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**EN/11/00021/FUL**

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Date received	Date valid	Overall Expiry	Ward
10 January 2011	3 February 2011	31 March 2011	Rushden Spencer

Applicant **Rushden Permanent Allotment And Smallholding Society Ltd**

Location **Allotment Gardens, Woodland Road, Rushden**

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Proposal **Converted portakabin into a garden room**

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**Decision**      **Application Refused because of the impact of the garden room on neighbour amenity through general disturbance. The reasons for refusal be delegated to the Head of Planning Services in concurrence with the chairman (or vice chairman) and ward member.**

**Reason:**

The siting of the garden room and its proximity to residential properties and gardens is likely to lead to noise and general disturbance that would adversely impact on the residential amenity of neighbouring occupiers. The proposal would therefore be contrary to Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

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**EN/11/00133/FUL**

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Date received	Date valid	Overall Expiry	Ward
27 January 2011	27 January 2011	24 March 2011	Lower Nene

Applicant **Mr And Mrs Rowlett**

Agent **Vale Garden Houses - Mrs A Simms**

Location **Vicarage Farm Cottage, Main Street, Cotterstock**

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Proposal **Erection of a single storey timber and double glazed garden room extension and formation of new access**

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**Decision**      **Application Refused because the design of the single storey structure on the front of the property is considered to be not in keeping with the listed building and too big in proportion to the rest of the building.**

**Reason:**

The proposed garden room extension, by virtue of its positioning on the principle elevation of the main dwelling, would detract from the building's character and appearance, to the detriment of its special architectural and historic interest. The development, as such, is contrary to PPS1, Policy HE9 of PPS5, Policy 27 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

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**EN/11/00134/LBC**

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Date received	Date valid	Overall Expiry	Ward
27 January 2011	27 January 2011	24 March 2011	Lower Nene

Applicant **Mr And Mrs Rowlett**

Agent **Vale Garden Houses - Mrs A Simms**

Location **Vicarage Farm Cottage, Main Street, Cotterstock**

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Proposal **Erection of a single storey timber and double glazed garden room extension and formation of new access**

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**Decision** **Application Refused because the design of the single storey structure on the front of the property is considered to be not in keeping with the listed building and too big in proportion to the rest of the building.**

**Reason:**

The proposed garden room extension, by virtue of its positioning on the principle elevation of the main dwelling, would detract from the building's character and appearance, to the detriment of its special architectural and historic interest. The development, as such, is contrary to PPS1, Policy HE9 of PPS5, Policy 27 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

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**EN/11/00079/FUL**

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Date received	Date valid	Overall Expiry	Ward
19 January 2011	1 February 2011	3 May 2011	Thrapston Lakes

Applicant **Wirsol Solar UK Ltd - Mr Peter Davies**

Agent **Fisher German LLP - Mr Tom Armfield**

Location **Colpmans Farm, Islip**

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Proposal **Installation of 5MW solar park and associated equipment**

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**Decision** **Application Granted subject to an additional condition covering landscaping to ensure that the new hedgerow is planted to cover gaps in the existing hedgerow and condition 2 be re-worded regarding the archaeological written scheme of investigation.**

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Development shall proceed in strict accordance with the Written Scheme of Investigation dated 24 May 2011 and the e-mailed information from CGMS and Liz Mordue received by the local planning authority on 25 May 2011, unless otherwise agreed in writing by the local planning authority.  
Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with PPS5 Policy HE12.

3. The access tracks hereby approved shall be constructed from permeable crushed aggregate, and the impermeable ground area within the site shall be no greater than that stipulated in the submitted Flood Risk Assessment (received by the local planning authority 1.2.11).  
Reason: In order to reduce the risk of flooding.
4. Prior to the commencement of development: (i) a scheme to demonstrate how the ground water within the Northampton Sands minor aquifer shall be protected; and (ii) a report detailing the results of a percolation test, together with any necessary alternative surface water drainage proposals that may be required; shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.  
Reason: To reduce the risk of flooding and the risk to groundwater.
5. The solar panels shall be coated to reduce glare/reflectivity, and the modules shall be designed and positioned such that they are separated visually, in accordance with further details to be submitted to and approved in writing by the local planning authority.  
Reason: To minimise the risk to bird-life.
6. The inverter housing structures and the security fencing shall be finished in green, in accordance with details to be submitted to and approved in writing by the local planning authority.  
Reason: In the interest of visual amenity.
7. All solar panels and their supports, the inverters and their structures, the fencing and any underground concrete shall be removed from the site within 6 months of the solar park ceasing to be operational, and the site shall subsequently be restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority.  
Reason: To safeguard the long term amenity of this rural location and enable the land to continue in agricultural use.
8. Development shall proceed in strict accordance with the recommendations in section 5 of the Extended Phase I Habitat Survey (prepared by Just Ecology Ltd, received by the local planning authority on 19.1.11).  
Reason: In the interests of ecological protection.
9. Notwithstanding the details already submitted, prior to the commencement of development further checks for the presence of badgers on the site shall take place. If badgers are found on the site this shall be reported in writing to the local planning authority and no development shall continue without the further written approval of the local planning authority.  
Reason: To enable the planning authority to take further advice in the interests of protecting before work on site begins
10. Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, except when approved in writing by the local planning authority, once they are satisfied that breeding birds will not be adversely affected.  
Reason: To protect breeding birds.
11. Notwithstanding the details submitted, within twelve months of the commencement of development a detailed scheme of biodiversity enhancements, future conservation management and habitat creation, including details of habitat development, faunal activity, ongoing management, monitoring and reporting shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include provision for bat and bird nesting boxes and shall subsequently be implemented for the duration of development.  
Reason: In the interests of biodiversity.
12. No development shall take place until a Post Construction Monitoring Scheme in relation to birds has been submitted to and approved by the local planning authority in writing. This scheme shall specify survey methodology; frequency of visits and the duration of monitoring. Development shall be carried out in accordance with this approved post construction monitoring scheme.  
Reason: To ensure that protected species are safeguarded during and after the construction process in accordance with PPS9.

13.No external artificial lighting shall be installed on the site, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of the area.

14.The development hereby permitted shall be carried out strictly in accordance with the approved plans: W117.1-001A, W117.1-100B, W117.1-002, W117.1-004, W117.1-005 and W117.1-006 received by the Local Planning Authority on 19.01.11 unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted

15.Prior to the commencement of development, further details of the methodology and schedule for the planting and maintenance of the new and existing hedgerow and woodland planting, as stipulated in the submitted landscape strategy plan (dwg 4564-L-01 received by the local planning authority on 25 March 2011), shall be submitted to and approved in writing by the local planning authority to ensure that the new hedgerow was planted to cover gaps in the existing hedgerow. The approved planting shall be carried out in accordance with the approved details within three months of the first commencement of development. The approved hedgerow maintenance shall be adhered to for the lifetime of the solar park.

Reason: In the interests of landscape and visual amenity and the protection of wildlife.

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### EN/09/01410/FUL

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Date received	Date valid	Overall Expiry	Ward
7 September 2009	7 September 2009	2 November 2009	Oundle

Applicant **Mr M Berridge**

Agent **G P Planning**

Location **Churchfield Farm House, Harley Way, Oundle**

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Proposal **Change of use of grain store and farm yard to stone processing and storage of product**

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**Decision** **Application Deferred to enable additional information to be submitted by the applicant on highway movements, including routing and signage details.**

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### EN/10/02222/FUL

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Date received	Date valid	Overall Expiry	Ward
17 December 2010	20 January 2011	17 March 2011	Kings Forest

Applicant **Mr Roger Barker**

Agent **Richardson - Mr Michael Thompson**

Location **50A Bridge Street, Kings Cliffe**

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Proposal **Three year consent to let residential annex (first floor)**

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**Decision** **Application Deferred (as requested by the applicant) for consideration at the next meeting.**

Date received                      Date valid                      Overall Expiry                      Ward  
3 February 2011                      14 February 2011                      11 April 2011                      Oundle

Applicant                      **Mr G O'Conner**

Agent                      **G J Morris**

Location                      **23 Victoria Road, Oundle**

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Proposal                      **Replacement of existing conservatory with two storey rear extension to incorporate four rooflights, two in the east elevation and two in the west elevation**

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**Decision                      Application Granted**

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out using materials and treatments matching those of the existing building.  
Reason: To achieve a satisfactory elevational appearance for the development.
3. Before the first occupation of the extension hereby permitted the two first floor windows in the east elevation shall be provided with obscure glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and with a top hung restrictor for maximum opening. The windows shall be retained in this manner unless otherwise agreed in writing by the local planning authority.  
Reason: To ensure adequate standards of ventilation and privacy for neighbours and occupiers and to safeguard the amenity of the area.
4. The works hereby permitted shall be carried out strictly in accordance with the approved plans (location plan received on 3.02.11 and GO/011/01A received on 14.02.11 the site/roof plan shown on this plan is however, superseded by site/roof plan received by the local planning authority on 07.04.11) unless otherwise agreed in writing by the local planning authority.  
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Date received	Date valid	Overall Expiry	Ward
2 March 2011	2 March 2011	27 April 2011	Woodford

Applicant **ED Estates Ltd**

Agent **Berrys - Mr A Frendo**

Location **OP0004 SP9573, Irthlingborough Road, Little Addington**

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Proposal **Replacement of extant planning permission EN/07/02260/FUL Erection of grain store 7/10/08**

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**Decision Application Granted**

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to construction of the building hereby approved, visibility splays of 4.5m x 120.0m in both directions shall be provided. Details of these splays and details of hedgerow loss/replanting shall be submitted to and approved by the local planning authority. The details approved shall then be maintained thereafter.  
Reason: In the interest of highway safety and visual amenity.
3. The grain dryers connected with this building and use shall be located on the eastern end of the building, details of which shall be submitted to any approved by the local planning authority prior to erection of the building.  
Reason: To protect the amenity of neighbouring properties.
4. No development shall take place until there has been submitted to and approved by the local planning authority a comprehensive scheme of landscaping for the site, which shall be implemented strictly in accordance with the approved details in the first planting season following the erection of the building.  
Reason: To ensure a reasonable standard of development and to protect the visual amenity of the countryside.
5. The operating hours for the use and building hereby permitted shall not occur before 06.00 hours or later than 23.00 hours on any given day.  
Reason: To protect the amenity of neighbouring properties.
6. Any noise from the activities relating to the use of the grain store and any equipment within it shall not exceed the background level when measured as a 5min LAeq at the nearest residential property or any other premises to be agreed with the LPA. No third octave band must be more than 10dB greater than the neighbouring frequency band, in order to protect residential amenity.  
Reason: In the interests of residential amenity.
7. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 26 February 2008, drawing numbers: A8317/PD005 B Proposed plans and elevations and Location plan at a scale of 1:10,000, unless otherwise agreed in writing by the local planning authority.  
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.











# **POLICY & RESOURCES COMMITTEE**

**Date:** 9 June 2011

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 7.30 pm

**Present:** Councillors:-

**Richard Lewis (Chairman)**  
**Glenvil Greenwood-Smith (Vice-Chairman)**  
**Steven North (Leader of the Council)**  
**Philip Hardcastle (Deputy Leader of the Council)**

**David Brackenbury**  
**John Farrar**  
**Richard Gell**  
**Roger Glithero**  
**Glenn Harwood**

**Sue Homer**  
**Dudley Hughes**  
**Rupert Reichhold**  
**Jeremy Taylor**

## **26. WELCOME**

The chairman welcomed back those who had sat on the committee previously and those who were new to the committee.

## **27. PUBLIC SPEAKERS**

The chairman announced that the three members of the public who had registered to speak would be invited to speak from the public gallery before the committee considered the relevant item.

## **28. MINUTES**

The minutes of the meeting held on 11 April 2011 were approved and signed by the chairman.

## **29. APOLOGIES**

Councillors Wendy Brackenbury and Andy Mercer sent their apologies.

## **30. DECLARATIONS OF INTEREST**

Councillor Richard Lewis declared a personal and prejudicial interest in item 5 (Voluntary Sector Grants) as he is a trustee of Rushden MIND. He vacated the chair and left the room during the discussion and voting on this item. The chair was taken for this item by the vice-chairman.













**Disabled Facilities Grants Case Review Panel  
Terms of Reference**

**1. Introduction**

The purpose of the case review panel is to provide a clear and equitable framework and process to consider valid applications for funding under the Disabled Facilities Grant (DFG) process that cannot be funded out of the set budget within a financial year.

The case review panel shall establish a consistent approach when assessing valid DFG applications from across the district. Only applications that have been classified as a Priority following the assessment of the Occupational Therapists will be presented at the panel for members to determine.

**1.2 Constitution**

This Group, known as the Disabled Facilities Grants Case Review Panel is established as a panel formed from members of Policy and Resources Committee.

**2 Membership**

The Case Review Panel will consist of three elected members. Meetings will only be held with representation from the following, as a minimum, in attendance as advisors:

- Occupational Therapist Manager
- Senior Housing Manager
- Care and Repair case officer – if applicable
- Any other required agency such as Social Services, support workers, representatives from Housing Associations.

Additional officers/agencies will be invited to provide information to members regarding a grant application they are involved in. Panels will be held on an as and when basis initially with two panels to be set up this financial year.

Three members and representation from the relevant agencies must be present for a panel hearing to be quorate.

**2.1 Appointments**

Appointed elected members to the panel shall be determined and approved by the Policy and Resources Committee.

**3 Arrangement for the Conduct of Business**

**3.1 Chairing the meetings**

An elected member shall chair the meetings of the Case Review Panel.

## **3.2 Quorum**

For the case review panels to be quorate all representatives are required to be present. The case review panel cannot go ahead if the key representatives are not in attendance. Meetings will be arranged in as much advance as possible to ensure full attendance.

## **3.3 First meeting of the panel**

At the first meeting of the panel the Terms of Reference will be approved. Members will agree the criteria to be applied when assessing valid priority disabled facilities grant applications.

## **3.4 Frequency of meetings**

The Disabled Facilities Grants Case Review Panels will be held on an ad hoc basis. It is expected that there will be at least two meetings per year and that the panel will become active once the budget allocation for DFGs has been committed. Based on previous years experience this is likely to be in September/October time. The funding allocated to the panel must be committed and paid within the financial year that the panel sits, so the second panel will be in January/February time to ensure work can be completed by the end of March.

There is no intention at this time to hold emergency meetings.

## **3.5 Declaration of interests**

If any member has an interest in any application to be discussed and voted on at the panel, they must declare that interest as early as possible and should not participate in the discussions. The Chair shall have the power to request that the member in question withdraw from the panel until consideration and voting has been completed.

All declarations of interest expressed at the panel shall be minuted.

## **4 Authority**

Each Disabled Facilities Case Review Panel will have powers for decision making in line with the Council's Housing Grants Policy and the Procurement Policy.

## **5 Role and functions**

### **5.1 Role and duties**

The role of the Disabled Facilities Grants Case Review Panel is to assess the valid priority applications for grant assistance once the budget for grants has been fully committed. The panel has its own budget of £100,000 to approve grant applications. This funding must be spent within the financial year and therefore members must be satisfied as to the following:

- The priority need of the applicant
- The specified works detailed in the application are essential
- The quotes provided and timescales
- The work will be completed and paid for within the financial year

## **5.2 Management support and administration**

Environmental Services will ensure the co-ordination of all grant applications, correspondence with applicants and related agencies and the organisation of panel meetings. The meeting dates will be set up in partnership with Member Services to ensure the elected members' meeting diaries are kept up to date, and minutes will be taken by the Environmental Services Administration Team.

All correspondence to grant applicants following the decision by the panel will be given in writing to the applicant.

## **5.3 Confidentiality**

Every effort should be made to ensure the confidentiality of the grant applicant concerned. The minutes of the panel are not for the public domain and should not be discussed outside of the panel forum.

## **5.4 Ethical considerations**

The Disabled Facilities Grant Case Review Panel shall not discriminate on the grounds of physical, sensory or learning disability, age, gender, sexual orientation, ethnicity, social position, religious beliefs, employment status, financial status, family or other personal circumstances or lifestyle in line with the Equality Act 2010, which has superseded all previous legislation.

## **5.5 Appeals process**

The Disabled Facilities Grant Case Review Panel is set up in such a way that allows applications to be reconsidered by the panel. If the circumstances of the applicant and their priority need changes or further pertinent information becomes available that wasn't at the time of the initial panel the application may be reconsidered. In addition, should an application not be awarded a grant at the time due to lack of funding, it will be reconsidered in the future.

Once a decision has been made at the panel and the applicant has been made aware of the outcome, should they not be happy with the decision a formal appeal may be lodged. The appeal must be in writing and directed to the Head of Environmental Services for consideration. Whilst DFGs are mandatory the funding available is limited. It is envisaged that the only likely reason for an appeal to be sought is on the grounds that the works are urgently required and cannot be put back to the next panel or the next financial year.

Should the Head of Environmental Services determine that there are grounds for appeal a decision will be made regarding the application. If the appeal is granted the case review panel will be made aware of the decision and reasons for this decision prior to the next case review panel. Any decision must be made in line with the panel's allocated budget and any works must be completed within the financial year. If the Head of Environmental Services does not consider that there are grounds for the appeal, the appellant will be advised of this decision and the reasons why the appeal has been refused, and it will be reconsidered at a future date.

## **5.6 Complaints**

If an applicant wishes to complain about the panel and how they have been dealt with they should be advised of the Council's Complaint Policy and any complaints received shall be dealt with in accordance with this policy.

## **5.7 Training**

Prior to the first panel hearing all members will be required to attend a training session. This session will introduce the elected members to the officers and explain the DFG process, the terms of reference will be discussed and comments or concerns addressed wherever possible. The purpose of the training session is to ensure each member of the panel is clear on how the panel will operate to enable the first panel to operate effectively.

## **5.8 Duties**

In discharging the role of the case review panel as detailed above the specific duties of the Disabled Facilities Grant Case Review Panel are as follows:

- Consider all information provided on the valid priority DFG application. This will include the applicant's requirements assessed by the Occupational Therapist and any other relevant information in the case. The Panel can defer the decision on the application to the next panel if further information is requested.
- To determine if the works listed can be reasonably completed within the financial year to ensure payment from the panel.
- To ensure that the allocation of grant funding is within the panel's allocated budget.
- To ensure that the allocation of funding meets the requirements of the Council's Housing Grants and Procurement Policies.
- To provide a report back to the Policy and Resources Committee at the end of each financial year detailing the number of grants and funding allocated and the outcomes achieved by the panel.
- To assist in any formal complaints investigation instigated by an applicant or on behalf of the applicant.

## **6 Relationships and reporting**

### **6.1 Reporting Arrangements**

All decisions of the Disabled Facilities Grant Case Review Panel shall be reported to the Policy and Resources Committee at the end of each financial year, detailing the panel's expenditure and the number of cases approved and those that remain on the waiting list.

## **7 Review of the terms of reference**

The Terms of Reference shall be reviewed at the end of the first year of the panel prior to the first panel of the new financial year.

## DELEGATED POWERS - OFFICERS

*Arranged in the following Order:-*

A: Planning Services; B: ~~Licensing & Registration~~; C: Environmental Services (including Licensing & Housing) C: Financial, Legal and Corporate Functions  
Community Safety; D: Proper Officer Provisions

Note – The delegation to the Solicitor to the Council extends to the Council's second solicitor. All references to consultation with the Chair of a Committee extend to the Vice-Chair should the Chair be unavailable.

### A: PLANNING SERVICES

#### *Function and Legislation*

#### **Town & Country Planning Act 1990, as amended and related legislation**

#### **Planning applications**

- 1(a) To determine applications with the exception of those applications falling within categories A to I below:-
- A. Outline or full applications for residential development involving 10 or more units in Towns or 0.5 hectares or more site area.
  - B. Outline or full applications for residential development involving more than 1 unit in Restricted Infill Villages or more than 2 units in Limited Development Villages (terms defined in the Local Plan).
  - C. Total or partial demolition 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. District Council applications under Article 3 or 4 of the Town & Country Planning (General Regulations) 1992
  - 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 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

#### **Delegation & Provisos (caps)**

Executive Director (~~Planning~~) with the ability to specify other officers (in addition to those below) within Planning Services to act under the scheme

Head of Planning Services (HoPS)

Development Control Manager (DCM)

SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

Development Control Committee

UNDER SECTION 1(a), PROPOSALS FAILING TO COMPLY WITH DEVELOPMENT PLAN POLICY WILL BE REFERRED 80 TO THE DEVELOPMENT CONTROL COMMITTEE

- I. Any application which a Member requests to be determined by Development Control Committee within the agreed 21 day time scale.
- J. Any application for renewal where the Development Control Committee considered the original application.

**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, DCM; Executive Director (~~Planning~~) 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 Development Control Committee

**2. Environmental Impact Assessment**

Under the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 as amended, to form a view as to whether an Environmental Statement is considered necessary in connection with a particular development proposal.

HoPS, DCM; Executive Director (~~Planning~~), 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. Adjoining Authority Consultations**

+ To make formal observations on applications relating to proposals submitted by other local authorities, Crown bodies or Government Departments, where it is considered that the proposals are unlikely to significantly affect this District.

HoPS, DCM; Executive Director (~~Planning~~), 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 (a) Minor Non-Material Amendments**

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved.

HoPS, DCM; Executive Director (~~Planning~~), 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) Minor Material Amendments**

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved, unless the original application was considered by the Development Control Committee.

HoPS, DCM; Executive Director (~~Planning~~), 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.
  
6. Institution of legal proceedings under the Town and Country Planning (Control of Advertisement) Regulations relating to fly posting.
  
