

Part 3
Scheme of Delegation
Appendix 3

Scheme of Delegation to Council Officers

Key:

Officer Levels - Level 4: Chief Executive, Level 3: Strategic Directors and Service Directors, Level 2: Service Managers

Chief Executive

- Access to Information: to deposit of background documents under the Access to Information Act 1985. Service Directors also have authority to execute this function. (CLA2)
- Appraisal of Top Management: to implement the Council's scheme for staff performance development reviews including Service Directors. Strategic Directors also have authority to execute this function. (CLA4)
- Attendance Allowance for Officers: to authorise attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working. Any Level 2 Manager or above Directors also have authority to execute this function. (CLA5)
- Chairman of Council – Casual Vacancy: to act as Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of Chairman of the Council). (CLC2)
- Council Meetings – Notices as to addresses for delivery of summons: to act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices. (CLC9)
- Council Meetings – Signature of summons to attend: to act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons. (CLC11)
- Councillors – Acceptance of Office: to act as Proper Officer under Section 83(1)-(4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors; and That in the absence through unavailability, absence, incapacity, or vacancy to undertake the functions specified in the delegation. Any Level 4 Manager in the absence of the Chief Executive Managers also has authority to execute this function. (CLC12)
- Councillors – Resignation from office: to act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors. (CLC13)
- Documents – Inspection and supply for councillors: to determine requests by members of the Council to inspect or to be provided with copies of Council documents. Any Level 3 Officer or above also have authority to execute this function. (CLD8)
- Electoral matters: (a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and
 - (i) through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections; and
 - (ii) through Section 6 of the European Elections Act 2002, Local Returning Officer for European Parliamentary elections.(Duties: responsibility for the electoral register, for EU parliamentary elections (under the direction of the Regional Returning Officer) and for UK Parliamentary elections.)

(b) Counting Officer for the purposes of Section 61E of the Town & Country Planning Act 1990 and the Localism Act 2011 (Section 116)

(Duties: responsibility for the local referendums on Neighbourhood Plans)

(c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983

(Duties: responsibility for the conduct of District Council/Parish Council elections and, through Sections 52ZQ and 113 of Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts.)

(d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000 (Duties: responsibility for petitions and referendums in connection with the Executive Constitution of the Council).

(e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983 (Duties: responsibility for County Council elections as appointed by and under the direction of the County Returning Officer.)

(f) Nominated Local Returning Officer under Section 54 of the Police & Social Responsibility Act 2011

(Duties: conduct of elections for Police & Crime Commissioners under the direction of County Returning Officer.)

Deputy Registration Officer: (Senior Electoral Services Officer) also have authority to execute these functions. (CLE1)

- Head of Paid Service: in accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service. In the absence of the Chief Executive, a nominated Level 4 or Level 3 Officer also have authority to execute this function. (CLH2)
- Health and Safety at Work – Implementation: (a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy;

(b) To be directly responsible for the implementation in each Directorate of the Council's general policy for safety, health and welfare;

(c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and

(d) To be responsible in the work area under their control for:

(i) implementation of general policy of health, safety and welfare;

(ii) annual review of work areas to assess training needs and priorities for improvements;

(iii) identification of hazards for employees and the public;

(iv) consultation with employee representatives on safety matters; and

(v) setting an example in safe behaviour.

Service Directors, all level 1, 2 and 3 Managers responsible for one or more staff also have authority to execute this function. (CLH3)

- Maladministration – Power to make payments or provide other remedies: the power to make payments or provide other remedies in cases of maladministration, or in cases by individuals which amount to or could amount to maladministration by the Council. Service Director or a Level 2 Officer nominated by them also have authority to execute this function. (CLM2)
- Ombudsman – Notices: to act as proper officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication of notice on receipt of a report from the Local Ombudsman). The Monitoring Officer also has authority to execute this function. (CLO2)
- Re-use of Public Sector Information Regulations 2005: to be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used. To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements. (CLR5)

- Staff – Appointments Procedure: to make all appointments to each service in respect of posts graded below level 3 except appointments where, in the opinion of the Head of the Paid Service, member involvement is considered desirable. Strategic and Service Directors also have authority to execute this function. (CLS1)

