

**CONSTITUTION - APPENDIX C**  
**Scheme of Delegation to Officers**

**REDDITCH BOROUGH COUNCIL**

**SCHEME OF DELEGATION TO OFFICERS**

(Approved by the Council on 29<sup>th</sup> October 2007)

(Differences from the June 2007 version remain highlighted for reference)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **General Notes**

- 1). Any reference to specific legislation, or statutory provisions in the attached Scheme of Delegation shall be automatically deemed to refer to any relevant aspects of any successive legislation or statutory provisions, pending formal updating.
- 2). Reference to specific Officers in the attached Scheme of Delegation shall be automatically deemed to refer to any successor Officer(s) who is/are charged with the same responsibilities, following any future reorganisation, save that, for the sake of clarity and proper control, in the case of any future ambiguity about who shall exercise a particular delegation of authority, the delegation shall refer to the higher ranking Officer(s).
- 3) In the attached scheme, delegations of authority marked (C) are derived from the Council. All others are derived from the Executive Committee.

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### INDEX

	<u>Page</u>
A. General	223
B. ALL DIRECTORATES – MISCELLANEOUS	225
C. DELEGATIONS BY DIRECTORATE	
• <b><u>Borough Directorate</u></b>	227
Borough Director	227
<b>Legal, Democratic and Property Services Team</b>	228
Legal Services	228
Democratic Services	230
Property Services	232
<b>Finance, Revenues and Benefits Team</b>	235
• <b><u>Environment and Planning</u></b>	237
<b>Environment Team</b>	237
Environmental Health	237
Licensing	246
Landscape and Countryside Services	248
Waste Management	248
<b>Operations Team</b>	249
Cemeteries and Crematorium	249
Market	249
Transport	249
<b>Planning and Building Control Team</b>	250
Development Control / Development Plans	250
Building Control	252
<b>Strategy and Partnerships Team</b>	253
Community Safety	253
Policy	254

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

• <b><u>Housing and Asset Management Team</u></b>	<b>255</b>
<b>Asset and Maintenance Services Team</b>	<b>255</b>
Care and Repair	<b>255</b>
<b>Housing and Community Services Team</b>	<b>256</b>
Housing Services	<b>256</b>
Community Services	<b>258</b>
• <b><u>Leisure, Customer and Business Support</u></b>	<b>259</b>
<b>Leisure and Arts Team</b>	<b>259</b>
<b>Customer and IT Services</b>	<b>260</b>
<b>KEY</b>	<b>261</b>
<b>AUTHORISED SIGNATORIES PROFORMA</b>	<b>263</b>

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **A. GENERAL DELEGATIONS**

#### **1. Budgetary Control**

The Council's Directors (Dir's) are empowered to incur normal revenue expenditure, in accordance with Financial Regulations and within the terms of budgets as set by the Council. They shall be authorised to approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Standing Orders has been submitted to and approved by the Executive Committee.

To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report (Dir's / HoS).

In setting Fees and Charges, as a general principle, to round up or down to the nearest practical amount, any of the proposed fees and charges which it is felt would cause administrative difficulties (Dir's / HoS).

#### **2. Employees**

Directors shall control and manage their own Directorates. Within the terms of the Council's agreed policies and employment objectives, Directors, or their nominated Manager(s), shall have authority to deal with the following matters without reference to Committee:-

- a) To engage employees within budget provision / establishment. (Dir's)
- b) To deal with the recruitment, suspension, and dismissal of employees in accordance with agreed procedures (Dir's).
- c) Subject to negotiation with employees and/or their representatives, to vary the conditions of service, salaries and hourly rates (including the level of bonus payments) where in their judgement such variations are in the interest of the service, where the terms of employment permit this. In exercising this authority, Directors shall observe national agreements and shall not depart from individual terms and contracts of employment.
- d) Subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Service Reviews, as necessary, and implement outcomes.

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

- e) To provide an overview of training activities for the Council and, in accordance with the Council's stated requirements, direct provision of training via in-house and external resources. (Human Resources)
- f) ***To settle claims of up to £150 for damage to and/or loss of employee's clothing and personal property. (HoS)***

### **3. Tenders & Contracts**

To invite tenders for contracts from the approved list in the case of selective tendering where provision had been made for those items within the revenue budget and capital budget. (Dir's ***and HoS***)

Subject to Standing Orders, to engage the services of consultants operating within their own sphere of professional competence. (Dir's ***and HoS***)

(However, in instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly. If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)

There are further delegations which can be exercised by various Officers under the Contract Standing Order (46).

