protection Officer; Waste Management Officer; Housing Technical Officer
	<u>Public Health Act 1961</u>	
174.	Part 2 – Sanitation and Buildings:	Health Protection Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee

		Environmental Health Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Housing Technical Officer; Health Protection Officer; Environmental Services Officer; Waste Management Officer; Licensing Compliance Officer
	<u>Public Health Acts Amendment Act 1907 Part 10 miscellaneous</u>	
175	Power to Licence pleasure boats	Head of Environmental Services, Health Protection Manager
	<u>Public Health (Control of Disease) Act 1984</u> See also Proper Officer Provisions	
176.	Section 46 – Burial and Cremation	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Senior Environmental Protection Officer; Environmental Protection Officer
	Section 61 - Powers of entry, inspection and examination:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Housing Technical Officer; Environmental Services Officer;
	<u>Public Health (Infectious Disease) Regulations 1998</u> See also Proper Officer Provisions	
177.	Powers of entry, inspection and examination:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Environmental Services Officer; Waste Management Officer, Licensing Compliance Officer
178	Redress Schemes for letting agency work and Property Management work (requirement to belong to a Scheme etc) (England) Order 2014	Head of Environmental Services, Environmental Protection Manager, Housing Technical Officer

	<u>Refuse Disposal (Amenity) Act 1978</u>	
179.	See also Clean Neighbourhoods and Environment Act 2005 Sections 1 & 2: Control of Dumping: Sections 3 – 6: Abandoned Vehicles and other refuse: Sections 7 – 13: Miscellaneous and Supplemental:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Waste Management Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer SUBJECT TO CONSULTATION WITH THE CHAIRMAN OF POLICY & RESOURCES COMMITTEE SHOULD THE ESTIMATED COSTS EXCEED THOSE LISTED IN THE COUNCIL'S PROCUREMENT STRATEGY (£5,000)
180.	NO LONGER IN USE	
181.	NO LONGER IN USE	
	<u>Scrap Metal Act 2013</u>	
182.	Licensing of Scrap Metal Dealers, inspection of sites and dealers and powers to enforce	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager, Licensing Enforcement Officer, Licensing Compliance Officer
183.	Revocation of licences and the issuing of proceedings	Head of Environmental Services; Health Protection Manager
184.	NO LONGER IN USE	
185.	<u>Solvent Emissions (England and Wales) Regulations 2004</u> Sections 1 - 8 Vary and extend conditions on existing permits covered by SED, solvent reduction scheme Schedules 1 & 2	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Senior Environmental Protection Officer; Environmental Protection Officer, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer
186.	<u>Sunday Trading Act 1994 – Sch. 2, para. 2</u> Powers of entry, inspection & examination:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer, Licensing Compliance Officer TO BE REPORTED

		TO WARD MEMBERS
187.	<u>Sunbeds (Regulation) Act 2010 – Sections 1-14</u> Powers of entry and enforcement:	Licensing Enforcement Officer; Health Protection Officer; Environmental Health Officers, Student Environmental Health Officer (authority to enter premises only); Senior Environmental Health Officer, Health Protection Manager; Senior Environmental Protection Officer; Environmental Protection Officers, Environmental Protection Manager, Licensing Compliance Officer
188.	<u>Town Police Clauses Act 1847</u> <u>Transport Act 1985</u> To deal with applications for all road closures:	Democratic and Electoral Services Manager; Head of Resources
189.	Sections 37 – 68 (TPA)– Hackney carriages: Sections 10 – 16 (TA) – Taxis and Hire Cars:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer, Licensing Compliance Officer APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
189 (a)	<u>Trade in Animals and Related Products Regulations 2011</u> Authority to act -	Health Protection Manager, Senior Environmental Health Officer, Environmental Health Officer;
189 (b)	<u>The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016</u> To issue and enforce fixed penalty notices for flytipping	Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Health Protection Manager, Waste Management Officer, Environmental Services Officer
190.	<u>Vehicle (Crime) Act 2001</u> Part 1 – Regulation of Motor Salvage Operators:	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager
191.	<u>Waste Minimisation Act 1998</u> Sections 1 – 3 – Power of certain local authorities to take steps to minimise generation of household, commercial or industrial waste:	Head of Environmental Services; Waste Services Manager
192.	<u>Water Act 1983</u> Requirement to enforce regulations and orders made under this Act:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer;