7. Service of Planning Contravention Notices, Breach of Condition Notices and Requisition for Information notices under Section 330
  
8. Issue of Enforcement Notices, Completion Notices and Stop Notices (see under Planning (Listed Building and Conservation Areas Act 1990 for listed buildings enforcement)

Executive Director (~~Planning~~), HoPS, DCM in conjunction with Solicitor to the Council 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 & REPORTING TO MEMBERS

Executive Director (~~Planning~~), HoPS, DCM; in conjunction with Solicitor to the Council; 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 & REPORTING TO MEMBERS

Executive Director (~~Planning~~); or HoPS, DCM; in conjunction with Solicitor to the Council; 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 & REPORTING TO MEMBERS

Executive Director (~~Planning~~); or HoPS, DCM; in conjunction with Solicitor to the Council; 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 & REPORTING TO MEMBERS

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|--|--|
| <p>9. Rescind Enforcement Notices (or authority to take action) where matters have been satisfactorily resolved</p>  | <p>Executive Director (<del>Planning</del>); or HoPS, DCM; 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 &amp; REPORTING TO MEMBERS</p>   |
| <p>10. Service of Notices under Section 215 – Land adversely affecting amenity.</p>  | <p>Executive Director (<del>Planning</del>); or HoPS, DCM; in conjunction with Solicitor to the Council; 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 &amp; REPORTING TO MEMBERS</p> |
| <p>11. Service of Discontinuance Notices under the Town and Country Planning (Control of Advertisement) Regulations.</p>   | <p>Executive Director (<del>Planning</del>); or HoPS, DCM; in conjunction with Solicitor to the Council; 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 &amp; REPORTING TO MEMBERS</p> |
| <p>12. <b>Notifications</b><br/>To deal with notifications received for agricultural and telecommunications development, hazardous substances and demolition proposals</p>   | <p>HoPS, DCM; Executive Director (<del>Planning</del>), 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</p>   |
| <p>13. <b>Legal Agreements (S106)</b><br/>Execution and completion of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission granted under delegated powers.</p> | <p>HoPS, DCM, Executive Director (<del>Planning</del>) in conjunction with Solicitor to the Council</p>  |
| <p>14. <b>Authority to enter land and premises (Section 196A) for enforcement purposes</b></p>   | <p>Executive Director (<del>Planning</del>), with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION</p>   |



15. **Prosecution - great urgency**  
Laying information for contravention of regulations and instigation of emergency injunctions  
Solicitor to the Council IN CONSULTATION WITH THE CHAIRMAN & THEN SUBJECT TO RATIFICATION BY DEVELOPMENT CONTROL COMMITTEE
16. **Footpath Orders**  
Confirmation of unopposed diversion or extinguishment orders made following the grant of planning permission  
Democratic Services Manager or Legal Officer  
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)  
HoPS; Executive Director (~~Planning~~), 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  
HoPS, DCM, Executive Director (~~Planning~~) in conjunction with Solicitor to the Council
- Trees: (The Hedgerow Regulations 1997)**
19. To deal with notifications for removal of hedgerows  
HoPS, DCM, Planning Policy & Conservation Manager AFTER CONSULTING WITH CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE & 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, DCM; Planning Policy & Conservation Manager  
SUBJECT TO REPORTING TO MEMBERS
- (Town & Country Planning (Trees) Regulations 1999; Local Government (Miscellaneous Provisions) Act 1976)**
21. The making of Tree Preservation Orders.  
HoPS, DCM, Planning Policy & Conservation Manager  
SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
22. To sign Tree Preservation Orders.  
Chief Executive, or Solicitor to the Council, or Democratic Services Manager
23. Confirmation of unopposed Tree Preservation Orders  
Democratic Services Manager or Solicitor to the Council (also covers modification to original order to provide clarity) SUBJECT

		TO REPORTING TO LOCAL WARD MEMBERS
<b>24.</b>	Confirmation of opposed Tree Preservation Orders (including modifications to orders)	Democratic Services Manager or Solicitor to the Council SUBJECT TO AGREEMENT OF THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND LOCAL WARD MEMBERS AND REPORTING TO MEMBERS
<b>25.</b>	The determination of applications pursuant to Tree Preservation Orders.	HoPS, DCM, Planning Policy & Conservation Manager 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
<b>26.</b>	The consideration of notices of intention to carry out works to trees in Conservation Areas and the taking of action arising therefrom.	HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO 1. & 2. ABOVE
<b>27.</b>	To respond to Forestry Authority consultations	HoPS, DCM, Planning Policy & Conservation Manager – SUBJECT TO NOTIFICATION OF WARD MEMBER
<b>28.</b>	Authority to enter land or premises (Section 214B)	Executive Director ( <del>Planning</del> ), with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
<b>29.</b>	To determine applications under the High Hedges (Appeals) (England) (Regulations) 2005	HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO RIGHT OF REFERRAL, TO THE DEVELOPMENT CONTROL C'TTEE OF ANY APPLICATION BY MEMBERS, WHERE THEY CONSIDER APPLICATION GIVES RISE TO MORE SIGNIFICANT ISSUES
<b>30.</b>	To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council	HoPS, DCM in consultation with the Solicitor to the Council

## General Operational Arrangements relating to Planning applications.

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](http://www.east-northamptonshire.gov.uk)
5. Members wishing to refer an application to Development Control Committee for determination must do so before the "earliest decision" date identified against each application on the Weekly List by notifying – in writing – the appropriate Development Control Officer.

### Delegation & Provisos (caps)

- |   |  |
|---|--|
| <p>31. <b><u>Building Control: (Building Act 1984)</u></b> See under Environmental Services (includes delegation to Building Control and Planning officers)<br/><b><u>Function/Legislation</u></b><br/><b><u>(Party Wall Etc. Act 1996)</u></b></p>           |  |
| <p>32. <b>To appoint a third surveyor to arbitrate between two surveyors representing respective neighbours:</b></p>  | <p>Head of Planning Services or Building Control Manager</p>   |
| <p>33. <b><u>Street Naming &amp; 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></b></p> |  |
| <p>34. <b>To implement street naming on <u>new developments</u> where all the statutory consultees are in agreement:</b></p>  | <p>Head of I.C.T., or Property Information Officer TO BE REPORTED TO MEMBERS</p>   |
| <p>35. <b>To number streets:</b></p>  | <p>Head of I.C.T., or Property Information Officer</p>   |
| <p><b><u>Economic Development: (Local Government Act 2000)</u></b><br/><b><u>To fund environmental improvement schemes within the annual budget (Section 1):</u></b></p>  | <p>Head of Planning Services SUBJECT TO CONSULTATION WITH CHAIRMAN AND VICE-CHAIRMAN OF POLICY &amp; RESOURCES COMMITTEE &amp; APPROVAL OF APPLICATIONS IS WITHIN A POLICY FRAMEWORK</p> |

37. To approve Business Development Grants within the approved scheme: Economic Development Assistant SUBJECT TO CONSULTATION WITH CHAIRMAN OR VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE
- Planning Policy: Town & Country Planning Act 1990 – Section 324**  
Powers of entry: Head of Planning Services; Planning Policy & Conservation Manager; Senior Planning Officer; Planning Officer; Research & Information Officer
- End of delegation specifically relating to Planning functions  
**B: ENVIRONMENTAL SERVICES (INCLUDING LICENSING & REGISTRATION, HOUSING):** :  
**Function/Legislation** **Delegation and Provisos (in caps)**
39. To specify other officers or posts to act under any specific licensing or environmental health legislation (following changes to staff or General responsibilities): Chief Executive PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC SERVICES MANAGER)  
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  
Chief Executive; Executive Director; Head of Environmental Services; Commercial Health Manager; Licensing Enforcement Officer; Waste Services Manager; Commercial Health Officer; Environmental Protection Officers; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer; Waste Management Officer; Senior Housing Manager; Grants Officer; Housing Technical Officer
- Acupuncture, Tattooing etc: (Local Government (Misc. Provisions) Act 1982 - as amended by the Local Government Act 2003)**  
40. Powers of entry, inspection & examination Sections 15- 17 and Schedule 1(14) Acupuncture etc: Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; **Technical Officers**; Commercial Health Officer; Environmental Protection Officer; **Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Officers**; Licensing Enforcement Officer; Waste **Services** Manager
- ~~Second delegation transferred to Section C~~

41. **To register ear piercers, cosmetic piercers, skin-colouring businesses, tattooists, electrolysis (Sections 13-16):**  
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Commercial Health Officer; Environmental Health Practitioner
42. **Animal Boarding: (Animal Boarding Establishments Act 1963)**  
**Section 1 – Licensing of boarding establishments ~~To issue licences (Sections 1(1) and (3)):~~**  
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Chief Executive; Executive Director (~~(Environmental)~~); Waste Services Manager
43. **Section 2 – Inspection of boarding establishments: ~~Powers of entry, inspection & examination (Section 2):~~**  
Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Waste Management Officer; ~~Technical Officers;~~ Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Practitioners; ~~Officers;~~ Trainee Environmental Health Practitioners; Environmental Services Officer; Licensing Enforcement Officer;
44. **Changes to conditions (where there are no financial implications):**  
Head of Environmental Services in consultation with the Lead Member for Environmental Services SUBJECT TO A CENTRAL RECORD BEING KEPT  
**Section 3: Offences and disqualifications:**  
Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Chief Executive; Executive Director; Waste Services Manager; Solicitor to the Council  
**Section 4: Power to prosecute**
- Animal Health Act 1981**  
**Part 1 - Powers by Ministers to make orders to Local Authorities:**  
Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

**Part 2 - Disease Control, powers of entry and inspection:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

**Part 4 – Local Authority Responsibilities:**

**Part 5 - Enforcement, Offences and Proceedings:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive; Solicitor to the Council

**Animal Health & Welfare Act 1984**

**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, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

**Animal Welfare Act 2006**

**Sections 1 – 4: - 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, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

**Sections 18 – 21 - Animals in Distress:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

**Sections 22 – 29 - Enforcement Powers:**

**Sections 30 – 31 - Prosecutions:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

**Anti-Social Behaviour Act 2003**

~~To take action in relation to graffiti, flyposting, flytipping, and unlawful depositing of waste, including the service of notices and the recovery of expenditure:~~

~~Part 6 – The Environment:~~

~~Part 9 – Miscellaneous Powers:~~

~~Dogs: (Breeding of Dogs Act 1973)~~

~~To issue licences (Sections 1(4) and (5)):~~

~~Powers of entry, inspection & examination (Section 2):~~

~~Breeding of Dogs Act 1991~~

~~Sections 1 – 3 - Powers of entry – premises not covered by licence, offences and disqualification~~

45. **Breeding and Sale of Dogs (Welfare) Act 1999**

To issue licences:

~~Caravans: (Caravan Sites & Control of Development Act 1960)~~

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive; Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager

~~Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Senior Environmental Health Officer; Environmental Health Officer; Licensing Enforcement Officer~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Environmental Health Officers~~; Technical Officers; Commercial Health Officers; Environmental Protection Officers; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Commercial Health Officer; Licensing Enforcement Officer; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager

~~**Powers of entry, inspection & examination (Section 2(b)):**~~

**Part 1 – Caravan Sites**

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; **Housing Technical Officers**; Commercial Health Officer; Environmental Protection Officers; ~~Senior Environmental Health Officer~~; Environmental Health Practitioners; ~~Officers~~; Trainee Environmental Health Practitioners; Senior Housing Manager; Grants Officer; Waste **Services** Manager; Licensing Enforcement Officer

**46 To issue licences; amend conditions (Sections 3 & 8):**

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~ **TO BE REPORTED TO MEMBERS**

**Caravan Sites Act 1968**

**Part 1 – Provisions for the protection of Residential Occupiers**

**Part 2 - Control of Unauthorised Encampments:**

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Technical Officers~~; Commercial Health Officer; **Licensing Enforcement Officer**; Environmental Protection Officers; ~~Senior Environmental Health Officer~~; Environmental Health Practitioners; ~~Officers~~; Trainee Environmental Health Practitioners; Senior Housing Manager; Grants Officer; Waste **Services** Manager; **Housing Technical Officer**

**Part 3 – Miscellaneous Powers including enforcement:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive



**The Contaminated Land (England) Regulations 2000**

**Sections 1 – 15 Designation of sites, enforcement, register of sites  
Schedules 1 - 3**

**The Contaminated Land (England) (Amendment) Regulations 2001**

**All sections – Amendments to previous legislation**

**The Contaminated Land (England) Regulations 2006**

**Sections 1 – 14 Amendments to previous legislation**

**Schedules 1 - 3**

**The Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2010**

**To enforce the provisions of the regulations and Part 11A of the Environmental Protection Act, including service of Remediation Notices:**

**Sections 1 – 4 Amendments to previous legislation**

**Criminal Justice and Police Act 2001**

**To serve both closure and cancellation notices and applications to the Magistrates Court for closure orders (Sections 19 and 20):**

**Dangerous Animals:**

**Dangerous Dogs Act 1991**

**Sections 1-11 - Destruction, disqualification orders, powers of entry and seizure:**

**Dangerous Dogs (Amendment) Act 1997**

**Sections 1-3 – Destruction Orders:**

**Dangerous Dogs Act 1989**

ALL -Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((**Environmental**); **Chief Executive**; Waste Services Manager; Environmental Protection Officer; Environmental Health Practitioner, Trainee Environmental Health Practitioner

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.

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager

**Section 1 – Additional powers of court for complaints of dangerous dogs:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager

**Dangerous Wild Animals Act 1976**

**Sections 1 – 10 – Licences, inspections, seizure, exemptions and penalties:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director  
**To issue Licences:** (~~Environmental~~); Chief Executive; Waste Services Manager; Commercial Health Officer; Licensing Enforcement Officer; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer  
SUBJECT TO REPORTING TO WARD MEMBERS ON ISSUE OF LICENCES

**52. ~~Powers of entry, inspection & examination (Section 3):~~** Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Officers; Waste Services Manager

**Gambling: (~~Deregulation (Gaming Machines and Betting Offices Facilities) Order 1996~~**

**53. ~~To issue permits for amusements with prizes gaming machines:~~** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~)

**Guard Dogs Act 1975**

**Section 3 – Issue of licences:**

**Section 4 – Appeals:**

**Section 5 – Offences, penalties and Civil Liability:**

Head of Environmental Services, Environmental Protection Manager,  
Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive

**Gambling Act 2005**

- |   |  |
|---|--|
| <p>54. <b>To carry out functions:</b><br/> <b>Part 1 – Interpretation of Key Concepts:</b><br/> <b>Part 3 - General Offences:</b><br/> <b>Part 4 - Protection of Children &amp; Young Persons:</b><br/> <b>Part 5 - Operating Licences:</b><br/> <b>Part 6 - Personal Licences:-</b></p> <p><b>Part 7 – Operating and Personal Licences Appeals:</b></p> <p><b>Part 8 – Premises Licences:</b><br/> <b>Part 9 – Temporary Use of Premises:</b><br/> <b>Part 10 – Gaming Machines:</b><br/> <b>Part 11 – Lotteries:</b><br/> <b>Part 12: Clubs, Pubs, fairs etc:</b><br/> <b>Part 13 – Prize Gaming:</b><br/> <b>Part 14 – Private and Non-commercial Gaming and Betting:</b><br/> <b>Part 15 – Inspection:</b><br/> <b>Part 18 – Miscellaneous and General:</b></p> | <p>Head of Environmental Services, Commercial Health Manager, <del>Senior Environmental Health Officer (Commercial)</del>, Environmental Health Practitioner; <del>Officers (Commercial)</del>, Trainee Environmental Health Practitioner; Commercial Health Officer, <del>Technical Officers (Commercial)</del>, Environmental Protection Manager, Environmental Protection Officers, Licensing Enforcement Officer; Waste Services Manager</p> <p>Head of Environmental Services, Commercial Health Manager (<del>Provided they have not been party to the original decision</del>) or Executive Director; <del>Chief Executive</del></p> <p>Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Waste Services Manager, Environmental Health Practitioner; <del>Officers (Commercial)</del>, Trainee Environmental Health Practitioner; Commercial Health Officer, <del>Technical Officers (Commercial)</del> Environmental Protection Officers, Licensing Enforcement Officer; <del>Environmental Protection Officers</del></p> |
| <p>55. <b>To determine non-contentious applications under the Gambling Act 2005 within the scope of Appendix 3 (1):</b></p>   | <p>Head of Environmental Services, Commercial Health Manager or Executive Director (WARD MEMBERS ARE NOTIFIED OF APPLICATIONS)</p>   |
| <p>56. <b>To issue cancellations of gaming machine permits within the scope of Appendix 3 (1):</b></p>  | <p>Head of Environmental Services, Commercial Health Manager or Executive Director</p>   |

**House to House Collections Act 1939) and Police, Factories (Etc) (Miscellaneous Provisions) Act 1916**

57. **Section 2 - To issue licences:**
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager  
 APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL
- Lotteries & Amusements Act 1976
58. **To register Societies for the purpose of operating lotteries Schedule 1):**
- Head of Environmental Services; Environmental Protection Manager;  
 Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager  
 APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY POLICY AND RESOURCES COMMITTEE
- Game: (Game Act 1831)
59. **To issue licences**
- ~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Waste Services Manager~~
- Liquor and Entertainment: (Licensing Act 2003)
60. **To carry out the functions of the Act:**
- Part 1 - Licensable Activities:**  
**Part 2 –Licensing Authorities:**  
**Part 3 - Premises Licences:**  
**Part 4 –Clubs:**  
**Part 5 –Permitted Temporary Activities:**  
**Part 6 –Personal Licences:**  
**Part 7 – Offences:**  
**Part 8 –Closure of Premises:**  
**Part 9 –Miscellaneous and Supplementary:**
- Head of Environmental Services, Environmental Protection Manager; Commercial Health Manager, Waste Services Manager; Executive Director; Chief Executive; Senior Environmental Health Officer (Commercial); Environmental Health Practitioner; Officers (Commercial); Trainee Environmental Health Practitioner; Commercial Health Officer, Technical Officers (Commercial); Environmental Health Officer, Environmental Protection Officer; Licensing Enforcement Officer

61. **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 Commercial Health Manager or Executive Director (~~(Environmental)~~) WARD MEMBERS ARE NOTIFIED OF APPLICATIONS
62. **To grant or refuse minor variations:** Executive Director (~~(Environmental)~~), Head of Environmental Services, Commercial Health Manager and Senior Environmental Health Officer WARD MEMBERS TO BE NOTIFIED IF OFFICERS MINDED TO APPROVE APPLICATIONS
63. **To issue Notices relating to hearings under the Hearings Regulations.** Democratic Services Manager
- 64a. **To arrange alternative Members to serve on Panels (from any Constituted Panel) whenever attendance difficulties arise:** Democratic Services Manager; Head of Resources and OD
- Local Government (Misc. Provisions) Act 1976**  
**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; Commercial Health Manager; ~~Senior Environmental Health Officers; Environmental Health Officers; Technical Officers;~~ Commercial Health Officer; Executive Director (~~(Environmental)~~); ~~Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner;~~ Waste Services Manager; Licensing Enforcement Officer
- 66 **Powers of entry, inspection & examination:** Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Technical Officers;~~ Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner ~~Officers;~~ Commercial Health Officer; ~~Senior Environmental Health Officers; Environmental Health Officers;~~ Waste Services Manager; Licensing Enforcement Officer

**To serve Requisitions for Information (Section 16):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Licensing Enforcement Officer; Environmental Protection Officer; Environmental Services Officer ; Senior Housing Manager; Housing Technical Officer; Grants Officer

**To serve Notices for removal of obstruction in private sewers (Section 35):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Manager; Housing Technical Officer; Grants Officer; Environmental Services Officer, Environmental Protection Officer

**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; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager  
APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL

**To suspend and revoke licences under Sections 60, 61 and 62 of the 1976 Act:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior~~ Environmental Health Practitioner; ~~Officers~~; Commercial Health Officer; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager

**To carry out all duties under the above legislation**

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; ~~Senior Environmental Health Officer (Commercial); Technical Officer;~~ Executive Director; Chief Executive; Commercial Health Officer; ~~Environmental Health Officers;~~ Licensing Enforcement Officer; Waste Services Manager

**Local Government (Miscellaneous Provisions) Act 1982**  
**Powers to repair drains etc and to remedy stopped-up drains (Section 27):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Officer; Housing Technical Officer; Grants Officer; Environmental Protection Officer

**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; Commercial Health Manager; Executive Director (~~ENVIRONMENTAL~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Officer; Housing Technical Officer; Grants Officer; Environmental Protection Officer

**To institute legal proceedings - illegal street trading (Schedule 4 & Section 3):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager AFTER CONSULTATION WITH SOLICITOR TO THE COUNCIL

**To issue licences for street layby trading (vacancies only):**

Head of Environmental Services; Commercial Health Manager; IN CONSULTATION WITH CHAIRMAN OF POLICY & RESOURCES COMMITTEE & SUBJECT TO COUNCIL'S POLICY

National Assistance Act 1948

Part 4 – General and Supplementary:

Head of Environmental Services; Environmental Protection Manager;  
Commercial Health Manager; Environmental Health Practitioner;  
Commercial Health Officer; Waste Services Manager

National Assistance Act 1951

Amendments made under the Act:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Health Practitioner; Commercial Health Officer; Waste Services Manager

National Assistance Act (Assessment of Resources) (Amendment) Regulations-1993

See also Proper Officer Provisions

Powers of entry, inspection and examination:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Housing Manager; Housing Technical Officer; Commercial Health Officer; Grants Officer; ~~Senior Technical~~; Environmental Protection Officer; Environmental Health Practitioner Officer, Trainee Environmental Health Practitioner, Waste Services Manager