Strategic Director

- Chief Financial Officer: designated as Chief Finance Officer, being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985, and Section 114 of the Local Government Finance Act 1988. (CLC4)

Service Director

- Proper Officer: to act as Proper Officer under the Access to Information Act 1985. Customer Services Service Director, or any Level 3 Officer or above also have authority to execute this function. (CLA1)
- Appraisal of Staff: to implement the Council's scheme for staff performance development reviews excluding Service Directors. Level 2 and 1 Managers also have authority to execute this function. (CLA4)
- Councillors – Substitutes: to receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions. Customer Services Service Director, or any Level 2 Officer nominated by them also have authority to execute this function. (CLC14)
- Development Management:

A. to determine:

- (a) All Full Planning Applications
 - (b) All Householder Planning Applications
 - (c) All Outline Applications and Reserved Matters Applications
 - (d) All applications for Advertisement Consent,
 - (e) All Applications for Listed Building Consent
 - (f) All applications for Demolition in Conservation Areas
 - (g) All Applications for Hazardous Substance Consent
 - (h) Tree Preservation Order Consent applications where felling is proposed.
 - (i) All Applications for Variation or Removal of Conditions
- except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:
1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
 2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
 3. Applications recommended for approval where at least one of the following have been received:
 - a. At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected); or
 - b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
 - c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered. Should the relevant Local Council fail to register to speak, or attend following registration, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with Rule P2 (2) (Planning Applications) set out in Part 4 of the Constitution

- d. Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to the request being made in writing within 4 weeks of that application's notification in the weekly list.
4. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;
5. Any other application which the Head of Planning considers appropriate to be determined by members.

B. To determine;

All matters, set out below, unless the Service Director, Planning considers it appropriate to be determined by members.

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications including telecommunications equipment.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Service Manager (Legal Services)/Solicitor to the Council within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building or in a conservation area, or breach of Tree Preservation or Hedgerow Regulations and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Service Director Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements
- (f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.

(g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified

(h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.

4. Entry onto Land

(a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrate's court for a warrant authorising entry where applicable in relation to any matter.

Planning Services or a Level 2 or 1 Officer nominated by them also have authority to execute these functions. (CLD2)

- Documents – Deposit: to act as Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents. Customer Services, or duly nominated Officer also have authority to execute this function. (CLD7)
- Gambling Act 2005 – Licensing Functions: see Annex A. Any Level 3 Officer or above within their management control also have authority to execute this function. (CLG1)
- Growth and Infrastructure Act 2013: To determine applications received under Section 7 to modify, remove or discharge affordable housing obligations, subject to:
(a) Prior consultation with the Chief Executive and the Monitoring Officer; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and

(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.

Any Level 3 Officer or above within their management control also have authority to execute this function. (CLG2)

- Insurance – Institution of legal proceedings: to institute, defend, appeal, withdraw or agree a compromise in connection with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting. Business Support Services or any appropriately qualified staff members within Accountancy Services nominated by them also have authority to execute this function. (CLI2)
- Land Charges: to act as proper officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges). Any Level 3 Officer or above within their management control also have authority to execute this function. (CLL1)
- Licensing: to authorise suitably qualified officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Annex B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Annex B. Any Level 3 Officer or above within their management control also have authority to execute this function. (CLL2)
- Licensing – Hackney Carriage and Private Vehicle Licences: To determine Licences in respect of hackney carriage and private hire licensing (as set out in Annex C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub Committee ([see Minute 12 opposite](#)). Any Level 3 Officer or above within their management control, Senior Licensing Officer or suitably qualified Officer authorised by them also have authority to execute this function. (CLL3)
- Licensing – Scrap Metal Dealers Act 2013: to implement Annex D (Schedule of delegations under the Act) insofar as they relate to matters to be undertaken by officers. To authorise officers to carry out inspections of the sites and vehicles used

and conduct investigations and to issue and undertake prosecutions that may arise under the Act. Any Level 3 Officer or above within their management control also have authority to execute this function. (CLL4)