### **4. Service Managers (4th Tier and below)**

In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **B. ALL DIRECTORATES - MISCELLANEOUS**

The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Borough Director.  
(BD or, in his absence, Duty Director).

***To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what. (BD, in consultation with Group Leaders and MO)***

In the absence of the Borough Director, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)  
(Designated Duty Officer )

In the absence of the Borough Director, to exercise the Proper Officer functions which are the responsibility of the Borough Director (***DBD or other*** BD Nominee).

In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in those circumstances where statute debars such action.  
(BD / designated Duty Officer).

To serve requisitions for information as to ownership of property.  
(All Dir's / HPS, or in their absence HLD&P / HP&BC / MBC / HE / MEH).

To seek Planning Permission on behalf of the Council.  
(Dir's and MPS / HA&M, subject to prior consultation with relevant Ward Members)

To seek Building Regulation Consent, on behalf of the Council, for carrying out development (Dir's / HA&M)

To apply for Licences, on behalf of the Council (Dir's / ***Officers authorised by Dir's***)

To respond to Petitions, subject to apprising Ward Members, and other relevant, Councillors (***Portfolio Holders / Chairs / Champions***) of their receipt, and subsequent report to Council meetings as/if appropriate  
(Dir's / relevant 3<sup>rd</sup> and 4<sup>th</sup> Tier Officers) (Council 22.11.04)

To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies (Dir's).

Other than as detailed elsewhere in this Scheme of Delegations to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation (All Dir's)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description. In other cases, please see Form of Authorisation at Appendix 1.

Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line managers, except where such exercise is not permitted in law or subject to other qualification.

(Some powers may only be exercised by a specific type of Officer).

Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.

To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.

(Officers, in consultation with the relevant Portfolio Holder) (C - 23.5.05)



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **C. DELEGATION BY DIRECTORATE**

#### **BOROUGH DIRECTORATE**

##### Borough Director

*[See other sections re “General Delegations” and service-specific delegations]*

To fulfil the duties of Returning Officer and Electoral Registration Officer in accordance with statute (BD / MDS) (C)

To identify and notify the National Care Standards Commission of the “Responsible Individual” for the purposes of the Care Standards Act 2000 (BD)(C).

To put in place arrangements to facilitate so far as possible the taking of such action out of normal office hours (to include the provision of funding for emergency standby and callout) (BD) (Council – 22.11.04)

To pursue legal proceedings (whether by possession action, injunction or otherwise) to recover possession of Council-owned land occupied without consent, or to secure the removal from other land (not in the Council's ownership) of a person or persons (and his/her/their possessions, including motor or other vehicles) occupying such land without, or in contravention of, any authority or consent (statutory or otherwise), or to prevent or stop any activity in contravention of legislation which it is the responsibility of the Council to administer or enforce.

(BD, or in his/her absence the Duty Officer, or in his/her absence a Director)

***To agree the flying of the St. George’s Flag on significant occasions when an English National Team is competing, these to include a specified list of major sporting fixtures comprising the World Cups of football, rugby and cricket (the Union Flag to be flown in respect of the Olympic Games); and any occasional exceptions to the Council’s approved Policy which may be triggered by unforeseen circumstances. (Executive Committee 11.6.8 and Council 30.6.8) (BD, in consultation with the Portfolio Holder Corporate Management)***

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **Legal, Democratic & Property Services Team**

#### Legal Services

*(See also delegations contained under other Directorates)*

To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Director and the Head of Legal Services consider that such action is necessary to protect the Council's interests (Constitution – Article 14.03)  
(BD and HLD&P **and MLS**).

To sign any document necessary to any legal procedure or proceedings on behalf of the Council (Constitution – Article 14.04).  
(BD or HLD&P or MLS or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person)

To sign any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function or made under the common seal of the Council attested and duly attested (Constitution – Article 14.04).  
(BD or HLD&P or MLS)

To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions are found, including those of a grammatical and typographical nature (HLD&P / MDS).

To make Affidavits, Declarations, Statements of Truth and such other statements as may be required in connection with legal and other proceedings on behalf of the Council (HLD&P / MLS, or their nominees duly authorised by them in writing).

To grant authorisations under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance provided that:-

- (a) no person below the designation of "Service Manager" (= 4th tier) shall be permitted to authorise covert surveillance in urgent situations; and
- (b) a separate authorisation shall be required for each act of covert surveillance on a case by case basis.  
(HLD&P, and her/his nominees, duly authorised by her/him in writing to be designated persons for the purposes of the RIPA (Prescription of Offices, Rank and Positions) Order 2000).