Office Shops & Railway Premises Act 1963

Section 4 – 27 – Health Safety and Welfare of Employees (General Provisions):

Sections 52 & 59: Enforcement:

Section 63 – Offences:

Head of Environmental Services; Commercial Health Manager; Commercial Health Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Licensing Enforcement Officer

Pet Animals Act 1951

68 To issue licences (Section 1(6):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); ~~Chief Executive~~; Waste Services Manager

69 Powers of entry, inspection & examination (Section 4):

Commercial Health Manager; ~~Technical Officer (Commercial)~~; Head of Environmental Services; ~~Senior~~ Trainee Environmental Health Practitioner ~~Officer (Commercial)~~; Environmental Health Practitioner ~~Officer (Commercial)~~; Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer



- 218 **Prevention of Damage by Pests Act 1949**  
**To serve notices on owner or occupier requiring treatment and/or structural or other works (Section 4):**  
**Part 1 – Rats & Mice:**  
**Part 2: Supplemental:**
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director ((~~Environmental~~); Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; ~~Senior Environmental Health Officers~~; Environmental Services Officer; Waste Management Officer; ~~Technical Officer~~)
- 219 **~~Powers of entry, inspection & examination (Part 1 and Section 22):~~**
- ~~Head of Environmental Services; Commercial Health Manager; Waste Services Manager; Environmental Protection Manager; Technical Officer; Commercial Health Officer; Environmental Protection Officer; Environmental Health Officer; Senior Environmental Health Officers~~
- Private Water Supplies Regulations 1991 2009**  
**Part 1 – Water Standards:**  
**Part 2 – Monitoring:**  
**Part 3 – Action in the Event of Failure:**  
**Part 4 – Notice Procedure:**  
**Part 5 - Miscellaneous:**  
**To relax standards:**
- Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Environmental Protection Officer; Trainee Environmental Health Practitioner, Environmental Health Practitioner Environmental Services Officer
- Protection from Eviction Act 1977**  
**Part 1 – Unlawful Eviction and Harassment:**  
**Part 2 – Notice to Quit:**  
**Part 3 – Supplemental Provisions:**
- Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Environmental Protection Officer; Trainee Environmental Health Practitioner; Senior Housing Manager; Grants Officer; Housing Technical Officer, Environmental Health Practitioner
- Refuse Disposal (Amenity) Act 1978**

See also Clean Neighbourhoods and Environment Act 2005

**Sections 1 & 2: Control of Dumping:** ~~Power to authorise proceedings for unauthorised dumping (Section 2):~~

**Sections 3 – 6: Abandoned Vehicles and other refuse:**

**Sections 7 – 13: Miscellaneous and Supplemental:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive; Waste Management Officer; Environmental Protection Officer; ~~Senior Environmental Services Officer~~; Environmental Services Officer, Environmental Health Practitioner, Trainee Environmental Health Practitioner

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) ~~£1000.~~

~~To remove abandoned items/recover costs (Section 6):~~

~~Executive Director ((Environmental); Head of Environmental Services; Waste Services Manager; Waste Management Officers; Commercial Health Manager~~

~~To serve notices (Sections 3 and 4) and to recover costs (Section 5):~~

~~Executive Director ((Environmental); Head of Environmental Services; Waste Services Manager; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officers; Environmental Health Officers Technical Officers; Commercial Health Officer; Environmental Protection Officers~~

**Riding Establishments:** Riding Establishments Acts 1964 & 1970

70. **Sections 1 – 9 of 1964 Act:** ~~To issue full and provisional licences (Sections 1(2) and 4):~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ~~((Environmental);~~ Chief Executive; Waste Services Manager

71. **Sections 1 – 8 of 1970 Act:** ~~Powers of entry, inspection & examination (Section 2):~~

Head of Environmental Services; Commercial Health Manager; Executive Director; Chief Executive; ~~Technical Officers~~; Environmental Protection Officer; ~~Senior Environmental Health Officers~~; Environmental Protection Manager; Environmental Services Health Officer; Licensing Enforcement Officer; Waste Services Manager; Waste Management Officer; Commercial Health Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

- Scrap Metal Dealers: Scrap Metal Dealers Act 1964**
72. **To issue registrations (Section 1):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager
73. **Powers of entry, inspection & examination (Section 6):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Technical Officers~~; Commercial Health Officer; Senior Environmental Services Health Officer; Environmental Protection Officer; Waste Services Manager; Licensing Enforcement Officer; Waste Management Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Executive Director; Chief Executive
- 73a. **Site Waste Management Plans: Site Waste Management Plans Regulations 2008**  
**Sections 1 – 17 - To accept Site Waste Management Plans and, in conjunction and consultation with all relevant statutory bodies, enforce compliance of these plans:** Executive Director , Chief Executive; Head of Environmental Services, and Waste Services Manager
- Solvent Emissions (England and Wales) Regulations 2004**  
**Sections 1 -8 Vary and extend conditions on existing permits covered by SED, solvent reduction scheme**  
**Schedule 1 & 2** Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Environmental Protection Officer, Environmental Health Practitioner, Trainee Environmental Health Practitioner
- Sunday Trading Act 1994 – Sch. 2, para. 2**  
**Powers of entry, inspection & examination:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Senior Environmental Health Officers; Environmental Protection Officers; ~~Technical Officers~~ Commercial Health Officer; Licensing Enforcement Officer Environmental Health Officers  
**TO BE REPORTED TO WARD MEMBERS AND LEAD MEMBER FOR ENVIRONMENTAL SERVICES**

**Sunbeds (Regulation) Act 2010 – Sections 1-14**  
**Powers of entry and enforcement:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Licensing Enforcement Officer

**Town Police Clauses Act 1847**  
**Transport Act 1985**

**To deal with applications for all road closures:**

Democratic Services Manager; Head of Resources & OD

74. **Sections 37 – 68 (TPA)– Hackney carriages:**  
**Sections 10 – 16 (TA) – Taxis and Hire Cars:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((~~Environmental~~); ~~Chief Executive~~; Waste ~~Services~~ Manager; ~~Environmental Health Practitioner~~; ~~Trainee Environmental Health Practitioner~~; ~~Commercial Health Officer~~; ~~Licensing Enforcement Officer~~)

APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL

**Vehicle (Crime) Act 2001**

**Part 1 – Regulation of Motor Salvage Operators:**

~~To determine applications for registration – Motor Salvage Operators – Regs 2002~~

Head of Environmental Services; ~~Environmental Protection Manager~~; ~~Commercial Health Manager~~; ~~Waste Services Manager~~; ~~Executive Director~~; ~~Chief Executive~~

**Waste Minimisation Act 1998**

**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~~; ~~Executive Director~~; ~~Chief Executive~~

Water Act 1983

Requirement to enforce regulations and orders made under this Act:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Waste Services Manager

~~Water Act 1989 – Sections 56, 57, 58 and 59 (unwholesome or insufficient mains or private water supply)~~

~~To take action:~~

~~Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director ((Environmental)); Waste Services Manager~~

Water Industry Act 1991

Chapter 3 – Quality and Sufficiency of Supplies:

Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Commercial Health Manager; Executive Director; Chief Executive; Commercial Health Officer; Licensing Enforcement Officer; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Environmental Services Officer; Waste Management Officer; Senior Housing Manager; Grants Officer; Housing Technical Officer

To serve Improvement Notices (Section 80):

Head of Environmental Services; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager

~~Powers of entry, inspection & examination (Section 84):~~

~~Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Housing Manager; Grants Officer; Waste Services Manager~~

Wildlife and Countryside Act 1981

Part 1 – Wildlife:

Part 4 – Miscellaneous and General

Head of Environmental Services; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager

~~Zoo Licensing Act 1981 -Section 10)~~  
~~Powers of entry, inspection and examination:~~  
~~Sections 1 – 7: Licences:~~

Head of Environmental Services; Environmental Protection Manager Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officers; Environmental Health Officers;

~~Sections 9a – 12 – Inspections:~~

Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Commercial Health Manager; Executive Director; Chief Executive; Commercial Health Officer; Licensing Enforcement Officer; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Environmental Services Officer; Waste Management Officer

~~Section 15 – Fees etc:~~

Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Commercial Health Manager; Executive Director; Chief Executive

~~Sections 16 – 19 – Enforcement:~~

Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Commercial Health Manager; Executive Director; Chief Executive; Commercial Health Officer; Licensing Enforcement Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

~~C: ENVIRONMENTAL SERVICES, HOUSING & COMMUNITY SAFETY~~

~~-(Arranged in alphabetical order of legislation)~~

~~Function/Legislation~~

~~Delegation and Provisos (caps)~~

~~General~~

82. ~~To specify other officers or posts to act under any specific environmental health legislation (following changes to staff or responsibilities):~~

Chief Executive  
PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC SERVICES MANAGER)

83 ~~Bovine Products (Production & Despatch) Regs 1992 – S.8)~~

84. ~~Powers of entry, inspection and examination:~~ Head of Environmental Services; Commercial Health Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Technical Officer (Public Health); Senior Environmental Health Officers; Environmental Protection Manager; Environmental Health Officers
- Building Control: Building Act 1984**
85. To issue decisions with appropriate conditions as necessary on applications under Building Regulations: Building Control Manager or Head of Planning Services or Executive Director (Planning)
86. To determine applications for relaxation of Building Regulations Head of Planning Services or Building Control Manager or Exec. Director (Planning)
87. 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 or Exec. Director (Planning)
88. ~~To serve notices requiring repair of drains etc (Section 59):~~ Head of Planning Services; Head of Environmental Services; ~~Building Control Manager;~~ Environmental Protection Manager; Part 3 – Other Provisions about buildings: Waste Services Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Commercial Health Officer; Licensing Enforcement Officer; Environmental Protection Officers; Environmental Health Practitioners; Trainee Environmental Health Practitioners; ~~Environmental Health Officer;~~ Part 4: General Waste Management Officer; Senior Housing Manager; Grants Officer; Housing Technical Officer
89. To serve notices (Section 69 – Houses insufficient water supply): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager
90. ~~To serve abatement notices requiring defects to be remedied (Section 76):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Senior Housing Manager

91. 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
92. ~~To serve notices regarding ruinous or dilapidated sites (Section 79):~~ Head of Environmental Services; Environmental Protection Manager
93. To serve notices about demolition works (sections 81 and 82): Head of Planning Services and Building Control Manager
94. ~~Powers of entry, inspection and examination (Section 95):~~ Building Control Manager; Head of Planning Services; Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Building Control Surveyors; Environmental Protection Officers; Senior Housing Manager; Grants Officer; Environmental Health Officers; Senior Environmental Health Officers; Technical Officers
95. ~~To arrange work in default where there is a failure to comply with a notice and recover costs (Section 107):~~ Head of Environmental Services; Head of Planning Services; Executive Directors ~~IN CONSULTATION WITH THE CHAIRMAN OF THE POLICY & RESOURCES COMMITTEE (OR LEADER) WHERE PRACTICAL~~
96. 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 SOLICITOR TO THE COUNCIL
- ~~**Control of Pollution Act 1974 – Sections 60 & 61 (Control of Noise on Construction Sites)**~~
97. ~~Part 3 – Noise: Authority to act:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Protection Officers; Environmental Services Health Officer; ~~Technical Officers;~~  
~~Part 5 – Supplementary Provisions:~~ Commercial Health Officer; Senior Environmental Health Practitioners; ~~Officers;~~ Trainee Environmental Health Practitioners; Waste Services Manager; Licensing Enforcement Officer; Waste Management Officer



**Control of Pollution (Amendment) Act 1989 Section 5/5B**

99. ~~To issue Fixed Penalty Notices:~~  
**Sections 1-11 – Waste Carriers:**

Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Environmental Protection Officer; **Waste Services Manager**; Licensing Enforcement Officer, Waste Management Officer, Environmental Services Officer, Police Community Support Officers; **Environmental Health Practitioner**; **Trainee Environmental Health Practitioner**

**Clean Air Act 1993**

100. ~~Powers of entry, inspection and examination (Section 5(b)):~~  
**Part 1 - Dark Smoke:**  
**Part 2 - Smoke, Grit, Dust and Fumes:**  
**Part 4 - Control of certain forms of air pollution:**  
**Part 7: Miscellaneous and General:**

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers; Environmental Health **Practitioners Officers**; ~~Technical Officers~~; **Trainee Environmental Health Practitioners**; ~~Senior Environmental Health Officers~~; **Waste Services Manager**; **Waste Management Officer**

- ~~101. To take action under Sections 6-8; 12-14; 15; 16; 36 & 58:~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~

**Clean Neighbourhoods and Environment Act 2005**

102. ~~Part 2 – Abandoned Vehicles: – To act under Sections 10 – 14:  
Part 3 – Litter and Refuse:  
Part 4 – Graffiti and other defacement:  
Part 5 – Waste:  
Part 6 – Dogs:  
Part 7 – Noise:  
Part 9 - Miscellaneous:~~

Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; Licensing Enforcement Officer; Waste Management Officer, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Health Practitioners; Trainee Environmental Health Practitioners; Services Officers

The following are authorised under sections 59-67 only:-  
Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police, and, provided they have completed training - .

Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Co-ordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales)

103. ~~Part 3 – Litter and Refuse – to act under Sections 18 – 22:~~

~~Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers~~

104. ~~To authorise entry to land and recover costs (Section 20):~~

~~Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager~~

105. ~~Part 5 – Deposit and Disposal of Waste – to act under Sections 40 – 45:~~

~~Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers~~

106. ~~To authorise prosecutions or serve notices (Section 48):~~

~~Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers~~

407. ~~To act under Section 50 including authorisation of prosecutions, service of notices, removal of waste, recovery of costs:~~ Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager
408. ~~Controls on Dogs – To authorise the making of “Dog Control Orders” (Sections 55 – 58):~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager
409. ~~To authorise prosecutions or service of notices etc (Sections 59 – 67)~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers; Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police Licensing Enforcement Officer Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales
- Crime & Disorder Act 1998**
110. ~~To process or initiate requests for personal information or conviction data under the Act:~~ Executive Director (~~Environmental~~) or Community Safety Officer (designated officers); Head of Environmental Services
- Part 1 – Prevention of Crime and Disorder:**
- Part 115 – Disclosure of Information**
- Criminal Justice and Public Order Act 1994**

111. ~~To take appropriate action against unauthorised encampments (Part V):~~  
**Part 5 – Public Order: Collective Trespass or Nuisance on land:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; Environmental Services Officer; Waste Management Officer; Senior Housing Manager; Housing Technical Officer; Grants Officer **SUBJECT TO NOTIFICATION OF WARD MEMBERS FOR ACTION TAKEN AGAINST UNAUTHORISED ENCAMPMENTS**

112. ~~Powers of entry, inspection & examination (Section 77):~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Housing Manager; Environmental Protection Officers; Environmental Health Officers; Technical Officers; Commercial Health Officer; Senior Environmental Health Officers; Grants Officer; Waste Services Manager~~

Deer Acts 1991

113. Power to inspect:

Commercial Health Manager; Environmental Protection Manager; Head of Environmental Services; Environmental Health Officers; Senior Environmental Health Officers; Commercial Health Officer

Dogs Act 1871 and Dangerous Dogs Act 1989

114. ~~To authorise applications to be made to a court in relation to the keeping of a dog under proper control or the destruction of a dog on the grounds that it is dangerous (s. 2 of the Dogs Act 1871) and for a failure to comply with the provision of section 1 of the Dangerous Dogs Act 1989 (breach of a disqualification order and failure to comply with an order to keep a dog under proper control or to deliver a dog up for destruction as required by a court order).~~

Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Environmental Services Officer; Waste Management Officer

**Sections 2 & 4 – Destruction of dangerous dogs recovery of penalty:**

~~Environment Act 1995 - S. 108 (1) and 108 (a) - (h) & (j) - (m); Environmental Protection Act 1990 – S. 17 (3) (a) - (l) & Sc.3, paras 2/2A~~

115. ~~Powers of entry, inspection and examination:~~  
**Part 2 – Contaminated Land and Abandoned Mines:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Protection Officer; Environmental Health Practitioner Officers; Trainee Environmental Health Practitioner; Commercial Health Officer; ~~Senior Environmental Health Officers;~~ Waste Services Manager
- Part 4 – Air Quality:** Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner
- Part 5 – Miscellaneous, General and Supplemental Provisions:** Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Waste Services Manager; Commercial Health Officer
- Environment and Safety Information Act 1988**  
**Sections 1 – 5 – Maintaining Public Registers:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive
- Environmental Damage (Prevention and Remediation) Regulations 2009**  
**Part 1 – Introductory Provisions and Definitions:** Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officer; Commercial Health Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Waste Services Manager; Executive Director; Chief Executive  
**Part 2 – Preventing Environmental Damage:**  
**Part 3 - Remediation:**  
**Part 4 – Administration and enforcement:**

**Environment Permitting (England and Wales) Regulations) 2010**

**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; Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

**Environmental Protection Act 1990: See also Amendments made under the **Clean Neighbourhoods and Environment Act 2005****

116. **~~To take action under Sections 33 and 34 including the authorisation of prosecutions or service of notices:~~**

~~Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Waste Management Officers; Environmental Protection Officers; Senior Environmental Services Officer; Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager~~

**~~To serve notices (Sections 79, 80 & 80A – Statutory Nuisances):~~**

**Part 2 – Waste on Land:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; ~~Senior Environmental Services Health Officer; Environmental Protection Officer; Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Executive Director ((Environmental); Chief Executive; Waste Services Manager; Waste Management Officer; Solicitor to the Council; Licensing Enforcement Officer Senior Housing Officer~~

**Part 2a – Contaminated Land:**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste ~~Services~~ Manager; Executive Director; ~~Chief Executive~~; Environmental Protection Officer

**Part 3 – Statutory Nuisances and Clean Air:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste **Services** Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer; Senior Housing Manager; Housing Technical Officer; Grants Officer

**Part 4 – Litter etc:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste **Services** Manager, Executive Director; **Chief Executive**; Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer, Senior Housing Manager, Housing Technical Officer

**Part 8 – Miscellaneous:**

**Part 9 – General:**

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste **Services** Manager, Executive Director; **Chief Executive**; Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer, Senior Housing Manager, Housing Technical Officer

**118. To authorise prosecution for non-compliance with abatement notices served under Section 79 of the Act:**

~~Head of Environmental Services (in his absence, Commercial Health Manager; or Environmental Protection Manager or Waste Services Manager)  
SUBJECT TO SOLICITOR TO THE COUNCIL BEING SATISFIED WITH THE EVIDENCE AND IN CONSULTATION WITH THE OF THE POLICY AND RESOURCES COMMITTEE AND LOCAL WARD MEMBER.~~

- ~~119. To revoke authorisations where processes no longer operate: Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~
- ~~120. To authorise prescribed processes under Part B Sections 6 & 7: Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~
- ~~121. To vary conditions on authorisations (Section 10): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~
- ~~122. To enforce notices – prescribed processes (Section 13): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental))~~
- ~~123. To serve notices to obtain information (Section 19): Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~
- ~~Part 2 – Waste on Land~~
- ~~124. To take action – receptacles for waste including the authorisation of prosecutions or service of notices (Sections 46 and 47): Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environment Protection Officers; Senior Environmental Services Officer, Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager~~
- ~~125. To take all action – removal of waste unlawfully deposited (Section 59): Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager~~



- Part 4 – Litter etc**
- 126. ~~To take all action – Littering, Street Control Notices (Sections 87, 88, 92 – 94):~~** Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police; Licensing Enforcement Officer; Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales)
- 127. ~~To enter premises/determine if a nuisance exists/seek warrant in appropriate cases (Section 81/Schedule 3):~~** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; Senior Environmental Health Officers; Environment Protection Officers; Environmental Health Officers; Senior Housing Manager; Trainee Environmental Health Officer; Waste Services Manager
- 128. ~~To apply to the High Court for an injunction (noise complaints “pay parties” where normal procedures insufficient):~~** Head of Environmental Services (in his absence, Environmental Protection Manager or Commercial Health Manager, or Waste Services Manager)  
IN CONSULTATION WITH CX AND CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE
- 129. ~~Seizure of noise making equipment (Section 80(4):~~** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; Environmental Health Officers; Environmental Protection Officers; Executive Director ((Environmental); Waste Services Manager
- 130. ~~To serve Fixed Penalty Notices (Schedule 3A paras 1(1) & 7:~~** Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Licensing Enforcement Officer, Waste Management Officers, Waste Services Manager, Environmental Services Officers, Police Community Support Officers

**Environmental Protection (Stray Dogs) Regulations 1992**

132. ~~Discharge of functions – stray dogs:~~  
~~Sections 1-4 – Fees for seized dogs, register of seized dogs, finders who wish to keep dog:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental); Chief Executive; Waste Services Manager
133. ~~Discretion to reduce/waive charges for first offences/in hardship cases:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental); Waste Services Manager

**Food Safety**

**Food Safety Act 1990 (as amended) and any orders, regulation, codes of practice and products regulations made thereunder under or relating thereto or having Effect of by virtue of the European Communities Act 1972\*, and any modification or re-enactment thereto**

134. **General authorisation to act:** Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner Mike Deacon; Julia Smith; Christopher Jordan; Amanda Robinson; Amy White; Racheal Phillips; Robert Rowland; Beth Gordon  
\*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.
135. ~~Specific General authorisation to act: under The Products of Animal Origin (Import and Export) Regulations 1996, as amended; The Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004; Emergency Control Regulations eg The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005; and The Official Feed and Food Controls (England) Regulations 2006~~ Julia Smith; Racheal Phillips; Amanda Robinson  
Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner  
\*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.