- Local Government and Housing Act 1989 – Determinations under Part IV: to make determinations under the following sections of the Local Government and Housing Act 1989: Section 42(2)(g) – Reimbursable expenditure and Sections 50(3)(b) and 60(2) – Usable capital receipts. Business Support Services or Chief Financial officer also have authority to execute this function. (CLL5)
- Politically Restricted Posts: (a) to notify all politically restricted post holders of their designations; (b) to incorporate the designation as to politically restricted status in contracts of employment; and (c) to maintain and issue revised lists when necessary and notify the independent Adjudicator. (CLP2)
- Protected Buildings: To act as Proper Officer for the purposes of paragraph 28 of Schedule 16 to the Local Government Act 1972 (receipt and deposit of lists of protected buildings). (CLP3)
- Trees, Conservation and Related Functions: to be responsible for delegations set out in Annex E to this schedule. Any Level 3 Officer or above within their management control also has authority to execute this function. (CLT3)

Head of Paid Service:

- Staff – Miscellaneous Delegations: to determine staff issues in terms of grading, structure, and local conditions of service (subject to consultation with staff representatives). within the budget and policy framework. Strategic and Service Directors within their areas of management responsibility also have authority to execute this function. (CLS2)
- Staff – Retirement: to offer early retirement and redundancy under the terms of the superannuation scheme or gratuity scheme to appropriate staff where the resultant vacated posts can be made available for redeployment of otherwise redundant employees. (CLS3)

Chief Financial Officer

- Borrowing Determination: to discharge all powers regarding sources of borrowing available to the Council under Section 43(2) of the Local Government and Housing Act 1989 subject to regular monitoring reports to the Cabinet, and to compile and maintain a register of loan instruments. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have authority to execute this function. (CLB1)
- Cheques – Signing: to sign cheques on behalf of the Council. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer (or other duly authorised signatory) also have authority to execute this function. (CLC3)
- Collection Fund: to calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have authority to execute this function. (CLC5)
- Direct Debiting: to execute a direct debiting indemnity on behalf of the Council. (CLD3)
- Local Government and Housing Act 1989 – Proper Officer Designations: Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated: Section 2 (preparation and maintenance of lists of politically restricted posts) and Section 37 (deposit and

preparation of statements as to the provision of financial assistance). The People Team Manager also has authority to execute this function. (CLL6)

- Officers – Receipts of money due: to act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972). (CLO1)
- Treasury Management: (a) to have control of the aggregated monies under Section 151 of the LGA 1972; (b) to be responsible for all executive decisions on borrowing, investment, or financing under Section 151 subject to a requirement to act in accordance with the CIPFA Code for Local Authorities. Appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have authority to execute this function. (CLT2)

Legal Services Manager

- Affidavits – Swearing Of: to secure sworn affidavits from any member of Council staff where required by the Council. Any nominated legally qualified staff member within Legal Services also have authority to execute this function. (CLA3)
- Byelaws - Certification: to act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972. Any Solicitor or fellow of the Chartered Institute of Legal Executives within Legal Services nominated by them also have authority to execute this function. (CLB2)
- Byelaws – Parish & County Council Copies: to act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972. (CLB3)
- Court, tribunal, inquiry proceedings – Engagement of staff and advice: To appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries, and other similar venues. (CLC15)
- Data Protection Act 2018: to act as Data Protection Officer for the purposes of the Data Protection Act 2018 and General Data Protection Regulation. (CLD1)
- Documents – Authentication: to act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents. (CLD5)
- Documents – Certification of photographic copies: to act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents. (CLD6)
- High Court Action: to instigate High Court action in the following circumstances:
 - (a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended)
 - (b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) which shall be authorised by the District Development Control Committee or an Area Plans Sub-Committee, or to deal with breaches of Abatement Notices under the Environment Act 1995 or Amendments thereof which shall be authorised by the Cabinet;
 - (c) any applications for High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity which shall be authorised by the Legal Services Manager/Assistant Director Legal Services in consultation with the appropriate Portfolio Holder.
 - (d) any other category of High Court action which shall not admit of delay resulting from reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or subcommittee; and
 - (e) to make applications in consultation with the appropriate members under High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity.Any legally qualified officer within the Legal Services Function also have authority to execute this function. (CLH4)