To authorise surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA) and in accordance with the policy reported to Executive Committee on 25 February 2004. (HLD&P / Designated Officers)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA (HLD&P)

To conduct prosecutions of offences under the Prohibition of Drinking in Designated Places Byelaw (MLS).

To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 (HLD&P, or nominee(s)).

To provide, on behalf of the Council, legal advice and to take all necessary action, including the institution and defending of proceedings in the courts and other tribunals (MLS).

To make and to accept repayments and to authorise transfer of house purchase advances. (MLS, in consultation with BD).

To institute proceedings for possession following mortgage default (but no warrant of eviction to be issued without Executive Committee sanction).  
(MLS, in consultation with BD) .

To institute proceedings to seek an Order under the Access to Neighbouring Land Act 1992, where such proceedings are required urgently.  
(HLD&P or MLS, in consultation with relevant Portfolio Holder). (Council – 13.06.05)

To affix the Common Seal when necessary in connection with any items delegated to Officers (BD / HLD&P / MLS / Mayor or, in his/her absence, the Deputy Mayor) (C).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### Democratic Services - General

To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions are found, including those of a grammatical and typographical nature (HLD&P / MDS).

To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the Council.  
(BD, in consultation with the Portfolio Holder Corporate Management) (C)

To accept nominations and fill vacancies which arise in the Council's Committee membership (BD, in consultation with Group Leaders) (C)

To appoint Officer representatives to outside bodies (BD)(C)

To fill vacancies on outside bodies where there is no contest for places.  
(BD, in consultation with Group Leaders)(C)

To confirm nominations of Council representatives to outside bodies when any issues of liability have been satisfactorily resolved (MDS) (C)

To undertake the Independent Member selection process **for the Standards Committee**, in consultation with an elected Member Appointment Panel.  
(~~BD~~ **HLDS / MDS**)

To appoint additional, appropriately qualified, independent representatives to maintain a balanced working Independent Remuneration Panel of five members – such appointments to be subject to formal review at each Annual Meeting of the Council.  
(MDS) (C – 29.01.07)

To keep, maintain, and operate the Scheme of Allowances to Members.  
(MDS) (C)

To determine applications for non-commercial organisations to use the Borough Crest or Logo (MDS).

To set the annual Calendar of Meetings, provided that agreed existing patterns and frequency of meetings are followed.  
(MDS, in consultation with relevant Chairs)

Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.  
(MDS, in consultation with relevant Members)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To agree expenditure in relation to town-twinning events, based on the principle of equitable sharing of available funds over time between the Borough's link towns, but with variation permitted to deal with exceptional events / activity. (MDS)(E)

To issue forms of indemnity (to be agreed by BD) and to arrange insurance of any of the Council's Members or Officers in relation to work in connection with Outside Bodies (whether by attending meetings or otherwise) where it is lawful to do so. (BD) (Standards Committee – 02.02.05)

To agree indemnities, issue forms of indemnity and arrange insurance of any of the Council's Members and Officers in other circumstances where it is lawful to do so. (BD) (Standards Committee – 02.02.05)

***To approve expenditure from Overview & Scrutiny Budgets, to assist with scrutiny reviews.***

***(MDS, in consultation with Chair of Overview & Scrutiny Committee)***

### Democratic Services – Civic Suite Hire

To set charges in respect of the Civic Suite and to vary fees and charges set by the Council, in response to commercial considerations, in the light of experience of the new charges. (MDS, in consultation with Portfolio Holder). ( C )

Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite. (MDS).

To agree requests for concessionary use of the Civic Suite. (MDS, in consultation with relevant Portfolio Holder)

### Democratic Services – Land & Property

To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions. (MDS)

To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose (MDS).

### Democratic Services - Street Naming & Numbering

Street / Property naming, in accordance with Council-approved Policy and list of candidate names.

(MDS, in consultation with Ward and other relevant Members / Portfolio Holder)

To prescribe street numbers and renumber premises where necessary. (MDS)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### Property Services - Estates & Valuation

(See also Planning Permission under General Delegations above.)

Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.  
(MPS) (Council – 22.11.04)

To conduct and conclude negotiations for the acquisition, of any interest in land and property where budget approvals have been granted, agreeing the consideration, and where necessary the services of the District Valuer or Agents.  
(MPS, in consultation with appropriate-Director) (Council – 22.11.04)

The acceptance of an offer when a sale is effected by auction.  
(MPS / MLS) (Council – 22.11.04)

To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties. (MPS) (Council – 22.11.04)

Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.  
(MPS / MLS)

To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.  
(MPS / MLS) (Council 22.11.04)

To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.  
(MPS / MLS) (Council 22.11.04)

The assignment or sub-letting of leased properties, subject to appropriate satisfactory references. (MPS / MLS). (Council 22.11.04)

To serve Rent Review Notices and agree new rents where proposal is to review rent to market value (MPS). (Council 22.11.04)

To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested. (MPS) (Council 22.11.04)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To institute proceedings to forfeit business leases and licences for non-payment of rent if the tenant is two or more consecutive quarterly payments in arrears, or an annual rent remains unpaid for more than 6 months, and to proceed with obtaining possession of the premises / land without further reference to the Executive Committee;(but no warrant of eviction to be issued without consultation with the Chair of the Executive Committee). (MPS / MLS) (Council – 22.11.04)

To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate. (MPS / MLS). (Council - 22.11.04)

To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by HLD&P / MPS to include that vacant possession be granted to Council on determination of the lease. (MPS)

### Property Services - Minor Land \* Sales

*(\* Defined as any land and/or building of less than half an acre where the value is £10,000 or less, plus VAT / fees, but excluding land previously designated as a play area, unless it has specifically been declared surplus, by the Executive Committee in accordance with the report to that Committee of 8th October 2003.)*

To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices). (MPS / MLS)

To approve the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council. (MPS / MLS)

To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers. (MPS / MLS)

### Property Services - Right to Buy

To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate. (MPS ).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To serve notices in association with the Right to Buy Scheme:  
(MPS / MLS)

***To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with the policy adopted by the Council on the 12th of December 2005.***

***(MPS) (Council - Minute 100(2) refers)***

***To refuse (but not to agree) to waive the Council's entitlement to repayment of discount. (MPS)***

***To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004. (MPS)***

### Property Services - Business Centres / Enterprise Centres

To manage and control the centres and all lettings and licences, to include the annual review of rents and service charges as appropriate and the setting of fees for secretarial services (provided the variation in fees/ rents shall be limited to plus or minus 10% of the current year rent / fees unless first approved by the Executive Committee. (MPS )

To offer rent-free periods as an incentive at the start of a new letting, as necessary.  
(MPS )



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **Finance, Revenues & Benefits Services Team**

#### **Financial Services**

Granting of Housing Benefit and Council Tax Benefit in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to the Appeals Service (of the Department of Works and Pensions). (HFR&B)

To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest (BD).

To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11 February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988. (HFR&B)

To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988 (BD).

To administer formal cautions for offences under the Social Security Administration Act 1992. (HFR&B or MLS, as the cautioning Officer).

To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the "Benefits Services - Discretionary Housing Payments" report presented to the Corporate Services Committee on 26 September 2001 (Benefits Officers).

To seal Stock Exchange Transactions (BD).

To invest balances, other and special funds (BD).

To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers. (BD).

Issue of all legal processes, including applications for committal in respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal (BD).

To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute (HFR&B).

To borrow money (BD).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988. (HFR&B)

To collect and recover all debts, except housing rents. (HFR&B)

To commence insolvency procedures, both against individuals and companies (HFR&B / MLS).

To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged. (HFR&B / HH&C)

To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings (HFR&B / HH&C).

To write off the balance of all outstanding debts, in cases where an Administration Order has been made without prior Executive Committee approval (HFR&B / HH&C).

To take on the accounting duties of the accountable body of the Sure Start Programme. (HFR&B / Finance Team, with assistance from the Sure Start Finance and Evaluation Officer).

To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval. (Bankruptcy and Liquidation) (BD).

To write off debts due to the Council of up to and including £999.99 as irrecoverable. (BD, or in his absence HFR&B, in consultation with other relevant Directors.)

To appoint a Deputy Money Laundering Officer to Act in their absence (HFR&B)(Council – 29.01.07)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **ENVIRONMENT & PLANNING DIRECTORATE**

#### **Environment Team**

##### **Environmental Health**

To approve or grant but not to disapprove or refuse, applications for registration and licences of a Public Health nature (and not otherwise specifically mentioned) (DEP / HEHL).

To issue notices and carry out works in default under:-

- a) Prevention of Damage by Pests Act 1949 (DEP / HEHL / EHO's).
- b) The Factories Act 1961 (DEP / HEHL / SEHO's).