136. Powers to serve Hygiene Improvement Notices, Hygiene Emergency **Prohibition** Notices, Remedial Action Notices and Detention Notices:
139. Powers of inspection and seizure of suspected food:
- Food Safety Act 1990 and all subordinate Regulations**
137. Lead Officer for Food safety:
- ~~138. General authorisation (Section 5):~~
- ~~140. Powers of entry, inspection and examination (Section 32) and to serve notices:~~
- Food and Environment Protection Act 1985 & Control of Pesticides Regulations 1986 - Sections 3, 4 and 11**
- ~~141. To enforce the legislation:  
Part 1 – Contamination of Food:  
Part 3 – Pesticides etc:  
Part 4 – General and Supplementary:~~
142. To act as an investigating/enforcement officer - delegation from Department of Health:
- Julia Smith; Christopher Jordan; Amanda Robinson; Racheal Phillips
- Commercial Health Manager, Environmental Health Practitioners, Suitably Qualified Environmental Health Practitioners meeting the Food Standards Agency's Code of Practice Requirements
- Commercial Health Manager
- ~~Mike Deacon – Head of Environmental Services; Julia Smith – Commercial Health Manager; Christopher Jordan; Senior Environmental Health Officer; Amanda Robinson and Racheal Phillips – Environmental Health Officers; Robert Rowland – Commercial Health Officer; Amy White – Technical Officer; Caroline Ellis – Environmental Protection Officer; Darren Hale – Environmental Protection Manager; Mandy Dennis – Environmental Protection Officer~~
- Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; **Waste Services Manager**; Commercial Health Officer; Environmental Protection Officer; Environmental Health Practitioner, **Officers**; **Senior Environmental Health Officers**; Trainee Environmental Health Practitioner **Officer**
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; **Waste Services Manager**; Executive Director & Chief Executive if appointed by the Minister
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager

**Pollution, Prevention and Control Regulations 2000 (Section 28) as amended by the Environmental Permitting (England and Wales) Regs 2007**

143. **To require information about a process to determine if it should be permitted or if there is a breach of the requirements of the legislation:**

Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers

144. **Health Act 2006 (Smoking Prohibition)**  
**General authority to act:**  
**Part 1 – Smoking:**

Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager; Waste Services Manager; Licensing Enforcement Officer, Trainee Environmental Health Practitioner Officer, Senior Environmental Health Officer, Commercial Health Officer, Environmental Health Practitioner Officers, Environmental Protection Officers, Waste Management Officer; Executive Director; Chief Executive; Environmental Services Officer

**Health Protection (Local Authority Powers) Regulations 2010**

**General Authority to act:**

**Health Protection (Part 2A Orders) Regulations 2010**

**General authority to act:**

**Health Protection (Notification) Regulations 2010**

**General authority to act:**

Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner

\*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.

**Health & Safety at Work Etc Act 1974**

145. **Powers of entry, inspection & examination/service of notices (S. 19 & 20):**

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager;

146. **Appointment of Inspectors (Section 19):**

Executive Director; Chief Executive Robert Rowland—Commercial Health Officer; Amy White—Technical Officer; Palden Dorje—Environmental Protection Officer; Amanda Robinson and Racheal Phillips—Environmental Health Officers; Manager; Christopher Jordan, Senior Environmental Health Officer; Caroline Ellis—Environmental Protection Officer; Beth Gordon—(NOT SERVICE OF NOTICES)

147. Powers of Inspectors (Section 20): Commercial Health Manager; Head of Environmental Services; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer
148. To serve notices (Sections 21 & 22 - Improvement & Prohibition and S. 25  
149. Seizure of articles or substances - cause of imminent danger): ~~Julia Smith~~—Commercial Health Manager; ~~Darren Hale~~—Environmental Protection Manager; ~~Racheal Phillips and Amanda Robinson~~— Environmental Health Practitioner Officers ; ~~Sections 21 & 22 only: Robert Rowland~~— Commercial Health Officer; ~~Amy White~~—Technical Officers (Commercial); ~~Christopher Jordan~~— Senior Environmental Health Officer (Commercial)
150. To authorise prosecution (Section 33): ~~Mike Deacon~~— Head of Environmental Services; ~~Julia Smith~~, Commercial Health Manager; ~~Mark Lovell~~— Executive Director ((Environmental)); ~~Neil Pritchard~~— Chief Executive; Solicitor to the Council
151. To instigate proceedings under Section 38: ~~Julia Smith~~— Commercial Health Manager; ~~Christopher Jordan~~, ~~Senior~~ Environmental Health Practitioner; ~~Officer (Commercial)~~; ~~Racheal Phillips and Amanda Robinson~~— Environmental Health Officers; ~~Robert Rowland~~ Commercial Health Officer; ~~Amy White~~— ~~Technical Officer~~ IN CONSULTATION WITH HEAD OF ENVIRONMENTAL SERVICES AND SUBJECT TO CONSIDERATION OF EVIDENCE BY SOLICITOR TO THE COUNCIL

[Home Energy Conservation Act 1995](#)

[Sections 1-9 – Energy Conservation advice, guidance, loans, grants and reports:](#)

[Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Senior Housing Manager, Grants Officer, Housing Technical Officer, Environmental Protection Officer, Environmental Health Practitioner, Trainee Environmental Health Practitioner](#)

**Housing: *Housing Act 1985***

152. **Part 10 – Overcrowding: Powers of entry inspection and examination (~~Sections 222 repair; 319 unfitness procedures; 340 overcrowding; 395 houses in multiple occupation; 411 common lodging houses; 600 survey & examination~~):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Senior Housing Manager, Grants Officer; Executive Director ((~~Environmental~~); Chief Executive; Housing Technical Officer; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

**Part 11 – Houses in Multiple Occupation:**

**Part 12 – Common Lodging Houses:**

**Part 18 – Miscellaneous and General Provisions:**

153. **~~Powers of entry inspection and examination (Section 54):~~**

~~Head of Environmental Services; Senior Housing Manager, Grants Officer; Housing Technical Officer; Environmental Protection Manager~~

154. **~~To issue repair notices (S.189 unfit dwellings and S. 190 dwellings in disrepair but not unfit:~~**

~~Head of Environmental Services; Senior Housing Manager; Executive Director ((~~Environmental~~); Environmental Protection Manager~~

155. **~~To serve notices (Sections 352, 354, 360 and 361 –houses in multiple occupation):~~**

~~Head of Environmental Services; Senior Housing Manager; Executive Director ((~~Environmental~~); Environmental Protection Manager~~

**~~Housing Acts 2004 and 1985 – Part 1 – Housing Conditions~~**

**Part 1 – Housing Conditions**

Head of Environmental Services; Environmental Protection Manager Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive; Senior Housing Manager; Housing Technical Officer; Grants Officer; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

**Except Prohibition Orders (Sections 20-27 and 32-39)**

Executive Director; Chief Executive; Head of Environmental Services

**Emergency Prohibition Orders (Sections 43-45) and Chapter 4**

**Emergency Remedial Action (Sections 40-42):**

Executive Director; Chief Executive; Head of Environmental Services, Environmental Protection Manager; Commercial Health Manager; Waste Services Manager

~~156. To carry out Inspections (Sections 4 (1) and 4 (2):~~

~~Environmental Protection Manager; Senior Housing Manager~~

~~157. Part 2 – Licensing of Houses in Multiple Occupation: To serve or suspend Improvement Notices – Sections 11, 12 and 14:~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive Senior Housing Manager~~

~~158. Part 3 – Selective Licensing of Other Residential Accommodation: To revoke and vary Improvement Notices – Section 16:~~

~~Head of Environmental Services; Executive Director; Chief Executive~~

~~159. Part 4 – Additional Control Provisions in relation to Residential Accommodation: To review Improvement Notices – Section 17:~~

~~Head of Environmental Services; Executive Director; Chief Executive~~

**Chapter 3: Overcrowding Notices:**

~~Head of Environmental Services; Executive Director; Chief Executive  
Commercial Health Manager; Waste Services Manager;  
Environmental Protection Manager; Senior Housing Manager;  
Housing Technical Officer:~~

~~160. To serve or suspend Prohibition Orders Sections 20, 21 and 23:~~

~~BOTH – Executive Directors, Head of Environmental Services~~

~~161. To revoke and vary Prohibition Orders – Section 25:~~

~~162. To serve Hazard Awareness Notices – Sections 28 and 29:~~

~~Environmental Protection Manager; Senior Housing Manager~~

~~163. To carry out Emergency Remedial Action – Section 40:~~

~~Executive Directors, Head of Environmental Services,  
Environmental Protection Manager~~

~~164. To serve Emergency Remedial Action Notices – Section 41:~~

~~Executive Directors, Head of Environmental Services,  
Environmental Protection Manager, Senior Housing Manager~~

~~165. To recover Expenses for taking Emergency Remedial Action – Section 42:~~

~~Solicitor to the Council, Executive Directors, Head of Environmental Services~~

166.	<del>To serve Emergency Prohibition Order - Section 43:</del>	ALL – Executive Directors, Head of Environmental Services
167.	<del>To serve Demolition Orders – Subsection (1) or (2) Section 265:</del>	
168.	<del>To declare the Area in which premises with a Category 1 is located as a Clearance Area – Section 289(2) and (2A) (1985):</del>	
169.	<del>To deal with Failures to Comply with Improvement Notices – Section 30(1):</del>	
170.	<del>To recover Expenses for taking Enforcement Action – Section 31:</del>	Solicitor to the Council, Executive Directors, Head of Environmental Services
171.	<del>To prosecute for Failure to Comply with Prohibition Orders – Section 32(1):</del>	BOTH – Executive Directors, Head of Environmental Services
172.	<del>To authorise charges for Enforcement Action – Section 49:</del>	
173.	<del>To recover Charges – Section 50:</del>	Solicitor to the Council, Executive Directors, Head of Environmental Services
	<i>Part 2 – Licensing of Houses in Multiple Occupation</i>	
174.	<del>To Grant or Refuse Licences – Section 64:</del>	Executive Directors, Head of Environmental Services
175.	<del>To Vary Licences – Section 69:</del>	Executive Directors, Head of Environmental Services, Environmental Protection Manager
176.	<del>To revoke Licences – Section 70:</del>	ALL – Executive Directors, Head of Environmental Services
177.	<del>To Designate an Area subject to Additional Licensing – Section 56:</del>	
178.	<del>To Revoke Designation of an Area Subject to Additional Licensing – Section 60:</del>	
179.	<del>To Serve Temporary Licensing Exemption Notices – Section 62:</del>	Executive Directors, Head of Environmental Services, Environmental Protection Manager



180.	<del>To Prosecute for Offences – Section 72:</del>	<del>Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL SUBJECT TO NOTIFICATION OF WARD MEMBERS</del>
181.	<del>To Apply – Rent Repayment Orders – Section 73:</del>	<del>Executive Directors, Head of Environmental Services; Solicitor to the Council</del>
	<i><del>Part 3 – Selective Licensing of Other Residential Accommodation</del></i>	
182.	<del>To Designate Selective Licensing Areas – Section 80:</del>	<del>BOTH – Executive Directors, Head of Environmental Services</del>
183.	<del>To Revoke Selective Licensing Areas – Section 84:</del>	
184.	<del>To Serve Temporary Licensing Exemption Notices – Section 86:</del>	<del>Executive Directors, Head of Environmental Services, Environmental Protection Manager</del>
185.	<del>To Grant or Refuse Licences – Section 88:</del>	<del>Executive Directors, Head of Environmental Services</del>
186.	<del>To Prosecute for Offences – Section 95:</del>	<del>Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL</del>
187.	<del>To Apply – Rent Repayment Orders – Section 96:</del>	<del>Executive Directors, Head of Environmental Services</del>
	<i><del>Part 4 – Additional Control Provisions In Relation to Residential accommodation</del></i>	
188.	<del>To make Interim Management Orders – Section 102:</del>	<del>Executive Directors, Head of Environmental Services</del>
189.	<del>To Vary or Revoke Interim Management Orders – Section 102:</del>	<del>BOTH – Executive Directors</del>
190.	<del>To Revoke Final Management Orders – Section 113:</del>	
191.	<del>To make or Vary Final Management Orders – Section 113:</del>	<del>Executive Directors, Head of Environmental Services</del>
192.	<del>Power of Entry; Section 131:</del>	<del>Head of Environmental Services, Environmental Protection Manager, Senior Housing Manager</del>

- Chapter 2***
193. ~~To make Interim Empty Dwelling Management Orders – Section 133:~~ BOTH – Executive Directors, Head of Environmental Services
194. ~~To make Final Empty Dwelling Management Orders – Section 136:~~
- Chapter 3 – To serve Overcrowding Notices – Section 139:***
195. ~~To revoke or vary Overcrowding Notice – Section 144:~~ BOTH – Head of Environmental Services, Environmental Protection Manager, Senior Housing Manager
- Mortgages:**
196. 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 and Organisational Development or Chief Finance Officer
197. To authorise the affixing of Council's seal on redemption of mortgages: Solicitor to the Council
198. 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 and Organisational Development or Chief Finance Officer
199. To determine and declare at 6 monthly intervals local average rate of applicable to each of the two main categories of mortgage lending:
200. To transfer the outstanding sum to an alternative provider: BOTH - Chief Finance Officer
201. To authorise incentive payments for the transfer of the mortgage to an alternative provider: SUBJECT TO THE CONSENT OF THE BORROWER  
SUBJECT TO STATUTORY LIMITS
202. Housing Stock transfer: To agree monies due from Spire Homes under the terms of the transfer contract: Chief Finance Officer
- 

## Homelessness

203. **To decide on homelessness claims under Part III of the Act:**
- Housing Services Officer; Housing Strategy Manager (appeal to Solicitor to the Council)
- In the absence of the Housing Services Officer or Housing Strategy Manager, the Executive Director (~~Planning~~) to nominate an appropriately qualified officer in a neighbouring authority to make a recommendation on which a decision can be made by the ED (Planning) PROVIDED THAT A RECORD IS KEPT OF THE NAME(S) OF OFFICERS AND DATES OF ACTIONS TAKEN
- Housing Grants Construction & Regeneration Act 1996**
204. **To approve applications for renovation, disabled facilities and home repair grants:**
- Head of Environmental Services or in his absence, Senior Housing Manager or Environmental Protection Manager DETAILS TO BE REPORTED TO MEMBERS
205. **Section 82: Powers of entry, inspection & examination:**
- Head of Environmental Services; ~~Executive Director; Chief Executive; Commercial Health Manager; Waste Services Manager;~~ Senior Housing Manager; ~~Environmental Protection Officer;~~ Environmental Protection Manager; Grants Officer; Housing Technical Officer; ~~Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner~~
- Hypnotism Act 1952**
- Sections 1-7 – Control of demonstrations at premises, fees, prohibition of hypnotising under 21s and powers of entry:**
- Head of Environmental Services; Executive Director; Chief Executive;  
Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Licensing Enforcement Officer
- Land Drainage Act 1991**
206. **To undertake land drainage functions under Sections 14, 15, 25, 26 and 64:**
- Executive Director (~~(Environmental)~~); Chief Executive
- Local Government Act 1972 – Sections 112 and 223**
207. **To act as appropriate in the Magistrates Court:**
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Environmental Health Practitioner; Commercial Health Officer; Waste Services Manager~~

208. Local Government & Housing Act 1989 – Section 97  
Powers of entry, inspection and examination:

Commercial Health Manager; Head of Environmental Services;  
Environmental Protection Manager; ~~Executive Director; Chief  
Executive; Environmental Protection Officer; Trainee  
Environmental Protection Officer; Housing Technical Officer;~~  
Commercial Health Officer; ~~Grants Officer Environmental Health  
Officers~~

211. Meat Products (Hygiene) Regulations 1994  
~~To issue approvals where premises meet required standard:~~

~~Head of Environmental Services; Commercial Health Manager;  
Executive Director ((Environmental))~~

Noise Act 1996 (Section 8)

~~Sections 1-9 – Summary procedure for dealing with noise at night: To  
issue Fixed Penalty Notices:~~

~~Section 10 – Seizure etc of equipment used to make noise unlawfully:~~

~~Sections 11 – 14 – General provisions:~~

~~Schedules relating to the above Sections:~~

Head of Environmental Services; Commercial Health Manager;  
Environmental Protection Manager; Waste Services Manager,  
~~Senior Environmental Health Officer, Environmental Health  
Practitioner Officer, Commercial; Trainee Environmental Health  
Practitioner; Licensing Enforcement Officer, Commercial Health  
Officer, Technical Officer, Environmental Protection Officer; Waste  
Management Officer~~

Pollution Prevention and Control (England and Wales) Regulations 2000

217. ~~To undertake duties under Sections 10,11,12,13,17,1,21 & 24)~~

~~Head of Environmental Services; Environmental Protection  
Manager; Commercial Health Manager~~

Noise & Statutory Nuisance Act 1993

~~Powers of entry, inspection and examination (Schedule 3, para. 6):~~

~~To serve notices and action any subsequent prosecutions Sections 2-5 –  
Amendment to Environmental Protection Act 1990):~~

Head of Environmental Services; Commercial Health Manager;  
Environmental Protection Manager; Waste Services Manager;  
~~Executive Director; Senior Housing Manager; Housing Technical  
Officer; Environmental Health Practitioner; Trainee Environmental  
Health Practitioner; Commercial Health Officer; Grants Officer;  
Environmental Protection Officer; Environmental Services Officer;  
Waste Management Officer Senior Environmental Health Officers~~

~~To serve notices regarding recovery of costs (Sections 2-5):  
Section 10 – Recovery of Costs:~~

Executive Director (~~(Environmental)~~); Chief Executive; Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Solicitor to the Council

**Public Health Act 1936**

220. ~~To serve Notices – Removal of Noxious Matter (Section 79):  
Part 2 – Sanitation and Disease:~~

~~BOTH~~ – Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Trainee Environmental Health Practitioner; Executive Director; Chief Executive; Environmental Health Practitioner; ~~Trainee Environmental Health Practitioner~~; Senior Housing Manager; Licensing Enforcement Officer; Environmental Protection Officer; ~~Technical Officers~~; Environmental Services Officer; ~~Senior Environmental Health Officers~~; Commercial Health Officer; Waste Management Officer; Grants Officer; Housing Technical Officer

221. ~~Powers of entry, inspection and examination (Section 287):  
Part 4 – Provisions for the protection of public from polluted water:~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager

222. ~~Part 12 – General To serve notices – intention to fumigate (Section 83):~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Senior Housing Manager; Licensing Enforcement Officer; Environmental Protection Officer; ~~Technical Officers~~; Environmental Services Officer; ~~Senior Environmental Health Officers~~; Commercial Health Officer; Waste Management Officer; Grants Officer; Housing Technical Officer

223. ~~To apply to Court in respect of domestic supplies or supplies where there is preparation of food/drink for human consumption (Section 140 – closure of polluted water supply):~~

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager

**Public Health Act 1961**

224. ~~Part 2 – Sanitation and Buildings: Powers of entry, inspection & examination (Sections 17,34,36 & 37):~~ Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Commercial Health Officer; Environmental Health Services Officer; Waste Management Officer; Senior Environmental Health Officer; Senior Housing Manager; Grants Officer
225. ~~To serve notices/undertake work in default & recover costs (Section 17):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
226. ~~To serve notices/recover costs (Section 34-Accumulations of Rubbish):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
227. ~~To serve notices (Section 36):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager

**Public Health (Control of Disease) Act 1984 See also Proper Officer Provisions**

228. **Section 61 - Powers of entry, inspection and examination:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Grants Officer; Environmental Services Officer; Senior Housing Manager

**Public Health (Infectious Disease) Regulations 1998 See also Proper Officer Provisions**

229. Powers of entry, inspection and examination:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; ~~Executive Director; Chief Executive; Waste Services Manager; Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner;~~ Commercial Health Officer; Environmental Protection Officer; ~~Licensing Enforcement Officer; Housing Technical Officer; Grants Officer; Environmental Services Officer; Senior Housing Manager; Waste Management Officer~~

~~Rag Flock & Other Filling Materials Act 1951 – Section 13  
Slaughter of Poultry Act 1967 – Section 4~~

235. Powers of entry:

~~Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officer; Environmental Health Officers; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Waste Services Manager~~

~~Slaughter of Poultry (Licences & Specified Qualifications) Regs.1991~~

236. ~~To act as Welfare Supervising Officers:~~

~~Head of Environmental Services; Commercial Health Manager; Technical Officer (Commercial)~~

Contravention of environmental health legislation

242. To issue cautions for minor offences:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; ~~Senior Environmental Health Officer (Commercial);~~ Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner (Senior)

End of Environmental **Services** delegation

### **C: FINANCIAL, STAFFING AND LEGAL/CORPORATE FUNCTIONS ISSUES**

#### Function/Legislation

#### Delegation and Provisos (caps)

#### Administration of Estates Acts, 1925 & 1971

To make application, in all appropriate cases, to administer the estates:

Solicitor to the Council

**Petitions: Local Democracy, Economic Development and Construction Act 2009**

To reject petitions that are vexatious, abusive or otherwise inappropriate, subject to notifying SMT and the Leader of the Council:

Monitoring Officer

**Local Government Act 1972**

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 and Solicitor to the Council

**Section 91**

**Section 112(2) (Staff Benefits and Actions)**

To approve or decline applications for car loans from staff

Chief Finance Officer or Head of Resources & OD and either Chief Executive or Executive Director

~~To approve changes to the defined cars as a result of changes to the Vauxhall range; Chief Executive discretion to disallow vehicles not deemed appropriate (Car leasing)~~

To deal with requests from Chief Officers for the grant of car allowances for appropriate posts:

Chief Executive

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 Director

Sections 120 -123 ~~-(Land Transactions & Council Assets)~~ To select valuer (etc):