		Health Protection Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Waste Services Manager
193.	<u>Water Industry Act 1991</u> Chapter 3 – Quality and Sufficiency of Supplies:	Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Manager; Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer; Environmental Health Officer, Trainee Environmental Health Officer; Environmental Services Officer; Waste Management Officer; Housing Technical Officer
194.	To serve Improvement Notices (Section 80):	Head of Environmental Services; Health Protection Manager; Waste Services Manager
195.	<u>Wildlife and Countryside Act 1981</u> Part 1 – Wildlife: Part 4 – Miscellaneous and General	Head of Environmental Services; Health Protection Manager; Waste Services Manager
196.	<u>Zoo Licensing Act 1981</u> Sections 1 – 7: Licences:	Head of Environmental Services; Environmental Protection Manager Health Protection Manager; Waste Services Manager
197.	Sections 9a – 12 – Inspections:	Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Manager; Health Protection Officer; Licensing Enforcement Officer; Licensing Compliance Officer, Senior Environmental Protection Officer; Environmental Protection Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Environmental Services Officer; Waste Management Officer
198.	Section 15 – Fees etc:	Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Manager
199.	Sections 16 – 19 – Enforcement:	Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Health Protection Manager; Health Protection Officer; Licensing Enforcement Officer; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health

		Officer, Licensing Compliance Officer
	<u>Contravention of environmental health legislation</u>	
200.	To issue cautions for minor offences:	Head of Environmental Services; Health Protection Manager; Environmental Protection Manager; Waste Services Manager; Environmental Health Officer (Senior)
201.	<u>Energy Efficiency (Private Rented Property) Regulations 2015 and Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2019</u>	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Waste Services Manager; Housing Technical Officer
202.	<u>Business and Planning Act 2020</u> To grant, reject or revoke a licence under the Act.	Head of Environmental Services, Health Protection Manager, Licensing Enforcement Officer, Licensing Compliance Officer, Health Protection Technical Officer, Senior Environmental Health Officer, Environmental Health Officer and Trainee Environmental Health Officer.
	End of Environmental Services delegation	

	C: FINANCIAL, STAFFING AND LEGAL/CORPORATE FUNCTIONS	
	<u>Function/Legislation</u>	<u>Delegation and Provisos (caps)</u>
	<u>Administration of Estates Acts, 1925 & 1971</u>	
203.	To make application, in all appropriate cases, to administer the estates:	The Monitoring Officer, the council's legal advisors, Head of Environmental Services
204.	<u>Local Democracy, Economic Development and Construction Act 2009</u> To reject petitions that are vexatious, abusive or otherwise inappropriate, subject to notifying CMT and the Leader of the Council:	Monitoring Officer
205.	<u>Local Government Act 1972</u> Section 91 To make an order appointing temporary parish councillors until new elections are held (cases where the council is inquorate and not able to comply with its legal obligations) :	Chief Executive, Monitoring Officer and the council's legal advisors.
206.	Section 112(2) (Staff Benefits and Actions) To approve or decline applications for car loans from staff	Chief Finance Officer or Head of Resources and either Chief Executive or Monitoring Officer
207.	To deal with requests from Chief Officers for the grant of car allowances for appropriate posts:	Chief Executive
208.	To appoint, discipline and dismiss staff below the grade of Senior Officer and to initiate action for the discipline/dismissal of staff at/above that rank:	Chief Executive; Executive Directors and Heads of Service.
208 (a)	To authorise variations to the hours of individual employees where those variations do not create a proposed increase to the budget or to the establishment and do not have the potential to trigger a redundancy.	Chief Executive
209.	Sections 120 - 123 (Land Transactions & Council Assets) To select valuer (etc):	Head of the Paid Service or Executive Directors or Head of Resource.