The issue of licences and registration:-

- a) Under Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964 and 1970 and Breeding of Dogs Act 1973 (DEP / HEHL / EHO's).
- ~~b) Under Late Night Refreshment Houses Act 1969 (DEP / HEHL / EHO's).~~
- ~~c) Food Safety Act 1990 (DEP / HEHL / EHO's).~~
- d) b) For the sale of milk and the issue of licences and the registration for the production of milk under the Milk and Dairies Regulations (DEP / HEHL / EHO's).
- e) c) Registration of premises as appropriate under Sections 14 and 15 and power of entry under Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

To grant licences for the display of birds of prey on land owned or administered by the Council. (HEHL) (Council – 22.11.04)

Power of entry under Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

***To exercise the powers of entry, inspection and enforcement as required under the provisions of the Licensing Act 2003 and regulations made thereunder. (DEP, HEHL, SEHO, AEHO, EHO, EHT and TLO) (Council – 22.11.04)***

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To serve notices and undertake works in connection with buildings not effectively secured against unauthorised entry or likely to become a danger to health, under the provisions of Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

~~Inspection of premises under Sections 1 and 2 of the Local Government (Miscellaneous Provisions) Act 1982, the Theatres Act 1968 and Cinematograph Acts (DEP / HEHL / EHO's).~~

To approve, or refuse, applications for prior approval and chimney heights under the Clean Air Act 1993 (DEP / HEHL / SEHO's).

To issue notices under the Public Health Acts 1936 - 1969. Authority to carry out work under Section 17 of the Public Health Act 1961 as amended (DEP / HEHL / EHO's).

***To carry out inspections and serve notices, as appropriate, under the provisions of the Health Act 2006 (EH Enforcement Officers/EHO's/EHT's)***

To act as Authorised Officers (except as specified in 12 above) under the Noise and Statutory Nuisance Act 1993 and the Control of Pollution Act 1974 (DEP / HEHL / EHO's / PCO and EH Technical Assistants).

To issue Notices under Sections 58A and 60 and to issue Consents under Section 61 of the Control of Pollution Act 1974 (DEP / HEHL / EHO's / PCO).

To undertake action in default under Section 59B of the Control of Pollution Act 1974 (DEP / HEHL / SEHO's).

Registration of premises and powers of entry under the Scrap Metal Dealers Act 1964 (DEP / HEHL / EHO's).

To issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (DEP / EH / EHO's).

To carry out Council's functions under the Slaughter of Poultry Act 1967. (DEP / HEHL).

Health and Safety at Work Etc. Act 1974:-

- a) Section 20 Power of Inspectors - entry, investigation, question, sampling, testing, seizure etc. (DEP / HEHL / EHO's / EH Technicians).
- b) Section 21 Service of Improvement Notice (DEP / HEHL / EHO's).
- c) Section 22 Prohibition Notice (DEP / HEHL ).

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

- d) Power to deal with cause of imminent danger (DEP / HEHL / EHO's).
- e) Formal cautions (HEHL / EHO's).
- f) Prosecutions (HLS).

Power of entry and to issue licences under Dangerous Wild Animals Act 1976.  
(DEP / HEHL).

To carry out the Council's functions in relation to the prevention of infectious diseases and food poisoning under the Public Health (Control of Diseases) Act 1984 (DEP / HEHL / EHO's, in conjunction with the Consultant for the Control of Communicable Diseases)

*To act as Authorised Officers under the Food Safety Act 1990 in general and as specified below:*

- ~~a) To inspect and seize suspected food pursuant to section 9 Food Safety Act 1990 including meat (HEHL, SEHO, AEHO, EHO)~~
- ~~b) To inspect food premises in categories A & B as defined in Annex 1(i), Code of Practice 9: Food Hygiene Inspections (second revision Order October 2000): to inspect food manufacturers and processors classified as substantial under paragraph 2.10 of Annex 1. (HEHL, SEHO, AEHO, EHO)~~
- ~~c) To inspect food premises in categories C, D, E & F as defined in Annex 1(i), Code of Practice 9 Food Hygiene Inspections (second revision Order October 2000) (HEHL, AEHO, SEHO, EHO Food Safety Officer)~~
- ~~d) To procure samples pursuant to Section 29 Food Safety Act 1990 (HEHL, SEHO, AEHO, EHO FSO, EH Technician)~~
- ~~e) To have analysed and/or examined samples pursuant to section 30 Food Safety Act 1990 (HEHL, SEHO, AEHO, EHO, FSO, EHT)~~
- ~~f) To procure formal food samples for analysis and examination in accordance with Code of Practice 7: Sampling for Analysis and Examination (revised October 2000) and the Food Safety (Sampling and Qualifications) Regulations 1990, from food premises within the stated risk categories (HEHL, SEHO, AEHO, EHO, FSO, EHT)~~
- ~~g) To exercise powers of entry to premises pursuant to Section 32 Food Safety Act 1990 (HEHL, SEHO, AEHO, EHO, FSO, EHT)~~