Head of the Paid Service or Executive Director or Head of Resources and OD

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 Director



**Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990; County Courts Act 1984; Rights of Audience Order 1999**

**To institute or defend proceedings in the Magistrates/County/High Court**

Head of the Paid Service or Executive Director, or Solicitor to the Council SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER

**To authorise staff under the above provisions:**

Solicitor to the Council

**To take Counsel's opinion when he deems it in the Council's interest**

Head of the Paid Service or Executive Director, or Solicitor to the Council CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE AND THE LEADER TO BE NOTIFIED

**Ombudsman – Maladministration: Local Government Act 2000 – Section 92**

**To make payments in cases of maladministration:**

Chief Executive; Executive Director SUBJECT TO REPORTING TO THE POLICY & RESOURCES COMMITTEE

**Local Government Finance Acts 1988 and 1992 (Council Tax etc)**

243. **To represent the Council in proceedings in the Magistrates Court:**
244. **To deal with completion of dates of new or altered buildings:**
245. **To impose or quash penalties:**
246. **To administer the legislation including various control, management and relief functions:**

Head of Customer and Community ~~Revenue and Benefit~~ Services; Revenues Manager; Business Rates Officer; Senior Revenue Officer (Recovery)

~~Head of Revenue and Benefit Services;~~—Revenues Manager; Business Rates Officer; ~~Senior Revenue Officer~~

Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director

Head of Customer and Community ~~Revenue and Benefit~~ Services; ~~Chief Finance Officer~~; Executive Director; Revenues Manager

**Rate relief:**

247. **To approve applications for *rate* relief for partial occupation of non-domestic properties:** Head of Customer and Community ~~Revenue and Benefit~~ Services; or Chief Finance Officer; or Executive Director
248. **To approve applications for discretionary relief:** Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director ~~Chief Finance Officer~~
- Local Government Finance Act 1992 and Council Tax Benefit Regulations**
249. **To implement and operate the Act and its supporting regulations:** Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director
250. **To calculate the award of Council Tax benefit:** ~~Head of Revenue and Benefit Services~~; Benefit Manager; Assessment Staff and Quality Manager
251. **To conduct internal reviews:** Chief Finance Officer and Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director
252. **To operate the Council's scheme on discretionary payments:** Chief Finance Officer; Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director
253. **To represent the Council at Appeals Tribunals**  
Benefit Manager; Senior ~~Assessment~~ Benefit Officer and Quality Manager
254. **To determine and recover the overpayment of benefit:** Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Senior Benefit Officer (Fraud & Overpayments)
5. **To institute recovery proceedings through the Courts including representing the Council in Court:** Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Revenues Manager; Senior Revenues ~~Benefits~~ Officer (Recovery) ~~Recovery Officer~~
- Local Government (Miscellaneous Provisions) Act 1976**  
**To approve ~~Member Empowerment Grants Sport & Leisure, Youth Council, Art and Heritage Grants to £3,500:~~** ~~Head of Policy & Community Development~~ Executive Director; Head of Customer & Community Services

**Local Government Pensions Regulations 1997**

To agree to the release of preserved benefits where the request does not have significant cost implications: Chief Finance Officer

**Public Health Act 1936 - Section 291**

To enter into repayment agreements and make Charging Orders (expenses recoverable from owners): ~~Both~~ Executive Director, with power to delegate to specific officers

**Regulation of Investigatory Powers Act 2000 (Covert Surveillance):**

Authorisation of covert surveillance - undertaking investigations:-

Authorisation of requests for access to, and disclosure of, communications data:

ALL SUBJECT TO THE COUNCIL'S CORPORATE POLICY & HOME OFFICE CODE OF PRACTICE & FOR REQUESTS FOR COMMS. DATA TO BE CHANELLED THROUGH DEMOCRATIC SERVICES MANAGER (AS THE COUNCIL'S SINGLE POINT OF CONTACT)

Crime and disorder and anti-social behaviour; Noise; Licensing; Food Safety; Littering; Dog Control; Flytipping; Refuse; Health & Safety; Abandoned Vehicles

~~ALL – Chief Executive; Executive Director  
Head of Environmental Services; Commercial Health Manager;  
Environmental Protection Manager; Waste Manager  
Replacing individual Heads of Service  
Other officers in absence of all 4 above:  
Solicitor to the Council; Democratic Services Manager~~

1. 2. Planning Enforcement
3. Benefit Fraud
4. Personnel Issues

- 267 Covert Human Intelligence Authorisations for vulnerable people or juveniles, or where surveillance involves communications subject to legal privilege, confidential person information or confidential journalistic material:

Chief Executive (or ~~other~~ Executive Director in his absence) IN CONSULTATION WITH LEADER OF COUNCIL (OR DEPUTY LEADER IN HIS ABSENCE

**264. Road Traffic Regulation Act 1984:**

To take court action in respect of contraventions of the Rushden Off-Street Parking Places Order

Solicitor to the Council SUBJECT TO BEING SATISFIED AS TO THE EVIDENCE

**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**

256. To implement the Acts and supporting legislation: Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director
257. To calculate and approve the award of housing benefit: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Assessment staff and Quality Manager
258. To conduct appeals for reconsideration: ~~Chief Finance Officer~~ and Head of Customer and Community ~~Revenue and Benefit~~ Services (provided the original decision was not taken by HCCS); Executive Director
259. To operate the Council's scheme on discretionary payments: ~~Chief Finance Officer~~; Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director; Benefit Manager
260. To represent the Council at Appeals Tribunals: Benefit manager; Senior Benefit ~~Officer Assessment Officers~~ and Quality Manager
261. To determine and recover the overpayment of benefit: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Senior Benefit Officer
262. To institute recovery proceedings through the Courts including representing the Council in Court: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Senior Benefit Officer
263. 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 below ) : ~~Head of Revenue and Benefit Services~~ Executive Director or Chief Executive
- ~~Transport Acts 1985 and 2000~~
264. ~~To administer the Council's agreed Concessionary Travel Scheme:~~ ~~Chief Finance Officer; Revenues Manager; Quality Manager~~
- ~~Town & Country Planning General Regulations 1976~~
268. To seek deemed planning permission (regulations 4 & 5): ~~Executive Director~~ Any Head of Service (but not Planning)

**D: PROPER OFFICER PROVISIONS - Local Government Act 1972:**























































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## 1.0 Introduction

- 1.1 Effective risk management is essential if the Council is to achieve its stated outcomes. It not only underpins the continuous improvement process but also the systems and procedures for governing the business of the Council.
- 1.2 In basic terms Risk Management is about identifying events or occurrences (Risks) that could prevent the Council achieving its stated outcomes, assessing the impact these will have should they occur and then putting in place adequate arrangement for the control, mitigation or transference of these risks. To be effective these risks and their mitigation need to be recorded and also reviewed on a regular basis.
- 1.3 It is neither efficient nor effective to try and control, mitigate or remove all risk from an organisation's activities. Risk mitigation needs to be proportionate to the risks they are designed to manage and as a result there will be a level of risk that the Council is prepared to take. This is known as the risk appetite and for the purpose of this strategy "primary" level risks (see Appendix A for definition) are those outside this appetite and therefore require managing.

## 2.0 Scope

- 2.1 This document is designed to set out:
- An overview of risk management
  - the level of risk the Council is prepared to take i.e. the risk appetite
  - the integration of risk management into the council's decision making, service planning and performance management
  - the responsibilities for risk management
  - the processes for identifying, assessing and managing risk

## 3.0 Strategy outcomes

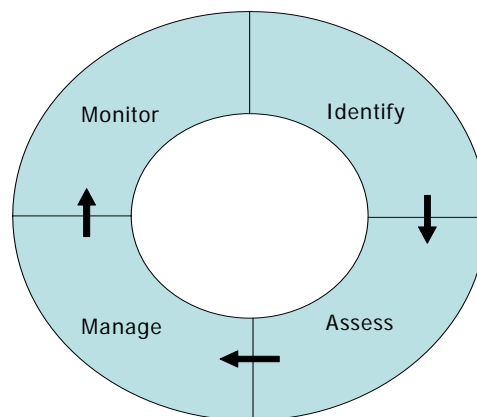
- 3.1 The outcomes to be delivered by this strategy are:

Strategy outcomes	Links to corporate outcomes
<ul style="list-style-type: none"><li>• Identification of significant risks across all corporate outcomes and management of those risks to within the council's risk appetite</li></ul>	<ul style="list-style-type: none"><li>• Effective risk management</li><li>• Effective management</li></ul>

## 4.0 Risk Management - Overview

- 4.1 Risk management is the process by which the council seeks to identify, assess and manage key risks which might prevent it from achieving its corporate outcomes and hence to work effectively as an organisation. Risk management should not be a standalone process but is simply part of other managerial processes such as performance management, financial management, project management, service planning and the governance of the council as whole. The identification of risk forms part of these process and is reflected in the documentation and reports stemming from them.

- 4.2 Risk management is an ongoing process. It should be used from the point at which a risk is first identified until such time as it no longer represents a significant inherent risk to the council. The risks and the controls used to mitigate them should be reviewed at a frequency commensurate with the impact the risk may have and the adequacy on the controls.
- 4.3 There are a number of benefits of having an effective risk management process in place and these are:
- Alerting management and councillors to the key risks which might prevent the achievement of the council's corporate outcomes and service plan objectives, in order that timely mitigation can be developed to either prevent the risks occurring, or to manage them effectively if they do occur.
  - Contributing to better decision making and the process of achieving corporate outcomes and service plan objectives. When embedded within existing business processes such as planning, performance management, project management and budgeting, it provides a basis for ensuring implications are thought through, the impact of other decisions, initiatives and projects are considered and conflicts are balanced. It also assists managers to design mitigation that is proportionate to the degree of risk faced.
  - Providing assurance to Members and managers on the adequacy of arrangements for the conduct of business. It demonstrates openness and accountability to various regulatory bodies and stakeholders more widely.
  - Greater risk awareness and an improved control environment, which should mean fewer incidents and other control failures and better service outcomes.
- 4.4 The council's risk management approach is based on the standard management cycle of:



## 5.0 Risk Appetite

- 5.1 Risk appetite or tolerance is the Council's cultural taste for risk in day to day activities. The culture may be averse, neutral or positive towards taking risk. The risk appetite may vary depending on the activity, but it is essentially the level of risk the council considers acceptable in order to achieve its objectives.
- 5.2 The Council uses a scoring mechanism based on impact and likelihood and has defined that any risk scoring 9 or more based on the matrix at Appendix A is considered a "primary" risk and therefore should be subject to appropriate action to mitigate the risk and potentially reduce the score to within the risk appetite.

5.3 Risks scoring less than 9 should still have controls identified in the risk register and be monitored to ensure controls are operating as expected to keep them within the risk appetite.

**6.0 Embedding Risk Management**

6.1 Embedding risk management is defined as building it consistently and uniformly into all operations at every level where it becomes part of ‘the way we do things’ as a matter of routine.

6.2 The key factors for successfully embedding risk management are:

- Sponsorship;
- Ownership;
- Linking to service plans and corporate priorities
- Appropriate knowledge skills and behaviours to identify, assess and manage risks

6.3 How we achieve these success factors is outlined in sections 7 and 8, and the accompanying appendices and guidance notes.

**7.0 Roles and Responsibilities**

7.1 Successful risk management is the responsibility of all employees and Members of the Council. It is important that everyone understands their role in managing the risks the council faces in delivering services.

7.2 The Finance Manager is specifically responsible for:

- Producing and reviewing the Risk Management Strategy
- Reporting to the Member body charged with governance on the effectiveness of risk management arrangements
- Providing advice, guidance, support and training to officers and Members
- Reviewing committee reports to ensure risks relating to recommendations / decisions are clearly stated in the risk section of the report.
- Promoting effective risk management across the council
- Assisting officers in maintaining the corporate risk register

7.3 The Council’s Scrutiny Committee is responsible for oversight of the risk management processes. The Committee receives quarterly reports on overdue risk actions as part of the performance clinic framework. The Council’s Standards Board and Scrutiny Committee are involved in the preparation and review of the Annual Governance Statement which includes reference to the Council’s risk management arrangements.

7.4 The following table identifies other specific roles and responsibilities.

<b>Who</b>	<b>Responsibilities</b>
Members	<ul style="list-style-type: none"> <li>• To hold CMT accountable for effective risk management across the Council</li> <li>• To ensure effective risk management arrangements are in place</li> <li>• To consider risks when making decisions</li> <li>• To raise risk issues and concerns with CMT or Finance Manager</li> </ul>
Corporate	<ul style="list-style-type: none"> <li>• To identify and assess risks to service delivery and</li> </ul>



Management Team	<p>instigate actions to mitigate those risks</p> <ul style="list-style-type: none"> <li>• To identify corporate risks and ensure identified actions to mitigate are completed</li> <li>• To champion risk management and lead by example</li> <li>• Horizon scanning to identify emerging risks</li> <li>• To ensure appropriate risk owners are designated for each risk or action</li> </ul>
Project Managers	<ul style="list-style-type: none"> <li>• To identify and manage project risks</li> <li>• To ensure high level project risks are recorded on the risk register</li> </ul>
Partnership Lead officers	<ul style="list-style-type: none"> <li>• To identify and manage partnership risks from the Council's perspective</li> <li>• To identify and manage risks from the partnership's perspective (where the council is the lead authority)</li> <li>• To ensure partnership risks are recorded on the risk register and in accordance with the Partnership Protocol.</li> </ul>
Managers and other employees	<ul style="list-style-type: none"> <li>• To identify opportunities or threats to service delivery</li> <li>• To take reasonable action to minimise risks in service delivery</li> <li>• To report events (materialising of identified risks) to CMT</li> <li>• To seek advice from the Finance Manager on risk management issues</li> </ul>

## 8.0 Risk Management Processes

8.1 Corporate, Service, and Team Plans identify the aims, objectives and desired outcomes for the Council. For all outcomes identified in these plans, Heads of Service should consider the risks that may materialise to prevent delivery of a desired outcome. The following steps apply.

- Risk identification – the process of determining what can happen, when, how and why
- Risk assessment– the process used to determine the priorities by evaluating and comparing the level of risk against standards and criteria
- Risk analysis – using the assessment information to give a score relating to impact and likelihood. Inherent risk score should be the impact and likelihood if we do nothing about the risk.
- Risk response – determine what to do about a risk in terms of treat, tolerate, transfer or terminate the activity in order to reduce the impact
- Risk mitigation - identifying what controls are already in place to reduce the chance of a risk materialising,
- Review the scoring with the responses and controls in place to come up with the residual risk score
- Future mitigation by identifying actions that need to be taken to reduce the residual risk score to within the risk appetite

8.2 These steps will be undertaken by officers during a group workshop, or individually with the assistance of the Finance Manager. Risks, controls and actions can then be recorded in the 4Risk System. Risks are classified as:

- Corporate – cross cutting and affecting all services in the Council

- Operational – related to a specific service or activity
- Strategic – may affect the strategic direction of the Council
- Project – time limited and specific to finite projects

8.3 Implementation of risk actions are monitored as part of the Council's quarterly performance clinics. Where actions have not been taken in a timely manner to mitigate risks, this shall be reported to the appropriate committee charged with governance.

8.4 Emerging risks identified through regular horizon scanning will be assessed, analysed and recorded on 4Risk with suitable responses as soon as they are identified.

8.5 Risks relating to committee decisions are recorded in each committee report. The Finance Manager provides advice and guidance, and will identify if the risk register requires updating with any corporate or service risks emerging from report recommendations.

8.6 Project risks will be identified at the outset of any project and recorded in the Council's Project Management Framework documentation. Any project risks that have an inherent risk score of 9 or above will be recorded on 4Risk in a sub-section for the appropriate service area. This will enable monitoring of controls and actions.

8.7 Once the project is completed, project risks will be removed from 4Risk.

## 9.0 Monitoring and Review

9.1 The Strategy will be reviewed annually and reported to the Scrutiny Committee, and any other committee of the Council charged with governance issues.

9.2 Progress with actions for primary risks will be reported to the Scrutiny Committee as part of the performance management framework.

9.3 Internal Audit will review the Council's risk management processes at least once every two years.

9.4 Risk owners will review their risks on 4Risk every 6 months and give assurance that controls are still operating as recorded.

## 10.0 Glossary of terms

Term	Definition
<b>Risk</b>	The threat that an event or action will adversely affect the Council's ability to deliver its objectives. The threat is measured in terms of impact and likelihood.
<b>Risk strategy</b>	How the Council plans to achieve good risk management
<b>Risk appetite</b>	The level of risk the Council is prepared to accept
<b>Risk averse</b>	A low appetite for risk taking
<b>Risk positive</b>	A high appetite for risk taking to potentially achieve a more favourable outcome

<b>Upside risk</b>	Opportunity to exploit a situation for a positive advantage
<b>Inherent risk</b>	The impact and likelihood of an event occurring before any controls haven been applied
<b>Residual risk</b>	The impact and likelihood of an event occurring when controls are operating as designed
<b>Controls</b>	Processes or actions taken to address risks. Usually referred to as treating the risk. Cost of controls should be proportional to the risk
<b>Mitigation</b>	Actions taken or to be taken to reduce the chance of a risk materialising or the impact if it does. May also include the terms tolerate, transfer or terminate the risk.
<b>Treat the risk</b>	Operate processes to reduce the risk e.g. password security, spot checks, regular monitoring or reporting
<b>Tolerate the risk</b>	Agree not to take action, usually due to minimal likelihood of occurrence, or cost of controls is disproportional to the risk
<b>Transfer the risk</b>	Often through insurance, where the impact of a risk materialising is reduced. May also occur through outsourcing if a third party takes on the risk.
<b>Terminate the risk</b>	Stop doing the activity / service to which the risk relates
<b>4Risk</b>	The web-based database used to record the Council's risk register, including controls and actions

## Appendix A – RISK SCORING MATRIX

<b>VERY HIGH (V)</b>	4	8	12	16
<b>HIGH (H)</b>	3	6	9	12
<b>MEDIUM (M)</b>	2	4	6	8
<b>LOW (L)</b>	1	2	3	4
<b>IMPACT</b> <b>LIKELIHOOD</b>	<b>LOW (L)</b>		<b>HIGH (H)</b>	<b>VERY HIGH (V)</b>

Red scores – Primary risk that exceeds the Council's risk appetite – action needed to redress, monthly monitoring

Amber scores – likely to cause the Council some difficulties – quarterly monitoring

Green scores – monitor as necessary

### **IMPACT DESCRIPTORS – how big could the impact be?**

The following descriptors are designed to assist the scoring of the impact of a risk if it were to occur:

	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
<b>Legal</b>	Minor civil litigation	Major civil litigation and/or local public enquiry	Major civil litigation setting precedent and/or national public enquiry	Section 151 or government intervention or criminal charges
<b>Financial</b>	Up to £25k	Up to £50k	Up to £100k	Over £100k
<b>Performance / Service Quality</b>	Low level of minor complaints	Material level of minor complaints. Service quality impaired	Unacceptable level of complaints. Adequate service level cannot be maintained	Complete failure to deliver service. Government intervention
<b>Health and safety of people</b>	Low level of minor injuries	High level of minor injuries	Serious injury	Death of an individual for whom the Council has a responsibility
<b>Reputation</b>	Little or no impact outside of the Council	Minimal negative local media reporting	Significant negative front page reports/editorial comment in the local media	Questions raised in Parliament and/or reported in the national media

### **LIKELIHOOD DESCRIPTORS – how soon might it happen?**

Low – once every two to five years or more

Medium – this year or next year

High – within six months to a year

Very High – immediate or within a month

# **POLICY & RESOURCES COMMITTEE**

**Date:** 4 July 2011

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 7.30 pm

**Present:** Councillors:-

**Richard Lewis (Chairman)**  
**Glenvil Greenwood-Smith (Vice-Chairman)**  
**Steven North (Leader of the Council)**  
**Philip Hardcastle (Deputy Leader of the Council)**

**David Brackenbury**  
**Wendy Brackenbury**  
**Richard Gell**  
**Roger Glithero**

**Glenn Harwood**  
**Dudley Hughes**  
**Rupert Reichhold**  
**Jeremy Taylor**

## **70. URGENT ITEM**

The chairman referred to minute 33 of the last meeting (Waste Contract Update – Oundle Recycling Centre) and reported that the committee's decisions had been called in by the Scrutiny Committee. He had asked that the outcome of the Scrutiny Committee should be reported back to this committee now and that further consideration be given to the issue at this meeting.

An additional report was therefore being presented under section 100(B)(4)(b) of the Local Government Act 1972 as the next scheduled meeting of the committee would not be held until 12 September and there was a need to resolve the matter before then.

It was

### **RESOLVED:**

That the additional item be taken next in the proceedings.

## **71. WASTE CONTRACT UPDATE – OUNDLE RECYCLING CENTRE**

A report was submitted following the call in, by members of the Scrutiny Committee, of the decisions reached under minute 33 of the last meeting. The Scrutiny Committee had decided

That the Policy and Resources Committee be asked to reconsider its decisions on the Oundle Recycling Centre and delay the start date for the removal of the manned element of the site until after the Policy and Resources Committee on 12 September.

Members supported the request made by the Scrutiny Committee and thanked the residents of Oundle for the very keen interest they were showing in this issue.

## **RESOLVED:**

That the start date for the removal of the manned element of Oundle Recycling Centre be delayed until after the meeting of the committee on 12 September, when it is expected that this issue will be resolved.