210.	To deal with leases - (1) implementation of options to renew on terms specified in lease or to be negotiated by valuer (2) approve licences to assign existing leases	Head of the Paid Service or Executive Directors
211.	To approve the submission of responses to government consultations where a) the time frame is too short to permit consideration by an appropriate council committee OR b) the level of technical detail is high and political approval is considered appropriate because of the thrust of the response OR c) the consultation response is a joint response by a number of authorities so the opportunity for changing the response is limited and the issue is whether East Northamptonshire Council should endorse the proposed response or not	Chief Executive and Executive Directors IN CONSULTATION WITH LEADER AND/OR DEPUTY AND CHAIRMAN OR VICE CHAIRMAN OF RELEVANT COMMITTEE AS APPROPRIATE
211 (a)	In accordance with Section 85 of the Local Government Act 1972 and in the event of there not being a timely meeting of the full Council to consider the matter, that authority be delegated to the Chief Executive, following consultation with political group leaders, to agree dispensation in cases of:- <ul style="list-style-type: none"> • Serious illness: and/or • A vulnerable/high risk health condition; and/or • Some other restriction Rendering an inability to attend meetings beyond normal expectations and where a return to active service as a councillor is expected.	Chief Executive
	<u>Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990; County Courts Act 1984; Rights of Audience Order 1999</u>	
212.	To institute or defend proceedings in the Magistrates/County/High Court:	Head of the Paid Service or Monitoring Officer,, or the Council's legal advisors SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER
213.	To authorise staff under the above provisions:	Head of the Paid Service or Monitoring Officer in consultation with the council's legal advisors.

214.	To take Counsel's opinion when they deems it in the Council's interest	Head of the Paid Service or Monitoring Officer, or the Council's legal advisors, CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE AND THE LEADER TO BE NOTIFIED
	<u>Local Government Act 2000 – Section 92</u>	
215.	To make payments in cases of maladministration:	Chief Executive; Executive Directors SUBJECT TO REPORTING TO THE POLICY & RESOURCES COMMITTEE
	<u>Local Government Finance Acts 1988 and 1992 (Council Tax etc)</u>	
216.	To represent the Council in proceedings in the Magistrates Court:	Head of Customer and Community Services; Revenues Manager; Business Rates Officer; Senior Revenue Officer (Recovery)
217.	To deal with completion of dates of new or altered buildings:	Revenues Manager; Business Rates Officer
218.	To impose or quash penalties:	Head of Customer and Community-Services; Chief Finance Officer; Chief Executive
219.	To administer the legislation including various control, management and relief functions:	Head of Customer and Community Services; Revenues Manager, Chief Executive
220.	To approve applications for rate relief for partial occupation of non-domestic properties:	Head of Customer and Community Services or Executive Director, Chief Executive
221.	To approve applications for discretionary relief:	Head of Customer and Community Services; Executive Director, Chief Executive
	<u>Local Government Finance Act 1992 and Council Tax Benefit Regulations</u>	
222.	To implement and operate the Act and its supporting regulations:	Head of Customer and Community Services; Chief Finance Officer; Chief Executive
223.	To calculate the award of Council Tax benefit:	Benefit Manager; Assessment Staff and Quality Manager
224.	To conduct internal reviews:	Chief Finance Officer and Head of Customer and Community Services; Monitoring Officer

225.	To operate the Council's scheme on discretionary payments:	Chief Finance Officer; Head of Customer and Community Services; Monitoring Officer, Chief Executive
226.	To represent the Council at Appeals Tribunals	Benefit Manager; Senior-Benefit Officer and Quality Manager
227.	To determine and recover the overpayment of benefit:	Head of Customer and Community Services; Benefit Manager; Senior Benefit Officer (Fraud & Overpayments)
228.	To institute recovery proceedings through the Courts including representing the Council in Court:	Head of Customer and Community Services; Benefit Manager; Revenues Manager; Senior Revenues Officer (Recovery)
229.	<u>Local Government (Miscellaneous Provisions) Act 1976</u> To approve Member Empowerment Grants	Executive Directors; Head of Customer & Community Services
	<u>Local Government Pensions Regulations 1997</u>	
230.	To agree to the release of preserved benefits where the request does not have significant cost implications:	Chief Finance Officer
	<u>Public Health Act 1936 - Section 291</u>	
231.	To enter into repayment agreements and make Charging Orders (expenses recoverable from owners):	Executive Directors, with power to delegate to specific officers
	<u>Regulation of Investigatory Powers Act 2000 (Covert Surveillance):</u>	
232.	To authorise of covert surveillance; covert human intelligence sources and undertake investigations: - replace with text	ALL SUBJECT TO THE COUNCIL'S CORPORATE POLICY & HOME OFFICE CODE OF PRACTICE – Monitoring Officer (prior to approval by a Magistrates' Court)
233.	All services or where access to and disclosure of communications data is involved	SUBJECT TO THE COUNCIL'S CORPORATE POLICY & HOME OFFICE CODE OF PRACTICE - Head of Customer and Community Services (prior to approval by a Magistrates' Court)
234.	All Services	SUBJECT TO THE COUNCIL'S CORPORATE POLICY & HOME OFFICE CODE OF PRACTICE Head of Environmental Services. (prior to approval by a Magistrates' Court)