- High Court Action: to defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting). (CLH4)
- Insolvency – Enforcement of debts: to issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986. To take steps to enforce a debt following the commencement of bankruptcy proceedings, The relevant **Level 4 or 3 Manager** also have authority to execute this function. (CL1)
- Magistrates' and County Courts – Defence and Pursuit of Proceedings: to institute, defend, pursue, and settle proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts. In their absence, any appropriately qualified officer nominated by them also have authority to execute this function. (CLM1)
- Monitoring Officer and Deputy: to act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections. To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act. (CLM3)

Monitoring Officer

- Conduct of Councillors: in accordance with Sections 26-37 of the Localism Act 2011: (A-J). In the absence of the Monitoring Officer, the Deputy Monitoring Officer also has authority to execute this function. (CLC8)
- Constitution – Minor amendments: to make amendments to the Constitution as set out in the Article relating to Revision, Amendment and Suspension of the Constitution. (CLC10)
- Ombudsman – Notices: to act as Proper Officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication of notice on receipt of a report from the Local Ombudsman). The Chief Executive also has authority to execute this function. (CLO2)
- Registration of Interests – District Council: receipt, custody, and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR1)
- Registration of Interests – Town and Parish Councils: receipt, custody, and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR2)
- Resolutions – Certification: to act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions). (CLR4)

Managing Legal Executive Litigation Executive:

- Magistrates' and County Courts – Defence and Pursuit of Proceedings: to appear for the Council in legal proceedings pursuant to Section 223(1) of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1982. (CLM1)

Democratic and Electoral Services Team Manager:

- Monitoring Officer and Deputy: to act as Deputy Monitoring Officer(s) with the power to act in the absence or during any illness of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989. (CLM3)

Level 4 or 3 Officer (any) that is not the initiating officer for the subject matter

- Common Seal – Attestation Of: to attest the Common Seal of the Council. (CLC6)

Level 4 or 3 Officer (any)

- Compassionate Leave: to grant to staff up to five days leave (with pay) per year for compassionate reasons. (CLC7)

Level 3 Officer and above or any level 2 Officer so authorised

- Disturbance Compensation: to grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts. (CLD4)

Returning Officer

- Elections – Discretionary fees and charges: to determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number. (CLE2)
- Elections – Fees and expenses: to determine the scale of fees and expenses payable by the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number. (CLE3)
- Parish Polls: to act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987. (CLP1)

Chief Executive/ Electoral Registration Officer?

- Electoral registration – Prosecutions: to institute and pursue proceedings in relation to electoral registration offences. (CLE4)

Regulation of Investigatory Powers Act (RIPA) 2000

(RIPA) 2000 – as amended by the Protection of Freedoms Act 2012 – designation of Senior Responsible Officer, Authorising Officers, and RIPA Coordinator

For the purposes of RIPA and regulations or orders made thereunder, the following officers of the Council be appointed to the roles specified, to exercise on behalf of the Council, the power to administer and give initial authorisation of covert surveillance:

- Chief Executive/ Senior Responsible Officer (SRO): To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions. (CLR3)
- Strategic Director (Level 4 Officer)/ Authorising Officer: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source, if confidential material is likely to be captured. (CLR3)
- TBD: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source, (CLR3)
- Senior Legal Executive: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source, (CLR3)
- Executive Assistant (Strategic Support)/ RIPA Coordinator: To maintain a central record of refusals, authorisations and cancellations as directed by the SRO. (CLR3)

Annex A

Gambling Act 2005

Table of Delegations of Licensing Functions

Service Director Responsible for Licensing Service

Matters to be dealt with by Full Committee:

- Three-year licensing policy
- Policy not to permit casinos

Matters to be dealt with by Sub Committee:

- Application for premises licences: where representations have been received and not withdrawn
- Application for a variation to a licence: where representations have been received and not withdrawn
- Application for a transfer of a licence: where representations have been received from the Commission
- Application for a provisional statement: where representations have been received and not withdrawn
- Review of a premises licence
- Application for club gaming/club machine permits: where representations have been received and not withdrawn
- Cancellation of club gaming/club machine permits
- Decision to give a counter notice to a temporary use notice

Matters to be dealt with by Officers:

- Fee Setting – when appropriate: (to be approved by Executive Councillor)
- Application for premises licences: where no representations received/representations have been withdrawn
- Application for a variation to a licence: where no representations received/representations have been withdrawn
- Application for a transfer of a licence: where no representations received from the Commission
- Application for a provisional statement: where no representations received/representations have been withdrawn
- Application for club gaming/club machine permits: where no representations received/representations have been withdrawn
- Applications for other permits
- Cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

Annex B

Licensing

Service Director Responsible for Licensing Service

Charities Act 1992

- Part III (Street Collections)

Local Government (Miscellaneous Provisions) Act 1976

- S16 (Power to obtain particulars of Persons interested in Land)

Local Government (Miscellaneous Provisions) Act 1982

- Sections 14, 15, 16 and 17 (Acupuncture, Tattooing, Ear Piercing and Electrolysis)
- Section 37 (Temporary Markets)
- Schedule 3 Paragraphs 7, 8, 9, 10, 13, 15 to 19 and 25 (Control of Sex Establishments)
- Schedule 4 paragraphs 7, 9 and 10 (Street Trading)

Hackney Carriage and Private Hire Licences

- Town and Police Clauses Act 1847: (Sections 37, 41, 42, 43, 45, 46, 47, 50, 68)
- (Except temporary road closures which are the subject of objections which shall be dealt with by the Licensing Sub-Committee)

Town and Police Clauses Act 1889 (Sections 4, 5 and 6)

Local Government (Miscellaneous Provisions) Act 1976 (Part II)

Licensing Act 2003

List of functions and delegated authority to Service Director responsible for Licensing Service

Matters to be dealt with by Full Committee:

- All policy matters except the formulation of the statement of licensing policy: all cases

Matters to be dealt with by Sub Committee:

- Application for personal licence: if a police objection
- Application for personal licence with unspent convictions: all cases
- Application for premises licence/club premises certificate: if a relevant representation made
- Application for provisional statement: if a relevant representation made
- Application to vary premises licence/club premises certificate: if a relevant representation made
- Application to vary designated premises supervisor: if a police objection
- Application for transfer of premises licence: if a police objection
- Applications for interim Authorities: if a police objection
- Application to review premises licence/club premises certificate: all cases
- Decision to object when local authority is a consultee and not the relevant authority considering the application: all cases
- Determination of an objection to a temporary event notice: all cases
- Determination of application to vary licence at community premises to include alternative licence conditions: if a police objection

Matters to be dealt with by Officers:

- Application for personal licence: if no objection made
- Application for premises licence/club premises certificate: if no relevant representation made
- Application for provisional statement: if no relevant representation made
- Application to vary premises licence/club premises certificate: if no relevant representation made
- Application to vary designated premises supervisor: all other cases
- Request to be removed as designated premises supervisor: all cases
- Application for transfer of premises licence: all other cases
- Applications for interim Authorities: all other cases
- Decision on whether a complaint is irrelevant frivolous vexatious etc.: all cases
- Decision to object when local authority is acting as a Responsible Authority: all cases
- Determination of application to vary licence at community premises to include alternative licence conditions: all other cases
- Decision whether to consult other responsible authorities on minor variation: all cases
- Determination of minor variation: all cases

Scrap Metal Dealers Act 2013

Delegation of powers to Ervice Director responsible for Licensing Service

Matters to be dealt with by Full Council:

- Licensing policy: All cases
- Fee Setting - when appropriate: **All fees?**

Matters to be dealt with by Sub Committee:

- Application for or renewal of a Site or Collector's licences: where representations have been received and not withdrawn
- Application for a variation to a licence: where representations have been received and not withdrawn
- To issue a closure notice on non-residential premises being used as a scrap metal dealer's site: all cases
- Application to the Magistrates Court for a closure order: all cases
- Termination of a closure order: all cases
- Application to the Magistrates Court to discharge a closure order: all cases
- Revocation of a licence: all cases
- Consideration of and imposition of conditions: all cases

Matters to be dealt with by Officers:

- Application for or renewal of a Site or Collector's licences: where representations have been received and not withdrawn
- Application for a variation to a licence: where representations have been received and not withdrawn
- To issue a closure notice on non-residential premises being used as a scrap metal dealer's site: all cases
- Application to the Magistrates Court for a closure order: all cases
- Termination of a closure order: all cases
- Application to the Magistrates Court to discharge a closure order: all cases
- Revocation of a licence: all cases
- Consideration of and imposition of conditions: all cases