*(Reason - This delay to the change would recognise the depth of feeling within the Scrutiny Committee and the community on this issue and allow discussions between officers, Oundle Town Council and members of the Scrutiny Committee to continue along with investigation of the alternative options, with an update report to be brought to the Policy and Resources Committee meeting on 12 September.)*

## **72. PUBLIC SPEAKERS**

The following people spoke from the public gallery in connection with the additional item (Scrutiny Call In - Oundle Recycling Centre):-

- |                             |                                    |
|-----------------------------|------------------------------------|
| • Councillor Phillip Stearn | Chairman of the Scrutiny Committee |
| • Councillor Mark Ormrod    | Oundle Town Councillor             |
| • Mr Philip Norman          | Resident of Oundle                 |
| • Councillor David Bateman  | Member of the Scrutiny Committee.  |

## **73. MINUTES**

The minutes of the meeting held on 9 June 2011 were approved and signed by the chairman.

## **74. APOLOGIES**

Councillors John Farrar and Andy Mercer sent their apologies.

## **75. DECLARATIONS OF INTEREST**

The following councillors declared personal interests in the items indicated and remained in the meeting during the consideration and voting on the respective item:-

<b>Councillors</b>	<b>Item</b>	<b>Nature of Interest</b>
David Brackenbury, Wendy Brackenbury, Roger Glithero, Glenvil Greenwood-Smith, Glenn Harwood, Jeremy Taylor Rupert Reichhold	Additional item  Item 8	Members of the Green Waste Club  Observer: Volunteer Action - Oundle
Glenvil Greenwood-Smith, Philip Hardcastle and Richard Lewis Dudley Hughes	Item 10  Item 10	Members of the Stanwick Lakes Management Board Reserve – Stanwick Lakes Management Board
Dudley Hughes	Item 12	Negotiated the original contract on public conveniences

**76. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3**

There were no questions.

**77. FINANCE WORKING PARTY**

Members received and noted the minutes of the meeting of the Finance Working Party held on 30 June 2011 (attached at pages 143 to 145).

**78. PROCUREMENT STRATEGY 2011 AND PROCUREMENT PROCEDURES**

Members considered –

- a revised draft Procurement Strategy which formally documented how the council aimed to procure goods and services in the most effective, efficient and economic ways to deliver value for money for customers and provide transparency and accountability throughout the process, and
- revised procurement procedures, which set out the regulations that must be followed by the council when it procured goods, services and works. It was intended that this document would replace part 4.6 of the constitution.

The primary objectives of the procurement procedures were to:-

- Ensure that the council obtains value for money and fulfils the duty of achieving best value as defined in section 3 of the Local Government Act 2003.
- Ensure that the council complies with English law and European law in force in England that governs the procurement of goods, services and works (including the Public Contracts Regulations and applicable EU laws).
- Establish tendering procedures which when followed should protect members and officers of the council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement by the council of goods, services, or works.
- Ensure that any risks associated with entering into the contract are assessed as part of the procurement process.

The Finance Working Party had considered the documents on 30 June and had put forward a number of comments (see page 145).

**RESOLVED:**

That the Procurement Strategy be approved, subject to changing the word “may” in paragraph 4.5 to “will”.

*(Reason – to ensure a consistent approach to procurement)*

It was further

**R.2 RESOLVED TO RECOMMEND:**

That the revised procurement procedures – as set out in appendix 1 at pages 146 to 168 and including the comments of the Finance Working Party be approved for inclusion as section 4.6 of the council's constitution.

*(Reason – to ensure compliance with legislation)*

**79. CAPITAL OUTTURN REPORT 2010/11**

The committee considered the report of the Finance Manager, details of which are set out in minute 6.0 of the Finance Working Party on 30 June (see page 144). The working party had endorsed the recommendations being made to the committee.

Members noted the capital outturn and financing for 2010/11 and

**RESOLVED:**

That the revised capital programme for 2011/12, as submitted, be approved.

*(Reason – to reflect changes approved since the original budget was set and take account of rescheduling of some capital projects in order to deliver them in 2011/12)*

**80. REVENUE OUTTURN REPORT 2010/11**

The committee considered the report of the Finance Manager, details of which are set out in minute 5.0 of the Finance Working party on 30 June (see page 143). The working party had endorsed the recommendations being made to the committee.

Members noted the revenue outturn for 2010/11 and

**RESOLVED:**

That the following carry forwards for 2011/12 be approved:-

Budget code	Amount £	Reason
CAA001/4471 CAA008/9111	12,200 15,000	Mobilisation of new waste management contract - some expenditure required on publicity in 2011/12 in the run up to the start of the contract.
CKS105/4416	50,000	Irthlingborough Master Plan – funding was approved in 2010/11 but none spent by the year end
CKS106/4416	20,000	Oundle Master Plan - funding was approved in 2010/11 but none spent by the year end

*(Reason – to reflect changes approved since the original budget was set and take account of rescheduling of projects in order to deliver them in 2011/12)*



## **81. HOMELESSNESS GRANT 2011/12**

The Housing Strategy Manager presented a report seeking approval to:-

- the release of funds from the homelessness budget for a grant of £5000 to the East Northamptonshire Domestic Abuse Forum to continue the 'Sanctuary Project'
- the arrangements for administering the remaining homelessness grant of £45,000, on the basis of the approach adopted last year, and the split between the funding to be administered as external grants and that to be retained as a contingency/for other projects, and
- the criteria to be adopted for administering grants to external organisations.

The committee believed that the approach introduced last year had operated satisfactorily and felt it should be continued.

### **RESOLVED:**

- (1) That the release of £5000 to East Northamptonshire Domestic Abuse Forum to continue the 'Sanctuary Project' be approved.
- (2) That the arrangements followed last year be continued and the split between external grants and contingency/other projects be £15,000 and £30,000 respectively, and that an update report be made later in the year.
- (3) That the draft criteria attached as appendix 2 to these minutes at page 169 be approved.

## **82. EAST NORTHAMPTONSHIRE TOURISM STRATEGY 2010-15**

Further to minute 409 (15 March 2010), the committee received an update on the progress of the tourism strategy action plan and programme over the next 18 months (see main elements below) and was asked to give approval for external funding and section 106 monies to be secured to deliver future phases of the Greenway project.

- The information on promotional activity carried out and planned under the two Tourism Strategy themes ("Escape, Explore Enjoy" and "Green and Blue Ways") was noted. These included the successful use of Nene Valley News cut out vouchers, financial support for five circular walks leaflets, roll out of EN dedicated leaflet displays at key venues such as Stanwick Lakes and production of heritage trail leaflets being finalised for Higham Ferrers and Oundle. The North Northamptonshire Leader Programme had awarded £794,117 to tourism businesses relating to the Green and Blue ways theme (£5,000 being contributed by the council to these costs)
- The importance of tourism to the local economy was noted. Tourism revenue for the District had increased from £81.77 million in 2010 from £79.08 million on 2009 with increases in visitors to local attractions (Lyveden New Bield recording a 9% increase). The outcomes of the Tourism Strategy would be rolled-up in the forthcoming Economic Development Strategy to be presented to the committee in September. In addition the "Green and Blue ways" theme would be explored in conjunction with Northamptonshire Enterprise Partnership's planned "Destination River Nene" activity.
- "Best of British" celebration of East Northamptonshire was being explored with town councils for 2012, to capitalise on national events. However progress was dependent

on practical support being secured from Town and Parish Councils; a further report on this subject would be presented to the committee in September

Funding was being sought to support the delivery of further sections of the Greenway. Phase 2 involved the Irthlingborough section (for which £125,676 section 106 monies were available) and phase 3, covered the Higham Ferrers section.

**RESOLVED:**

- (1) That the progress made in relation to the Tourism Strategy action plan be noted.
- (2) That the updated plan up to 31 March 2012 be approved.
- (3) That approval be given for external funding and section 106 monies to be secured to deliver future phases of the Greenway project.

*(Reason – to progress the tourism strategy)*

It was further

**R.3 RESOLVED TO RECOMMEND:**

That the Greenway Project Board be reinstated and the Leader of the Council be asked to nominate two members to serve thereon.

*(Reason – To continue the member involvement on this project)*

**83. FUNDING COMMUNITY TRANSPORT IN EAST NORTHAMPTONSHIRE**

Further to minute 387 (14 February 2011), the committee considered the conclusions of the member panel on the award of voluntary sector grants for community transport. An Equality Impact Assessment was also considered.

The member panel and officers had met with all community transport providers on 21 March and a further meeting had been held on 14 April with SERVE, who had now submitted a written grant application for a consortium approach with Volunteer Action (Oundle) and Nene & Ouse Community Transport (Thrapston).

The member panel was satisfied that the proposal submitted was targeted at delivering an improved and efficient community transport service across the whole of East Northamptonshire, giving a priority to medically related journeys. However, the panel highlighted the need for a very detailed and specific grant agreement that included measures to ensure the achievement of the following outcomes:-

- Improved access to medical services as a priority
- Improved access to other basic services
- Reduced isolation for residents in communities who have a high IMD score for access to services (rural areas)
- People who are frail, elderly or have a disability and who choose to remain in their own homes, are helped to maintain independent living.

The potential for service development – set out in a 3 year plan – had been welcomed by the panel, and it wished to see the use of one telephone number for community transport services in East Northamptonshire and efficiencies achieved through the partner organisations' administration and management, allowing grant to be invested further in the service. It was proposed to apportion the funding as follows:-

2011/12	£10,000
2012/13	£20,000
2013/14	£20,000.

**RESOLVED:**

- (1) That the member panel's recommendations be approved and that a voluntary sector grant be awarded to the SERVE consortium on the basis of a detailed and specific grant agreement as set out in the preamble, on the understanding that SERVE should be the lead organisation.
- (2) That the Equality Impact Assessment be endorsed.

*(Reason – To continue with the implementation of the new grant funding model as approved by the committee on 8 November 2010)*

**84. PROPOSED CONSTITUTIONAL CHANGES**

Consideration was given to the following changes to the constitution:-

- The removal of paragraph 2.08 of article 2, relating to the appointment of lead members, and consequential amendments to Parts 3, 4.1 and 6. No appointments had been made at the Annual Council meeting on 18 May.
- Changes to paragraph 4.02 of article 4 to redefine what was meant by the 'policy framework' (ie matters referred to the full council for approval). The paragraph would have the additional words "and other specific legislation" inserted at the end of the fourth line of (i); the deletion of the bullet points The Performance Plan, The strategies and plans which together comprise the Housing Investment Programme, and The Performance Management Framework, and the insertion of "The Corporate Plan" as a last bullet point.

It was noted that the Leader of the Council would be considering the position of council champions and a further report would be submitted to the next meeting of the committee.

**R.4 RESOLVED TO RECOMMEND:**

- (1) That the abolition of the role of lead members be approved and consequential amendments be made to article 2, and parts 3 and 4.1 of the constitution.
- (2) That the Monitoring Officer be authorised to make changes to other council documents which make reference to lead members.
- (3) That a change be made to part 6 of the constitution when the Members' Allowances Scheme is again considered, and

- (4) That the changes to article 4 of the constitution – as specified above – be approved and that the Monitoring Officer be authorised to adjust other parts of the constitution if necessary.

*(Reason – to ensure that the constitution is continuously kept up to date; to ensure that all relevant legislation is included, and to facilitate the supply of a completely revised constitution to all members of the council)*

## **85. STANWICK LAKES BUSINESS PLAN**

Consideration was given to the draft Stanwick Lakes business plan 2011-2014, prepared by the Rockingham Forest Trust, and the release of capital funding.

The committee noted that –

- The site had covered its own revenue costs within three years of opening as a visitor centre
- The centre had exceeded expectations in terms of income, public reaction and the number of visitors it had helped attract to the site, and had won design awards
- The business plan had been modified to increase profits and thereby contribute towards capital costs; a more commercial approach had been adopted
- Income generating ideas should add around £40,000 per annum to the net income
- Changes were proposed to car parking procedures and charges.

The capital cost of 9 repairs and maintenance items was £117,000 and the trust proposed that the cost be met through a mixture of trust reserves (£65,000), council capital contribution (£50,000) and Heritage Lottery Fund (£2000).

### **RESOLVED:**

- (1) That the draft Stanwick Lakes business plan be noted.
- (2) That the release of a capital contribution of £50,000 to Rockingham Forest Trust, for the repairs and maintenance costs outlined in the report to the committee, be approved.

*(Reason – to allocate resources as per the approved capital programme)*

## **86. FUTURE OPTIONS FOR ENABLE**

The Executive Director asked the committee to consider the future role of ENable, the East Northamptonshire local strategic partnership (LSP). Whilst there was currently no statutory requirement to have an LSP, there was a statutory requirement to produce a sustainable community strategy (SCS) and it was usual for the LSP to assist with its production. Changes to the regulations would mean the statutory requirement to produce a SCS would cease but there appeared to be a central government expectation that local authorities would continue to produce a SCS in the light of the 'localism' agenda.

Members considered four options:-

- ENable continues to function as it does now
- ENable is closed down
- Big Society/enabling information sharing network
- ENable becomes a federated structure.

The committee took the view that support for the LSP should be withdrawn. However, in the light of the Localism Bill, and the issues surrounding planning policy, it was felt that the opportunity should be taken at a later stage to introduce a more appropriate form of community arrangement.

**RESOLVED:**

That the council withdraw its support for ENable.

**87. CONTINUATION OF MEETING - PROCEDURE RULE 8**

At 9.30pm, the meeting having lasted for two hours, it was

**RESOLVED:**

That the remaining business be completed.

**88. PUBLIC CONVENIENCES**

The Head of Resources and Organisational Development submitted a report on the discussions which had been taking place with the town councils in East Northamptonshire about transferring, to them, ownership and responsibility for the public toilets.

No formal agreements had yet been reached with town councils. It was noted that cleaning services were currently provided as part of this council's waste management contract with Cory Environmental Services and that this would come to an end on 31 July 2011. Kier Street Services, this council's new waste management contractor, had agreed to continue to provide the cleaning services in all toilets except Raunds. Raunds Town Council had confirmed that it would accept ownership of, and responsibility for, the toilet in Raunds.

Members considered whether to continue funding the toilets or close them, but were advised by the Monitoring Officer that before making a decision, an Equality Impact Assessment would need to be prepared. Funding had only been agreed in the budget to cover the period up until 31 July. No provision had been made in the capital budget to cover the one-off settlement payments of £15,900 offered to each town council.

The committee called for a final decision to be made on this matter at the next meeting on 12 September.

**R.5 RESOLVED TO RECOMMEND:**

(1) That further time be allowed to –

- Establish town council decisions.
- Undertake an audit of use of the public toilets.
- Establish whether there are any other toilets in the local area that can be used by the public.

- Undertake some consultation with users
- Complete an Equality Impact Assessment

*(Reason – to enable sufficient information to be collected so members can make an informed decision)*

- (2) That the additional revenue funding of £25,000 be agreed to cover cleaning and maintenance of the public toilets on a temporary basis for the period to 30 September 2011.

*(Reason – to make budget provision while information can be collected)*

- (3) That the capital budget be amended to include the one off payments of £79,500 to the town councils as financial support towards the future maintenance liabilities of the public toilets, should they decide to take them on.

*(Reason – to make budget provision if the transfer of assets to town councils takes place)*

- (4) That it be noted that a further report will be provided to the Policy and Resources Committee on 12 September documenting the outcomes of the actions set out at (1) above, to enable a final decision to be made.

**Note:** All dual hatted members in Rushden, Raunds, Higham Ferrers, Irthlingborough and Thrapston had been granted a dispensation by the East Northamptonshire Standards Board to speak and vote on this issue.

**Chairman**



## Finance Working Party

**Minutes of a meeting held on Thursday 30 June 2011 at 7.30 pm, Members' Room, East Northamptonshire House, Thrapston**

Present:

Councillors: David Brackenbury Philip Hardcastle  
Roger Glithero Steven North  
Glenvil Greenwood Smith

Officers: Rosanne Fleming (RF) Keith Osborne (KO) minutes

### **1.0 APPOINTMENT OF CHAIRMAN**

**Action**

1.1 Councillor Steven North was appointed Chairman of the Working Party for the ensuing year.

**RR**

### **2.0 MINUTES**

2.1 The minutes of the meeting held on 30 March 2011 were received and approved, subject to the deletion of the words "The scheme would be funded from the revenue support grant and" in minute 6.2..

### **3.0 APOLOGIES**

3.1 Councillor Richard Lewis sent his apologies..

### **4.0 DECLARATIONS OF INTEREST**

4.1 Councillor Roger Glithero declared a personal interest in agenda item 7 (Treasury Management Annual Report) because he held shares in Lloyds Bank. He remained in the meeting and took part in the discussion and voting on the item.

**KO**

### **5.0 REVENUE OUTTURN REPORT 2010/11**

5.1 Members received and considered a report from RF containing details of the actual spend on revenue items compared with the original 2010/11 budget.

5.2 It was noted that the net budget, as adjusted, had been £11,427,892 and the total budget had been revised to £11,497,892, taking into account two supplementary estimates of £20,000 and £50,000 for the Oundle 2020 Vision Work and the Master Plan for Irthlingborough respectively. There had been an underspend of £429,249. .

## 5.3 The Working Party looked at –

- A detailed breakdown of under or over spending analysed by service area
- A summary of salary costs against budget to identify where savings to hold vacancies had generated savings
- Requests for roll forward of budgets not spent in 2010
- Details of the use of revenue reserves and the reasons for appropriations, particularly the reduction of the contingency fund reserve from £10,000 to £5,000 and the removal of the concessionary fares reserve of £69,000 due to cessation of the service.

5.4 Members commented on the Irthlingborough and Oundle Master Plans carry forwards and the tourism overspend but otherwise endorsed the recommendations which would be submitted to the Policy and Resources Committee on 4 July.

RF

**6.0 CAPITAL OUTTURN REPORT 2010/11**

6.1 Members received and considered a report from RF containing details of the actual spend on capital items compared with the original 2010/11 budgets, and how the expenditure had been financed. The original capital programme for 2010/11 of £3,035m had been revised to £3,414m to account for agreed adjustments on Disabled Facility Grants.

## 6.2 The Working Party looked at –

- Details of spending of £2.196m against the revised capital programme for 2010 of £1.218m and the variations and reasons for them
- The slippage and proposed re-profiling of the 2011/12 capital budget, including the items to be carried forward
- Additional items put forward for 2011/12 – increasing the budget by £369,000
- Capital receipts, which were £773,000 higher than budgeted
- The financing of the budget.

6.3 Members asked some questions about amounts for Phase 2 of the Greenway Project; LSVT capital receipts and the provision for the Polebrook closed churchyard. They endorsed the recommendations which would be submitted to the Policy and Resources Committee on 4 July.

RF

**7.0 TREASURY MANAGEMENT ANNUAL REPORT 2010/11**

7.1 Members received details of the council's treasury management activities and performance for the second half of 2010/11, with particular regard to:-

- Market conditions – modest growth, persistently high inflation, low consumer confidence and low interest rates and low average return on investments
- Current portfolio on investments and latest rates of return on the instant access accounts
- Treasury Management performance - reduction of investment income in July 2010 to £136,000 and actual interest earned £162,000.



- 7.2 Members commended the performance of the Treasury team on investments and also encouraged the use of more long term and fixed term deposits.

**RESOLVED:**

That the treasury management performance be noted, with the above comments on long term and fixed term deposits.  
(Reason – In accordance with CIPFA guidance and best practice in treasury management)

RF

**8.0 PROCUREMENT STRATEGY 2011 AND PROCUREMENT PROCEDURES**

- 8.1 The Working Party considered –

- a revised draft Procurement Strategy which formally documented how the council aimed to procure goods and services in the most effective, efficient and economic ways to deliver value for money for customers and provide transparency and accountability throughout the process, and
- revised Procurement Procedures, which set out the regulations that must be followed by the council when it procured goods, services and works. It was intended that this document would replace part 4.6 of the Constitution.

- 8.2 Members asked questions and commented on paragraph 4.11 of the strategy relating to the differentiation between the target for payment to local suppliers compared to those outside the District. The Working Party endorsed the strategy, which would be further considered by the Policy and Resources Committee on 4 July.

RF

- 8.3 Members commended the new Procurement Procedures – which would also be considered by the Policy & Resources Committee and then be submitted to Council on 18 July as it would replace Part 4.6 of the Constitution – but asked that the following comments on the document be conveyed:-

RF

- The need to avoid the word “estimate” and use “quotation” instead throughout the document
- Paragraph 1.1 – Add the wording of paragraph 4.5 of the strategy to this section (responsibility of members for oversight and monitoring of significant contracts – particularly relevant in relation to competitive dialogue)
- Paragraph 1.3.5 – (a) More clarity required on the distinction between the requests for exemptions referred to the Head of Resources and OD and those referred to the Corporate Management Team and (b) replacement of the word “may” in line four (member involvement) and the substitution of the word “will”
- Paragraph 3.5.1 – the word “may” to be replaced by “will” (presence of members at the tender opening)
- Paragraph 3.9.1 – Add the words “or other legal adviser” after “Solicitor to the Council” (Tender Evaluation)
- Paragraph 3.9.3 – Remove (pre-determined weighting).

## Appendix 1 to Policy and Resources Committee Minute 78

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## **1 INTRODUCTION AND PURPOSE**

### **1.1 Purpose of Procurement Procedures**

The Procurement Procedures set out the regulations which must be followed by the Council when it procures goods, services and works.

The procedures have four primary objectives:

- a) To ensure that the Council obtains value for money and fulfils the duty of achieving best value as defined in Section 3 of the Local Government Act 2003. This includes selecting the appropriate tender route.
- b) To ensure that the Council complies with English law and European law in force in England that governs the procurement of goods, services and works. (including the Public Contracts Regulations and applicable EU laws).
- c) To establish tendering procedures which when followed should protect members and officers of the Council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement by the Council of goods, services, or works.
- d) To ensure that any risks associated with entering into the contract are assessed as part of the procurement process.