	<u>Road Traffic Regulation Act 1984:</u>	
235.	To take court action in respect of contraventions of the Rushden Off-Street Parking Places Order:	the council's legal advisors Legal Service SUBJECT TO BEING SATISFIED AS TO THE EVIDENCE
	<u>Social Security Contributions and Benefits Act 1992; Immigration and Asylum Act 1999 (Section 15); Social Security Administration Act 1992; Child Support, Pensions and Social Security Act 2000: Social Security (Consequential Provisions) Act 1992; Social Security Administration (Fraud) Act 1997; Social Security Act 1998; Tribunals, Courts and Enforcement Act 2007</u>	
236.	To implement the Acts and supporting legislation:	Head of Customer and Community Services; Chief Finance Officer; Executive Director, Chief Executive
237.	To calculate and approve the award of housing benefit:	Head of Customer and Community Services; Benefit Manager; Assessment staff and Quality Manager
238.	To conduct appeals for reconsideration:	Head of Customer and Community Services (provided the original decision was not taken by HCCS); Executive Director, Chief Executive
239.	To operate the Council's scheme on discretionary payments:	Head of Customer and Community Services; Executive Director; Benefit Manager
240.	To represent the Council at Appeals Tribunals:	Benefit Manager; Senior Benefit Officer and Quality Manager
241.	To determine and recover the overpayment of benefit:	Head of Customer and Community Services; Benefit Manager; Senior Benefit Officer
242.	To institute recovery proceedings through the Courts including representing the Council in Court:	Head of Customer and Community Services; Benefit Manager; Senior Benefit Officer
243.	To operate counter fraud activities in respect of benefit fraud, including authorising prosecutions, and imposing sanctions (see also Regulation of Investigatory Powers Act under Legal/Corporate above) :	Executive Director or Chief Executive
	<u>Town & Country Planning General Regulations 1976</u>	
244.	To seek deemed planning permission (regulations 4 & 5):	Any Head of Service (but not Planning)

	D: DELEGATIONS RELATED TO LOCALISM ACT 2011	
	(Standards Matters: To be carried out in accordance with the provisions of Part Nine of this constitution)	
245.	To receive complaints of potential breaches of the Councillors Code of Conduct	Monitoring Officer or Deputy Monitoring Officer
246.	To make an initial decision on a complaint to take either no further action, informal action or refer for investigation	Monitoring Officer or Deputy Monitoring Officer, in consultation with the Independent Person and the Chairman or Vice Chairman of the Joint Standards Complaints Committee
247.	Appoint an investigating officer or refer the investigation report to a hearing panel	Monitoring Officer or Deputy Monitoring Officer
248.	After an investigation to make a decision as to whether to take no further action	Monitoring Officer or Deputy Monitoring Officer
249.	After an investigation to make a decision as to whether to take informal action.	Monitoring Officer or Deputy Monitoring Officer, in consultation with the Independent Person and the Chairman or Vice Chairman of the Joint Standards Complaints Committee
250.	To agree the following actions on behalf of the council after Hearing or Appeal Panel consideration: <ul style="list-style-type: none"> • Take no further action • Recommend to the relevant council that the Councillor(s) be censured for their breach of the Code of Conduct • Recommend an apology to be made by the Member to the complainant (and/or others) • Publish its findings in respect of the member's conduct. • Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to the relevant Council) that the member be removed from any or all Committees or Sub-Committees of the Council • Instruct the Monitoring Officer to arrange training for the member 	Hearing or Appeals Panel of the Joint Standards Complaints Committee