Trees, Conservation and Related Functions

Buildings - Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8):

- To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee.
- To obtain and exercise powers of entry to undertake surveys in connection with:
 - 1 Statutory Plans
 - 2 Applications for Planning Permission
- Exceptions: yes

Dangerous trees on private land - Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24:

- Discretionary power to take action to make safe trees on private land, including to:
 - (1) Obtain and use necessary Powers of Entry to the land;
 - (2) Serve relevant notices;
 - (3) Respond to appeals;
 - (4) Undertake works directly where necessary; and
 - (5) Recover expenses.
- Exceptions: no

Countryside hedgerows - The responsibility to:

- (1) Regulate the removal of certain hedgerows;
- (2) Issue relevant notices, including to require hedgerow replacement;
- (3) Respond to appeals;
- (4) Take necessary enforcement or legal action;
- (5) Obtain and use necessary powers of entry to the land including exercise of rights of entry under warrant;
- (6) Surveying land in connection with any hedgerow removal notice;
- (7) Ascertaining whether any offences have been committed under Regulation 7; and
- (8) Determination of whether a notice should be served under Regulation 8.
- Exceptions: no

High Hedges - Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80:

The responsibility to:

- (1) Deal with complaints in relation to the height of domestic hedgerows;
- (2) Issue, withdraw or relax the requirements or relevant notices;
- (3) Serve relevant documents regarding notifications;
- (4) Notify interested parties;
- (5) Respond to appeals;
- (6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and
- (7) Obtain and use powers of entry necessary in relation to (1), (2), (3), (5) and (6).
- Exceptions: no

Protection of trees - Town and County Planning Act 1990 (as amended) Part VIII

Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B, C&D, 324, 325:

The duty and responsibility to:

- (1) Take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Council Bulletin;
- (2) Amend, confirm, decide not to confirm or revoke such orders (i.e. TPOs);
- (3) Determine applications for works to preserved trees except as set out below:
 - (i) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received;
 - (ii) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;

- (iii) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance; and
- (iv) any application which the Service Director, Planning considers is expedient or appropriate to present to committee for decision (e.g. those raising issues of subsidence, claims for compensation etc).
- (4) Take any necessary action in respect of claims for compensation;
- (5) Take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Council Bulletin;
- (6) Respond to appeals;
- (7) Take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with legal services, including injunctive action and recovery of costs;
- (8) Take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary; and
- (9) Authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to:
 - (i) issue a warrant if admission has been refused or if a refusal is reasonably anticipated or if the case is urgent;
 - (ii) to take samples of trees or soil; and
 - (iii) for the authorised person(s) to take with them such other persons as may be necessary.

Note: The authorities to undertake the stated functions, as set under the relevant sections shall be taken to be automatically updated to take into account changes, modifications and updating as they occur in the relevant legislation, subject to no new authorities being created. All references are to the legislation as currently amended.

Development Management (CLD2)

A. To determine -

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent,
- (e) All Applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas
- (g) All Applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed.
- (i) All Applications for Variation or Removal of Conditions except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:
 1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
 2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
 3. Applications recommended for approval where at least one of the following have been received:
 - (a) At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected); or
 - (b) An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
 - (c) An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered. Should the relevant Local Council fail to register to speak, or attend following registration, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with Rule P2 (2) (Planning Applications) set out in Part 4 of the Constitution
 - (d) Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to the request being made in writing within 4 weeks of that application's notification in the weekly list.
 4. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;
 5. Any other application which the Head of Planning considers appropriate to be determined by members.

B. To determine -

- All matters, set out below, unless the Service Director, Planning considers it appropriate to be determined by members.

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications including telecommunications equipment.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.

- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Service Manager (Legal Services)/Solicitor to the Council within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building or in a conservation area, or breach of Tree Preservation or Hedgerow Regulations and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Service Director Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements
- (f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.
- (g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified
- (h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.

4. Entry onto Land

- (a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrate's court for a warrant authorising entry where applicable in relation to any matter.

Note: Planning Services or a Level 2 or 1 Officer nominated by them also have authority to execute these functions. (CLD2)