*A Procurement Toolkit supplements these Procurement Procedures (see EUNICE #insert link when finalised#)*

### **1.2 Scope of Procurement Procedures**

1.2.1 These rules apply to all procurement by the Council unless any such procurement is expressly excepted under these Rules, or subject to an exemption.

1.2.2 The rules apply to all procurement activity including:

- a) Spot/Defined Contracts that are for a defined requirement for a firm price.
- b) Framework Agreements where the overall terms are agreed but the contract will only be formed when the specific requirement is called off.
- c) Works Contracts where contracts are let by public authorities for civil engineering and building works and works concession contracts.
- d) The engagement of Consultants

1.2.3 If there is any change to English law or European law in force in England which affects these rules then that change must be observed until these rules can be revised. If these rules conflict in any way with English law or European law in force in England then that legislation or case law takes precedence and the Monitoring Officer's advice should be sought.

### **1.3 Exemptions and Exceptions**

1.3.1 Unless a Contract falls within the list of general exceptions set out in Appendix A it can only be exempted from these Rules ('an Exemption') in accordance with these Rules.

1.3.2 The Council may consider a request for an exemption to these contract procedure rules in exceptional circumstances. The Council has no power to vary or exempt the requirements of EU legislation or English law.

1.3.3 An 'Exemption Request Form' can be found at Appendix B and when an Exemption is sought this must be submitted to the Solicitor to the Council and the Finance Manager for initial clearance.

1.3.4 Finance and Legal Services will ensure that a clearance on a request for an Exemption is made within 5 working days of receipt of the relevant Form.

- 1.3.5 Requests for Exemptions will either be approved or rejected by the Head of Resources & OD (based on advice from the Solicitor to the Council and the Finance Manager) and referred to the Corporate Management Team for determination. Member involvement will be required for significant expenditure where an exemption or exception is considered necessary.
- 1.3.6 If the Exemption is approved, the application form will be endorsed and returned to the relevant department with a copy retained by the Finance Manager.

#### **1.4 Roles and Responsibilities**

- 1.4.1 The officer responsible for purchasing (“the officer”) must comply with these Rules, the Financial Procedure Rules and all UK and European Legislation in force in England. Refer to Appendix C for an overview.
- 1.4.2 The officer must also ensure that agents acting on their behalf also comply with this requirement.
- 1.4.3 The officer responsible for the contract must comply with the Council Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 1.4.4 The Welland Procurement Unit (WPU) is the procurement service shared by this council and other councils admitted by the Welland Partnership Joint Committee. The WPU issues guidance and offers assistance on procurement matters to all the participating councils.
- 1.4.5 The officer must have regard to current guidance provided by the Welland Procurement Unit and the principles of the Council’s Procurement Strategy.
- 1.4.6 The officer must establish if an existing approved contract exists before seeking to let another contract. This contract must be used unless there is an overriding reason why not.
- 1.4.7 Where the Council is procuring through the Welland Procurement Unit, there is no further requirement to seek alternative quotes and tenders. The Procurement Procedures for the lead authority adopted by the Welland Executive Panel / Joint Committee for any procurement will be applied by the Welland Procurement Unit.
- 1.4.8 The officer must consult with the Welland Procurement Unit prior to commencing any tendering activity where the contract value may be greater than the EU Threshold.
- 1.4.9 The officer should take advice from the Welland Procurement Unit when any employee may be affected by any transfer arrangement, to ensure the relevant issues are considered, including Transfer of Undertaking Protection of Employment (TUPE), and that appropriate Legal/HR advice is obtained before proceeding with inviting tenders or quotations.
- 1.4.10 If the Head of the Welland Procurement Unit is not available to provide advice for any reason then advice should be sought from the Finance Manager and the Solicitor to the Council.

#### **1.5 Consultants**

- 1.5.1 An authorised officer may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council, or if Council officers providing them do not have the resources and / or expertise to meet the needs of the service. Where such services are available in-house, the authorised officer must consult with the Executive Director or the Head of Service before taking any decision to make an external appointment.
- 1.5.2 The appointment of external consultants and advisors shall be undertaken in accordance with the relevant sections of the Procurement Toolkit.

- 1.5.3 External consultants and technical officers engaged to supervise contracts must follow these Procedures as applicable and their contracts for services must state this requirement.
- 1.5.4 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the authorised officer, and lodge all such documents and records with the appropriate officer at the end of the contract.
- 1.5.5 The authorised officer shall ensure that any consultant working for the Council has appropriate indemnity insurance.

## **1.6 Partnership and joint arrangements**

- 1.6.1 These Rules apply to any proposal for the Council to become involved procurement as part of a joint venture or partnership, including the monitoring of any such arrangement. A joint venture or partnership:
  - Includes any formal arrangement involving one or more organisations in addition to the Council through which either a specific project or services within any of the functions of the Council are to be provided, and
  - Provides a role for the Council or any of its members or officers in whatever structure is used to deliver the project or services involved (such structures may include, but are not limited to, companies, trusts and management committees).
- 1.6.2 Before any consideration is given to the Council entering into a joint venture with the private sector or a strategic service delivery partnership with any external organisation, the Head of Service concerned must submit information detailing the proposed joint venture or partnership to the appropriate authorising officer or Members body as determined on a case by case basis. They will give consideration to the proposed joint venture in accordance with these Procedures and will ensure that an appropriate Officer/Member Group is convened.
- 1.6.3 Procurement processes for strategic partnerships must include, where relevant:
  - The issue of an information memorandum to prospective bidders setting out the background to the project, the Council's objectives and an outline of the procurement process and timetable, with roles and responsibilities made clear.
  - An invitation to bidders to demonstrate their track record in achieving value for money through effective use of their supply chain, including the use of small firms; this should continue to be examined as part of contract management.
  - The inclusion in invitations to tender (or negotiate) for partnerships a requirement on bidders to submit optional, priced proposals for the delivery of specified community benefits which are relevant to the contract and add value to the community strategy.
  - Clear indication of roles and responsibilities, including nomination of the lead authority where appropriate.

## **2 PROCEDURE BY VALUE OF REQUIREMENT**

### **2.1 General Principles**

- 2.1.1 Obtaining value for money is an underlying principle, although the complexity of the procurement procedures that must be followed will vary according to the value and risk.

- 2.1.2 Wherever possible, local suppliers should be included, although value for money remains a primary objective.
- 2.1.3 The total value of the procurement is defined as the total anticipated contract/purchase value and this will be determined by either:
- a) The total value of the goods, services or works if a one-off purchase;
  - b) The total contract value over the full duration of the contract (not just the annual value). When the duration of the contract cannot by its nature be determined, the value will be the monthly estimated cost x 48;
  - c) For framework agreements with no guaranteed commitment the contract value will be the estimated value of call offs over the full duration of the contract.
- 2.1.4 A summary of the process and responsibilities can be found at Appendix C.
- 2.1.5 The Finance Manager must be consulted in advance where the criteria weighting given to price is less than 50%.

## **2.2 Low Value Transactions (up to £10,000)**

- 2.2.1 Defined as transactions valued at or below £10,000 that cannot be obtained via an existing approved contract.
- 2.2.2 Whilst obtaining value for money remains the primary objective, for transactions of £5,000 or less, multiple quotations are not required provided compliance with this objective can be demonstrated.
- 2.2.3 However, an quotation of price, not necessarily in writing must be obtained for requirements under £5,000 before any order is processed and this must specify:
- a) The goods, services or works to be supplied;
  - b) Where and when they are to be supplied;
  - c) The value of the transaction;
  - d) The Terms and Conditions including Payment Terms.
- 2.2.4 For transactions over £5,000 and up to £10,000, a minimum of three quotes, not necessarily in writing, must be obtained in advance of placing an order. The specification outlined in 2.2.3 (a) to (d) above applies.
- 2.2.5 In the case of works, the use of pre agreed hourly/day rates is acceptable.
- 2.2.6 A record of all quotes obtained should be retained for audit purposes.

## **2.3 Intermediate Value Transactions below Formal Tender Threshold (£10,001 to £50,000)**

- 2.3.1 Defined as transactions for goods or services valued at over £10,000 but below £50,000 where the transactions cannot be carried out using an existing approved contract.
- 2.3.2 The criteria for selecting the most advantageous quotation must be established before the written quotations are invited.
- 2.3.3 At least three comparable written quotations must be sought.
- 2.3.4 If fewer than three potential suppliers can be identified, the Authorised Officer must keep a record of the reasons for this.
- 2.3.5 The Authorised Officer concerned shall maintain suitable records indicating the quotations received and the action taken relating to the selection and invitation of suppliers, the receiving and valuation of quotations and the award of the transaction/works to the successful contractor.

## **2.4 Call Off from existing Approved Contracts**

2.4.1 Where the requirement can be satisfied from an existing Approved Contract then the order will be considered consistent with these rules as long as the call off arrangements defined within the individual contract are followed.

## **2.5 High Value Transactions (£50,001 to EU threshold)**

2.5.1 Defined as transactions for goods, services or works valued at or over the formal tender threshold of £50,000 but below the relevant current EU Threshold.

2.5.2 An appropriate advertising process applies as set out in Rule 3.2.1(c). Advertising in OJEU is not required.

2.5.3 The formal tender process applies as set out in Rule 3.

## **2.6 Requirements over EU Threshold (see Glossary for current thresholds)**

2.6.1 Defined as intended purchases for goods, services and works valued over the life of the contract at over the EU Threshold, and not subject to exception or exemption under the EU Directive.

2.6.2 Where the anticipated value of the contract exceeds the current EU Threshold (see Glossary of Defined Terms) then the formal advice of the Welland Procurement Unit should be sought prior to any tendering activity commencing. The higher threshold for Works Contracts only applies to the works activities identified in Schedule 2 of the EU Procurement Directive.

2.6.3 The minimum standards to be applied to the selection process must be determined before the OJEU notice is published. This may involve Members in determining award criteria at this early stage.

2.6.4 An OJEU Notice is required for each EU requirement and will be published centrally by the Welland Procurement Unit in the Official Journal of the European Union (OJEU).

2.6.5 Any tender activity under the EU Procurement Procedures must comply with the detailed requirements of the EU Procurement Directives and associated case law. Guidance is available from the Welland Procurement Unit.

## **3 COMMON TENDERING PRINCIPLES**

### **3.1 Use of Existing Negotiated Frameworks**

3.1.1 For all significant expenditure (over £10k), initial consultation with the Welland Procurement Unit, should take place to check whether an existing negotiated framework exists for the type of goods or services required.

3.1.2 Where frameworks already exist, and are economically advantageous, they should be utilised. Examples include OGC contracts, Scape (empa) framework.

### **3.2 Types of Tender:**

#### **3.2.1 Open**

- a) The Council publishes a contract notice in the Official Journal of the European Union (OJEU) allowing a minimum of 52 days for return of tender from date of dispatch, or 36 days where a Prior Information Notice (PIN) has been published.
- b) All suppliers expressing an interest are invited to tender.



- c) If publication of a notice in OJEU is not required, then the notice shall be published in at least two of the following media: the local newspapers circulating in the district, the Council's website, other websites recognised for offering local government tender opportunities, appropriate national press, appropriate trade journal; in order to target the market for the particular contract. Two versions of the same medium are acceptable (e.g. two websites). OJEU may still be used on a voluntary basis.
- d) The advertisement shall contain details of the proposed contract and specify a time limit within which interested parties may express an interest in tendering for the contract.
- e) The Council shall send any party expressing an interest an Invitation to Tender (ITT) within six days of receipt of the expression of interest. The ITT shall specify the date and time for tenders to be received.

### 3.2.2 Restricted

- a) The Council publishes a contract notice in the Official Journal of the European Union (OJEU) allowing a minimum of 37 days to register an interest from date of dispatch, and 40 days for return of tender from date of dispatch of ITT, or 36 days where a PIN has been published.
- b) Only those suppliers selected by the Council are invited to tender. Suppliers shall be selected on the basis of pre-published pre-qualification criteria.
- c) If publication of a notice in the OJEU is not required, the advertising requirements are the same as in the open procedure, except that the notice shall state that a restricted procedure is being used. If the Regulations apply a minimum of five suitably qualified suppliers shall be invited to tender.

### 3.2.3 The Negotiated Procedure

The Negotiated Procedure has largely been superseded by the Competitive Dialogue process (see 3.2.4) and may only be used in very limited circumstances. These are:

- a) Where the Open, Restricted or Competitive Dialogue Procedure has been discontinued because of irregular tenders.
- b) Where the work or works to be carried out are purely for the purposes of research, experimentation or development.
- c) Where the work or works to be carried out are such or the risks attaching to it are such as not to permit prior overall pricing.
- d) The absence of tenderers or appropriate tenderers responding to an invitation to tender using the Open or Restricted Procedures.
- e) Where the works are for technical or artistic reasons or for reasons connected with the protection of exclusive rights which can only be carried out by a particular person or where for reasons of extreme urgency brought about by unforeseen events and the contracting authority cannot comply with the time limits for the Open or Restricted Procedures.
- f) In addition, a public authority can use a Negotiated Procedure where it is already in contract with a person or company and due to unforeseen circumstances additional works were not included in the project initially, and for technical or economic reasons cannot be carried out separately from the original contract. This proviso is subject to the additional work not exceeding 50% of the original contract value.

The Officer should confer with the Welland Procurement Unit before commencing a Negotiated Procedure.

### 3.2.4 Competitive Dialogue

- a) This procedure can be adopted where the contract is highly complex and the end result which the Council wishes to achieve is known, but it is not known how this might be achieved in terms of financial or legal structure or technical requirements. Note that this process can be lengthy and costly. This route should only be selected if the costs of the process are likely to be recovered in savings or innovations identified by the contractor.
- b) In these circumstances the Council must issue a contract notice specifying that the competitive dialogue procedure will be used and stating the criteria upon which the contract will be awarded. The contract must be awarded on the basis of the Most Economically Advantageous Tender (MEAT).
- c) The Council then conducts a dialogue with selected suppliers to identify acceptable solutions to meet the authority's requirements. Once acceptable solutions are identified and the authority has declared the dialogue is concluded, suppliers are invited to submit tenders.
- d) The award criteria must be used to evaluate the tender returns.

### 3.2.5 Mandatory Timescales

The minimum timescales laid down by the EU Directive for the receipt of requests to participate and receipt of tenders are shown here based on paper based documents. The Welland Procurement Unit can advise on timescales using electronic means, or in cases of unforeseeable emergency (see also Appendix D).

- 3.2.6 The type of tender process followed will depend on the nature of the goods or service being procured. The Welland Procurement Unit can provide advice to officers and Members on the most appropriate method. The tender route for significant contracts will be decided by an appropriate officer / Member group.

## 3.3 Tender Preparation

- 3.3.1 At least five suitably qualified suppliers must be invited to tender, unless there are fewer than five suitably qualified respondents in which case all such respondents shall be invited to tender.
- 3.3.2 The specification and evaluation criteria must take into account the Council's priorities.
- 3.3.3 The specification for the requirement must be adequate, fair and without bias to allow tenders to be sought.
- 3.3.4 There must be an assessment of the quality of both tenderers and tenders by pre determined non discriminatory evaluation criteria and weightings, including whole life cycle cost where appropriate.
- 3.3.5 The risks associated with the contract must be assessed.
- 3.3.6 A tender file must be maintained to record all matters associated with the tender.
- 3.3.7 The standard terms and conditions which apply must be stipulated. Where it is proposed that a form of contract be used, which does not adopt the Council's approved standard terms (including industry standard terms); the use of such form must be approved by the Welland Procurement Unit.
- 3.3.8 The tender must explain how information provided in the tender will be treated with regard to statutory requirements.
- 3.3.9 Non EU Threshold tenderers must be given adequate time to respond, consistent with the level of complexity of the requirement and, except where the industry norm is otherwise, this should be a minimum of 15 working days.

- 3.3.10 The Invitation to Tender must request that the tender is submitted in a plain envelope or package bearing a tender label giving only the tender title and opening date. The tender label must not identify the name of the tenderer.
- 3.3.11 Tenderers must be required to hold their tenders open for acceptance for a minimum of 90 days from the date of opening.
- 3.3.12 Tenders must include a statement that the Council does not bind itself to accept the lowest tender or any other tender.
- 3.3.13 Details of expected tenders must be notified to the Solicitor to the Council or their nominee at least five days prior to the tender opening.

### **3.4 Receipt of Tenders**

- 3.4.1 Every reply to an Invitation to Tender must be addressed to the Chief Executive of the council.
- 3.4.2 All tender documents are to be kept securely in the council's safe in the Chief Executive's office until after the closing date and time.
- 3.4.3 There is currently no mechanism for receiving tenders electronically as specific secure software is required. This may be reviewed in the future. (*could be available as early as Summer 2011*)
- 3.4.4 Tenders submitted by fax will not be considered.
- 3.4.5 Tender packets or envelopes received must be date stamped and locked away until the specified time for their opening.

### **3.5 Tender Opening**

- 3.5.1 At least two officers must be present during the opening of the tender and at least one such officer must be independent of the Service responsible for the purchase. Most likely, (but not prescribed) the independent officer will be the Finance Manager, the Democratic Services Manager or the Solicitor to the Council. These officers may designate a deputy to be present as an independent officer. For significant contracts, an appropriate Member will also be present.
- 3.5.2 The independent officer present must ensure that all tenders are opened at the same time when the period for their submission has ended.
- 3.5.3 A record of the tenders must be logged on the Schedule of Tenderers. This document will normally be prepared by the lead officer for the contract.
- 3.5.4 The opened tenders must be date stamped and signed by the two officers at the time of opening on the page containing the overall contract value, alternatively on the pages containing the price information, where no overall value is quoted.
- 3.5.5 Tenders that are received after the closing date and time or tenders that are not submitted in accordance with these Procedures are to be disqualified unless it is agreed otherwise by the Solicitor to the Council. This will normally only be where there is satisfactory evidence that the tender was posted in good time.
- 3.5.6 After tender opening a copy of the Schedule of Tenderers and opened tender documents should be sent to the Officer responsible for the procurement.
- 3.5.7 An original version of the tender must be retained for a period of six years.

### **3.6 Electronic auctions**

- 3.6.1 Electronic auctions are online auctions where selected bidders submit offers electronically against the purchaser's specification. All communication following and including the invitation to pre-qualified bidders to submit new prices and/or values must be instantaneous (electronic). An electronic auction requires the use of

specialised software and tenderer support, and may then be used in these circumstances:

- a) open or restricted procedures stating use of an auction
- b) open, restricted or competitive dialogue procedures have been implemented but cannot be brought to a satisfactory conclusion and the negotiated route with a contract notice is adopted
- c) mini competition within a framework if e-auctions were mentioned in the contract notice
- d) competition for contracts to be awarded through a dynamic purchasing system if stated in the contract notice; and
- e) expressions of interest invited in accordance with the selected procedure. Contract notice states that an electronic auction will be used.

Officers wishing to undertake an electronic auction should contact the Welland Procurement Unit before undertaking this work.

### **3.7 Dynamic purchasing systems**

3.7.1 Dynamic purchasing systems are intended to address commonly used purchases. These systems are a type of electronic framework that allows bidders to apply to join at any time during their lifetime. The council does not intend to operate this type of system at present but may re-visit in the future.

### **3.8 Errors in Tenders**

3.8.1 The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

### **3.9 Tender Evaluation**

3.9.1 Tenders must be assessed in accordance with the pre-determined evaluation criteria and weightings. The assessment should only be undertaken on compliant tenders. If an officer assesses that a submission is not compliant, advice should be sought from the Solicitor to the Council or other legal advisor, the Finance Manager, or the Welland Procurement Unit before it is ruled out.

3.9.2 High value contracts (over £50,000) will include evaluation scoring by appropriate Officers using the pre-determined evaluation criteria. Members will also be involved in the evaluation scoring process where appropriate.

3.9.3 The successful contractor should be the one offering the lowest price, where price is the only criterion; or the highest number of points, where the evaluation criteria include both quality and price.

3.9.4 The results of the tender evaluation must be retained on the tender file.

3.9.5 A financial health check must be requested from an appropriate external body in consultation with the Finance Manager for all contracts where the criteria indicates that one is required. This may include call-offs from framework contracts.

3.9.6 The Officer must ensure that appropriate budgetary provision exists before any contract is entered into.

### **3.10 Post Tender Clarification**

- 3.10.1 Post-tender negotiations shall only take place where this does not have the effect of distorting competition.
- 3.10.2 Negotiations shall be conducted by a team of at least two officers, at least one of whom shall be from Legal Services unless agreed otherwise in advance by Legal Services such as in instances where this is not industry practice.
- 3.10.3 Negotiations shall be conducted with all tenderers, unless there are clear reasons for excluding one or more tenderers.
- 3.10.4 Full, written records must be made and retained.

### **3.11 Award of Contracts**

- 3.11.1 The tender may lead to an award decision; but there is no obligation for an award of contract to take place.
- 3.11.2 A contract may only be awarded by an Officer authorised to make such a commitment on behalf of the Council.
- 3.11.3 Contracts are to be authorised according to the total value of the contract:
  - a) Up to £10,000: by an Officer so authorised
  - b) Up to £250,000: by the relevant Head of Service
  - c) Over £250,000: by the relevant Director
  - d) Over £1,000,000: by the relevant Director in conjunction with the relevant Policy Chair. Committees may request that they are involved in the decision at any of these levels.
- 3.11.4 All contracts over £10,000 awarded, must be recorded on the Contract Database by the awarding Officer. Format for the Contracts Database as per Appendix E (#insert link to I drive document#).
- 3.11.5 For OJEU contracts, Officers must allow a mandatory minimum standstill period of 10 calendar days between notification of award decision to all tenderers and entering a contractually binding agreement. It is most important therefore that the notification of award decision is neither a contract award nor a conditional award which may need to be discarded in the event of a challenge within the standstill period.