	<ul style="list-style-type: none"> • Recommend to the relevant Council the removal from some or all outside appointments to which the member has been appointed or nominated by the relevant council • Withdraw some or all facilities provided to the member by the Council, (including access to buildings) provided this does not prevent the Councillor(s) carrying out the member role. 	
251.	<p>Agree a dispensation for East Northamptonshire Councillors on the grounds that so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result or</p> <p>On the grounds that without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.</p>	Monitoring Officer or Deputy Monitoring Officer
252.	<p>Agree a dispensation for East Northamptonshire Councillors on the grounds that it is considered that the dispensation is in the interests of persons living in the authority’s area or</p> <p>On the grounds that it is considered that it is otherwise appropriate to grant a dispensation</p>	Dispensations Panel of the Joint Standards Complaints Committee
	<u>Community Right to Bid</u>	
253.	Responsibility for decision whether to list a nomination as an asset of community value	Monitoring Officer (or Corporate Support Manager if Monitoring Officer has a conflict of interest). The decision will be taken after consultation with the Chairman of the Policy & Resources Committee and the ward member(s) for the location of the asset.
254.	If the asset is listed by the Council and the owner contests the listing, he or she can ask the Council to review the decision.	Chief Executive (or Monitoring Officer if Chief Executive has a conflict of interest, and they did not make original decision).

E: PROPER OFFICER PROVISIONS - Local Government Act 1972:

The Chief Executive and Clerk of the Council is the Proper Officer under the various sections indicated (April 1974):-

39	Electoral Registration Officer	41	Returning Officer for Elections
88	Notice of Resignation of Office	83	Declaration of Acceptance of Office
204	Receipt of Application for Justices Licence	89	Receipt of Notice of Casual vacancy - local government electors
225	Deposit of Documents	146	Transfer of Securities
234	Authentication of documents	210	Charity functions
238	Certification of Byelaws	229	Certification of photographic copies of documents
Sch 12	Signature -Summons to Meeting; Receipt of Notices-address to send Summons	236	Procedure etc. for Byelaws
Sch 16	Receipt on deposit of lists of protected buildings	248	Keeping of Roll of Freemen
		Sch 14	Certification of Resolutions

The Chief Finance Officer is the Proper Officer for the sections indicated:-

Section 115(2) Receipt of money due from officers

Section 151 Administration **of the Council's financial affairs**

The Monitoring Officer is the Proper Officer for the following:-

Section 100A-K Access to Information

13 Parish Trustee

The Executive Director for Growth and Infrastructure is the Proper Officer for:-

Section 191 Functions relating to Ordnance Survey

The Monitoring Officer is the Proper Officer for:-

Section 212 Local Land Charges Register

The Chief Finance Officer is the Chief Property Officer (Asset Management)

The Head of Environmental Services is the Proper Officer for:- Housing

Inspections Housing Act 2004 Section 4

Section 228(3) Accounts to be open for inspection by Members

Health Protection

The consultants in Health Protection below based in the South Midlands and Hertfordshire Public Health England Centre have been appointed as Proper Officers

Dr Meng Khaw, David Spence, Ann Goodwin, Ben Anderson, Samia Latif, Gail Beckett

for the legislation indicated

Legislation & Sections	Effect
Public Health (Control of Disease) Act 1984 Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 38, 40, 42, 43 and 48	Notification and control powers for Communicable Diseases
Public Health (Infectious Diseases) Regulations 1988 - Regulations 6, 8, 9, 10 Schedules 3 and 4	Additional Powers to the above
Public Health Act 1936 - Sections 84 and 85	Cleansing of filthy or verminous articles, persons or clothing
Public Health Act 1961 - Section 37	Disinfestations of verminous articles offered for sale
National Assistance Act 1948 - Section 48	Removal to suitable premises of persons in need of care and attention

The Head of Environmental Services is authorised to appoint Proper Officers in future to exercise the powers set out above subject to the appointees being the Consultants in Health Protection based in the South Midlands and Hertfordshire Public Health England Centre.

Additional delegated powers to the Chief Finance Officer are outline in Part 4.6 (Financial Procedure Rules) and Part 4.6A Operational Financial Decision Procedures.

East Northamptonshire Council Constitution	Part 3.2 (Scheme of Delegation) Council 29/2/12 Min 400(a) Amended Council 16.7.12 Min 108; Amended Council 29.10.12 Min 249(e); Amended Council 22.4.13 Min 503(c) Amended Council 15.12.14 Min 297(a); Amended Council 17.10.16 Min 228, Amended Council 23.1.17 Min 371; Amended Council 01.03.17 Min 406; Amended Council 08.11.17, Amended Council 15.10.18 Min. Amended Council 28.01.19 Min, Amended Extraordinary Council 26.6.19 Min 50; Amended Council 22 July 2019 Min 111; Annual Council 13 May 2020 Min 15.
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