### **3.12 Notification to Unsuccessful Tenderers**

- 3.12.1 Following contract award, unsuccessful tenderers must be notified in writing in all cases.
- 3.12.2 In those instances where the standstill period and advance notification of award to all tenderers (as in 3.11.5) does not apply, then unsuccessful tenderers must be notified of the appeals procedure.

## **4 CONTRACT AND OTHER FORMALITIES**

### **4.1 Contract Documents**

- 4.1.1 All Contracts must be in writing. Where the contract is of a non complex nature and is for values of up to £50,000, the use of a Purchase Order is an acceptable form of contract, which must make reference to the quotation and terms agreed, and attach a clear specification or description of the subject of the order.
- 4.1.2 Every Contract over £50,000 must be in writing and, as a minimum, state clearly, in a form approved by the Solicitor to the Council:
  - a) that the supplier may not assign or sub-contract without prior written consent

- b) any insurance requirements to include clauses relating to liquidated damages and security bonds
- c) ombudsman requirements
- d) requirements relating to legislative requirements
- e) that charter standards are to be met if relevant
- f) race relations, disability, anti-discrimination and equalities requirements
- g) any sustainability requirements
- h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, if relevant
- i) pricing mechanism and arrangements for payment
- j) rights of termination

4.1.3 The formal advice of the Solicitor to the Council must be sought prior to award for the following contracts:

- a) where the total value exceeds £50,000.
- b) those involving leasing arrangements.
- c) those which are complex or involve a recognisable risk
- d) where it is an extension or variation to an existing contract that will bring the overall value over £50,000
- e) where invoice payments are made to finance or factoring companies

4.1.4 Where assets are created as a result of a procurement exercise, the lead Officer shall notify the Finance Manager, who is responsible for ensuring the Council's Asset Register is appropriately updated.

4.1.5 Contract documents must be retained for a period of six years from the contract end date and, if under seal, for a period of twelve years.

## 4.2 Statistical Returns and other Reporting

4.2.1 Each year the Council is required to make a statistical return to Communities and Local Government for onward transmission to the European Commission concerning the contracts awarded during the year under the EU Directives.

4.2.2 The Solicitor to the Council shall be responsible for this statistical return and will make the necessary arrangements for information to be collected annually. Heads of Service shall comply with these arrangements and expeditiously provide any information required. Note that the Welland Procurement undertakes this task on behalf of the council.

4.2.3 From January 2011, Central Government introduced its Transparency Agenda where expenditure over £500 must be published on the Council's website. Details of tenders and contracts awarded also may be published in accordance with guidance.

## 4.3 Contract formalities

Agreements must be completed as follows:

TOTAL VALUE	METHOD OF COMPLETION	BY
Up to £10,000 (See paragraph 4.1.1)	Signature Use of Purchase Order, or Written Contract for complex requirements	Officer with appropriate authority to enter into a contract (paragraphs 3.11.3 and 4.3.5).
Over £10,000 and up to £50,000 (See paragraph 4.1.1)	Signature Use of Purchase Order,	Head of Service (paragraphs 3.11.3 and 4.3.5).

	or Written Contract for complex requirements	
Over £50,000 and up to £250,000 (see paragraph 4.1.2)	Signature on Written Contract	Head of Service (paragraphs 3.11.3 and 4.3.5).
Over £250,000 and up to £1,000,000 (see paragraph 4.1.2)	Signature on Written Contract	Director (paragraphs 3.11.3, 4.1.3 and 4.3.5);
Over £1,000,000	Signature on Written Contract	Director, once the appropriate Policy Chair has been consulted (paragraphs 3.11.3, 4.1.3 and 4.3.5)
Contracts for sealing	Sealing	See paragraph 4.3.6.

4.3.2 All contracts for the supply of goods and services must be concluded before the supply begins, except in exceptional circumstances, and then only with the written consent of the Chief Executive or a Director.

4.3.3 In exceptional circumstances and with the prior approval of Legal Services, a letter of intended acceptance can be issued to allow work to commence in advance of contract completion.

4.3.4 In the case of Works Contracts a tender acceptance letter is acceptable to allow work to commence, although the issue of a formal contract must follow without delay.

**4.3.5 Signature:**

The Officer responsible for signing the contract must have been granted the appropriate authority and ensure that the person signing for the other contracting party has authority to bind it.

**4.3.6 Sealing:**

Contracts must be sealed in accordance with Article 13.05 of the council's Constitution - "*those documents which in the opinion of the Chief Executive or the council's Solicitor should be sealed*"

For guidance, this is likely to be for contracts where:

- a) the Council wishes to enforce the contract for more than six years after its end (e.g. for land or construction works); or
- b) the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- c) where there is any doubt about the authority of the person signing for the other contracting party; or
- d) where a bond is established on behalf of the contractor(s) or their guarantors; or,
- e) where required by parties to the agreement.

Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of the Solicitor to the Council. The Solicitor to the Council is responsible for the process of sealing contracts.

**4.4 Bonds and Parent Company Guarantees**

4.4.1 The officer responsible for the contract must consult the Finance Manager and Solicitor to the Council about whether a Parent Company Guarantee or Performance Bond is necessary when a potential supplier is a subsidiary of a parent company and,

- a) the award is based on an evaluation of the parent company, and the total value exceeds £250,000; or
- b) there is concern about the stability of the subsidiary supplier.

4.4.2 The Council must never give a bond.

#### **4.5 Prevention of Corruption**

4.5.1 The officer responsible for the contract must comply with the Council Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract.

4.5.2 The Bribery Act 2010 covers offences around offering, promising or giving of an advantage; and, requesting, agreeing to receive, or acceptance of an advantage. Officers must be mindful of their conduct in relation to these offences.

4.5.3 All contracts must contain an appropriate clause that provides protection and the right to terminate the contract in the event of a supplier offering any inducement, committing fraud or committing an offence under the Bribery Act.

#### **4.6 Declaration of Interests**

4.6.1 If it comes to the knowledge of a Member or an officer of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to their line manager in accordance with the Officers' Code of Conduct.

4.6.2 The Monitoring Officer should receive a copy of any declarations made by officers or Members.

### **5 CONTRACT MANAGEMENT**

#### **5.1 Managing Contracts**

5.1.1 All contracts over the value of £50,000 and those of a complex nature below this value must have a designated Contract Manager whose name should be notified to the Supplier. This shall be a senior officer of the council, usually a Head of Service or Service Manager. The post designated as contract manager will be defined in the contract.

5.1.2 The Contract Manager shall be responsible for ensuring that the contractor fulfils his contractual obligations and that payment is made for satisfactory completion of those obligations.

5.1.3 The Contracts Manager shall undertake an annual review of long term contracts (greater than 2 years) to ensure value for money continues to be provided and that contract arrangements are fit for purpose. Where there is flexibility in the contract, improved terms and savings will be negotiated at this annual review.



## Glossary of Defined Terms

Approved Contract	A Contract that has been created in accordance with the Procurement Procedures for call off or use by the Council. A list of contracts can be found on the Contracts Database.
Approved Standard Terms	The terms and conditions for use in contracts as agreed by an appropriate legal officer. These terms may need to be supplemented for specific contracts.
Authorised Officer	The Officer referred to in these Procurement Procedures as having authority to award a contract (see 3.11)
Buyer Profile	A database, accessible by potential suppliers through the internet, listing the council's proposed, current and concluded contracts with a value of over £50,000.
Call Off	A specific requirement which can be satisfied under the terms of a Framework Agreement, and which invokes the terms of that Framework Agreement to form a contract
Central Purchasing Body	A Contracting Authority which (a) acquires goods or services intended for one or more contracting authorities; (b) awards public contracts intended for one or more contracting authorities; or (c) concludes framework agreements for work, works, goods or services intended for one or more contracting authorities
Code of Conduct	The code regulating conduct of Officers contained within the Council's Constitution.
Contracting Authority	The public sector or other entity which lets and manages a contract for its own use and / or for the use of other entities
Contracts Database	The record of contracts held by the Council or by the Welland Procurement Unit on its behalf.
Procurement Procedures	These Rules which are approved by Council and which govern all officers and agents or consultants working on their behalf in the conduct of procurement activity.
Council's Procurement Strategy	Defines the overall approach to procurement related activity for the Council
Engagement of Consultants	Any use of professional help in supporting deliverables.
EU Procurement Directive	Regulations which are given the force of law in the UK through The Public Contracts Regulations 2006 and any successor regulations which specify in detail the procedures by which public bodies shall undertake their procurements
EU Threshold	<b>The threshold value at which EU Procurement Directive must be applied if expected to be exceeded by the Total Value (net of VAT).</b> <b>The thresholds are:</b> <b>£ 156,442 for the supply of goods or services,</b> <b>£3,927,260 for building and engineering works contracts.</b> <b>These figures apply from until 31<sup>st</sup> December 2011, and will then be revised. The thresholds are revised every two years.</b>
Financial Health Check	A financial risk assessment of the finances of company, parent or group of organisations in order to establish their liquidity, profitability, stability and capability to support a contract of the value required.
Financial	The Financial Procedure Rules as approved by the full Council.

Procedure Rules	
Framework Agreement	An agreement where the overall terms and conditions are agreed, but a contract is only formed in accordance with those terms and conditions when a Call Off of a specific requirement is made.
Goods	Goods which are covered by the EU Procurement Directive if they meet the relevant value threshold
Industry Standard Terms	Specific terms or conditions which are relevant only to the goods or service being purchased, or the industry sector or market within which the contract will operate.
Invitation to Tender	Invitation to tender documents in the form required by Procurement Procedures.
Management Team	Consists of the Chief Executive, Directors, and Heads of Service, which meet together as a decision making body.
The Officer	The Officer responsible for undertaking a purchase (see section (1.4))
OJEU Notice	Notice (advertisement) posted in the Official Journal of the European Union. Includes a Prior Information Notice, a Tender Notice or an Award Notice.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
Performance Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Pre-determined objective selection criteria	The factors that will be assessed as part of the selection for tender short listing or final evaluation. These are normally backed up by a scoring mechanism and guidelines to enable an objective assessment.
Purchasing Cards	A Purchasing Card is designed for the purchase of low value goods and services. Procedures for the use of Purchasing Cards will be published in the Financial procedure Rules.
Services	Services which are described in Schedule 3 of the EU Procurement Directive as being either Part A, to which the full Directive applies if they meet the relevant value threshold; or Schedule B, to which much lighter requirements apply
Significant value	Contracts over £50,000 in any year
Tenderers	Organisations who have been invited to submit a tender to the authority.
Total Value	The whole of the value or estimated value (in money or equivalent value and net of VAT) for a group of similar commodities or services : <ul style="list-style-type: none"> <li>• whether or not it comprises several lots or stages across the Council as a whole</li> <li>• whether or not it is to be paid or received by the Council.</li> </ul> The Total Value shall be calculated as follows: <ol style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;</li> <li>(b) where the purchase involves recurrent transactions for the</li> </ol>

	<p>same type of item, by aggregating the value of those transactions in the coming 12 months;</p> <p>(c) where the contract is for a duration which cannot be determined, by multiplying the monthly payment by 48;</p> <p>(d) for feasibility studies: the value of the scheme or contracts which may be awarded as a result;</p> <p>(e) for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.</p> <p>(f) where an in house service provider is involved, by taking into account redundancy and similar/associated costs.</p>
Welland Procurement Unit	The Welland Procurement Unit (WPU) is the procurement service shared by this council and by other councils of the Welland Partnership. The WPU issues guidance and offers assistance on procurement matters to all participating councils. (See 1.4)
Works Contracts	Contracts let by public authorities for civil engineering and building works and works concession contracts.
Written Quotation	Must be in letter, fax or email and must be addressed personally, contain pricing information and delivery details Printouts of catalogues are not written quotations

**General Exceptions from Procurement Procedures**

These Procurement Procedures apply to all Goods, Services and Works purchased by the Council, with the following exceptions:

(a) Procurements of goods, services, or works where the procurement procedure to be followed by the Council is the subject of express legislation.

(d) Extension of an existing services or works contract with the

(b) Low value purchases made by a Purchasing Card that are subject to guidelines issued on the use of Purchasing Cards.

(c) Works or services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of £25,000 is first approved by the Chief Executive. Any contract entered into by the Council under this Exemption must not be for a term of more than 6 months.

same supplier provided that:

i) The circumstances for so doing were genuinely unforeseen;

ii) That such works or services are not practically separable from the original contract, or are necessary for its completion;

iii) That the value of such an extension does not exceed 50% of the original contract value;

(e) Contracts for the acquisition and disposal of land or property that are covered by separate policies and procedures.

(f) Contracts resulting from a competitive recruitment process.

(g) Works orders with utility infrastructure providers, e.g. Gas Mains.

(h) Call off or orders placed against negotiated framework agreements where the procedures defined in the contract for call off are followed.

(i) Any contract which has had an exemption agreed in accordance with rule 1.3.

(j) Grants properly approved through the appropriate Council procedures

(k) The disposal of Council Assets that are covered by a separate regulation

*Exemptions and Exceptions as defined under the EU Directive are not automatically exempted or excepted from these Procurement Procedures.*

*Officers wishing to extend existing contracts may do so according to the extension provisions in that contract. Where no such provision is available, assistance should be sought from the Solicitor to the Council or Welland Procurement.*

**EXEMPTION REQUEST FORM**

Name of Officer seeking Exemption:

Service Area:

Contract Title:

Description of Contract (attach supporting documentation if applicable)

Estimated Total Value of Contract:

Target Contract Start Date:

Date	Justification for Exemption Request	Authorised by Head of Service or Director
		Signed:  Name:

*This Form should be kept on file as evidence of compliance with Procurement Procedure Rules.*

Legal Services (LS) ACTION	
LS Authorised: Yes/No  Refer to Policy Committee: Yes/No  Reason for rejection (if applicable):	
Signature:	Print Name:
Date:	

**PROCUREMENT PROCEDURES SUMMARY**

**APPENDIX C**

<b>Value of Contract</b>	<b>Quotation/Tender Process</b>	<b>Who</b>	<b>Contract documentation</b>	<b>Approval</b>
Goods and services up to £5,000, see 2.2	Obtain quotation prior to issue of Purchase Order	Service Area	Issue by Purchase Order or use of Purchasing Card	By authorised officer
Goods, services and works £5,000 - £50,000, see 2.3	Obtain at least 3 quotations	Service Area	Can use Purchase Order for non-complex requirements up to £50k. Written contract for requirements over £50k.	Up to £10,000 by authorised officer; over £10,000 by Head of Service
Goods, services and works that can be satisfied from an existing approved contract, see 2.4	Follow call off procedure within contract	Service Area	Follow call off procedure within contract	Up to £10,000 by authorised officer; over £10,000 by Head of Service; over £250,000 by Director
Goods, services and works between £50,000 and EU threshold, see 2.5	Obtain at least 5 tenders	Service Area	Written contract, complete as appropriate, see 4.3.	By Head of Service up to £250,000; over £250,000 by Director
Goods and services over EU threshold, see 2.6 For definition of EU threshold, see Glossary of defined Terms	Formal review of requirement prior to proceeding. All EU notices to be published centrally by Welland Procurement Unit. Details of all planned contracts with an anticipated value over the EU threshold will be reported to the Head of Financial Services by the Head of Service.	Service Area to review with Legal Services/ Welland Procurement	Written contract, complete as appropriate, see 4.3.	By Head of Service up to £250,000; over £250,000 by Director. All contracts over £1,000,000 will require prior consultation with the appropriate Policy Chair
Works contracts anticipated to be over the EU works threshold in value, see 2.6	Formal review of requirement prior to proceeding. All EU notices (where applicable) to be published centrally by Welland Procurement Unit. Details of all planned contracts with an anticipated value of over the EU works threshold will be reported to the Head of Financial Services by the Head of Service.	Service Area to review with Legal Services/ Welland Procurement	Written contract, complete as appropriate, see 4.3.	By Director. All contracts over £1,000,000 will require prior consultation with the appropriate Policy Chair

**EU TENDER TIMETABLE**

**APPENDIX D**

<b>Procedure</b>	<b>Article</b>	<b>Text</b>	<b>Days</b>
Open	38(2)	Minimum time for receipt of tenders from date of contract notice	52
	38(4)	Reduced when PIN published (subject to restrictions) to generally –  And no less than -	36  22
	38(5)	Electronic transmission reduces all the above by 7 days so that 52 days becomes –  And 36/22 become -	45  29/22
	38(6)	Full electronic access to contract documents reduces 52 by 5 days so it becomes –  The reduction of 7 days for electronic transmission can be added so that 47 days becomes -	47  40
Restricted	38(3)(a)	Minimum time for receipt of requests to participate from the date contract notice is sent	37
	38(5)	Electronic transmission reduces the 37 days by 7 days so 37 days becomes -	30
	38(3)(b)	Minimum time for receipt of tenders from date invitation is sent	40
	38(4)	Reduced when PIN published (subject to restrictions) to generally, -  And not less than-	36  22
	38(6)	Full electronic access to contract documents reduces 40 days by 5 days so it becomes	35

## CONTRACT REGISTER TEMPLATE

## APPENDIX E

Body Name	Body	Service Area Categorisation	Organisational Unit	Title of the Agreement	Scope	Contract Reference number / ID	Description	Start Date	End Date	Extension Period	Amount (Annual)	Supplier Name	Nominated contact point	Procurement category
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## **Appendix 2 to Policy & Resources Committee Minute 81**

### **East Northamptonshire Council Homelessness Grant 2010/11**

#### **Application Criteria**

##### **Homelessness Grant**

The Council will receive a grant during 2010/11 from the Government; which should be spent on projects and activities which seek to prevent homelessness in East Northamptonshire. The majority of this money will be allocated as small grants to external organisations, to support their work in this area.

This funding is only available until the end of March 2011, and applications will be accepted up until the end of February 2011. The maximum amount for any one application has been set at £5000.

##### **Assessment Criteria**

Projects / activities must:

- Benefit the residents of East Northamptonshire
- Come from a properly constituted group
- Directly contribute towards the prevention or reduction of homelessness

Funding will not be approved for projects / activities which have already been completed.

Applications will be assessed by the Council's Housing Strategy Manager; and a recommendation made to the Council's Policy and Resources Committee who will make the final decision.

##### **Terms and Conditions**

The following terms and conditions apply:

- Grants will be paid retrospectively
- The award of a grant is subject to the applicant meeting all statutory obligations; such as building consent and regulations, fire safety regulations, preservation orders and licensing. This includes obtaining Criminal Record Bureau (CRB) checks for all volunteers and workers dealing with vulnerable individuals and also complying with child protection procedures. A grant award does not give permission to proceed with any work without the correct statutory authorisation.
- Applications must be for a non profit making purpose.

# DEVELOPMENT CONTROL COMMITTEE

Date: 6 July 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

Present: Councillors: Pauline Bradberry JP (Chairman)  
Gill Mercer (Vice Chairman)

Peter Baden  
Wendy Brackenbury  
Roger Glithero JP  
Glenn Harwood MBE  
Marika Hillson  
Dudley Hughes JP  
Barbara Jenney

Bob Nightingale  
Brian Northall  
Ron Pinnock  
Anna Sauntson  
Phillip Stearn  
Jeremy Taylor  
Robin Underwood

## 89. MINUTES

The minutes of the meeting held on 15 June 2011 were approved and signed by the chairman.

## 90. APOLOGIES FOR ABSENCE

Councillors Andy Mercer and Peter Wathen sent their apologies.

## 91. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

### (a) Interests

#### (i) Prejudicial

Members declared personal and prejudicial interests in the items below as indicated. They left the meeting during the discussion and voting on the respective item.

Member	Application/Item	Nature of Interest
Ron Pinnock	EN/11/00854/NCC	A member of the Northamptonshire County Council Development Control Committee that will determine the item

#### (ii) Personal

Members declared personal interests in the applications below as indicated. They remained in the meeting and took part in the discussion and voting on the respective item.

Member	Item	Nature of Interest
Pauline Bradberry Brian Northall and Marika Hillson	EN/11/00618/FUL EN/11/00756/EXT, EN/11/00757/EXT and EN/11/00758/EXT	Knows the applicant and agent Lectured at the Tresham Institute









7. Development shall be carried out strictly in accordance with the following submitted plans. T  
1  
2  
1446-P-02  
1446-P-04  
1446-P-06]  
1446-P-03A Received by the Local Planning Authority on 07.09.09

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**EN/11/00243/FUL**

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Date received	Date valid	Overall Expiry	Ward
<b>16 February 2011</b>	<b>15 April 2011</b>	<b>10 June 2011</b>	<b>Woodford</b>

Applicant **Woodford Development Co Ltd**

Agent **KB Architecture**

Location **The White Horse, 1 Club Lane, Woodford, Kettering.**

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Proposal **Change of use from Public House to residential to include erection of entrance area and single storey rear extension, erection of detached garage and insertion of new windows**

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**Decision      Application Permitted**

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason:** Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, details and samples of the roofing materials to be used for the construction of the garage and for the roofs of the approved extensions shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure a satisfactory elevational appearance for the development and to preserve the character and appearance of the conservation area.
3. In accordance with the details shown on the submitted drawings, the external walls of the extensions hereby approved shall be constructed in stone and details and a sample of the stone to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure a satisfactory elevational appearance for the development and to preserve the character and appearance of the conservation area.
4. All new and replacement windows and doors shall be constructed in timber, unless otherwise agreed in writing by the Local Planning Authority. Full details of the windows and doors, including the joinery, colour and finish details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To preserve the character and appearance of the conservation area.