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

~~h) — To exercise any and all powers granted to the Council under regulations having effect pursuant to section 59(3) and schedule 4 Food Safety Act 1990(HEHL, SEHO, AEHO, EHO, FSO)~~

†) To exercise any and all powers and duties granted to the Council by regulations, Orders and statutory instruments enacted pursuant to any provisions of the Acts(Food Safety Act 1990 and European Communities Act 1972\*)(HEHL, SEHO, AEHO, EHO, FSO)

~~(\* Specifically in relation to the European Communities Act 1972, the Officer is authorised to enforce the following regulations as amended: The Products of Animal Origin (Import and Export) Regulations 1996; The Meat (Enhanced Enforcement Powers) England Regulations 2000; and The products of Animal Origin (Third Country Import)(England) Regulations 2003.)~~

(The **relevant** Officer is authorised to enforce regulations (as amended) made under the European Communities Act 1972 and for which the Council is the appropriate enforcing authority, including but not limited to the following Regulations:

- The Products of Animal Origin (Import and export) Regulations 1996;
- The Meat (Enhanced Enforcement Powers) regulations 2000;
- ~~The Products of Animal Origin (Third Country Import) England Regulations 2000;~~
- **The Products of Animal origin (Third Country Imports) (England) Regulations 2006**
- The Food Hygiene (England) Regulations 2006.

~~j) — To issue and serve Improvement Notices pursuant to section 10 of the Food Safety Act 1990 in accordance with relevant CS procedures(HEHL, SEHO, AEHO, EHO)~~

~~k) — To issue and serve Emergency Prohibition Notices pursuant to section 12 Food Safety Act 1990 in accordance with relevant CS procedures(HEHL, SEHO, AEHO)~~

~~l) — To inspect food premises which are subject to the provisions of the product specific regulations made under the Food Safety Act 1990(HEHL, SEHO, AEHO, EHO)~~

~~m) — To inspect and approve food premises which are subject to the provisions of the product specific regulations made under the Food Safety Act 1990. To suspend and revoke approvals and impose conditions and prohibitions by service of notice(HEHL, SEHO, AEHO).~~

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

~~n) — To inspect specialist and complex high risk activities as described in paragraphs 2.5 to 2.8 of Annex 1, Code of Practise 9 (revised October 2000)(HEHL, SEHO, AEHO)~~

~~o) — To grant and refuse licences under the provisions of the Food Safety (General Food Hygiene) (Butchers Shops) Amendment Regulations 2000 and to issue and serve notices of suspension and revocation pursuant to Schedule 1a paragraph 10 of these regulations in accordance with relevant CS procedures. (HEHL, SEHO, AEHO)  
(Council – 22.11.04)~~

**To exercise the Council's powers under the Food Hygiene (England) Regulations 2006 including the service of notices, procurement of samples, powers of entry and enforcement procedures. (DEP/HEHL/SEHO/EHO)**

**To exercise the Council's powers under the General Food Regulations 2004. (DEP/HEHL/SEHO/EHO)**

To act as the Proper Officer of the Council under Section 101 of the Local Government Act 1972 and the Public Health (Control of Diseases) Act 1984 (Consultant for Control of Communicable Diseases and any medical practitioner he/she appoints to deputise as Proper Officer),

To carry out the Council's functions in respect of the Licensing Act 1964. (DEP / HEHL / EHO's, in conjunction with HLS).

Environmental Protection Act 1990

- a) To carry out the Council's functions relating to the pollution of air, water and land, the control of noise and other statutory nuisances under the Clean Air Acts, the Control of Pollution Act 1974 and the Environmental Protection Act 1990 except as specified in b) to e) below) (DEP / HEHL / EHO's).
- b) To serve abatement and prohibition notices in respect of statutory nuisances and take default action in respect of noise nuisance. (DEP /HEHL /all EHO's and PCO).
- c) To take default action in respect of abatement and prohibition notices served under the Environmental Protection Act 1990. (DEP /HEHL / EHO's).
- d) To exercise the powers of Authorised Officers for the purposes of the legislation listed in a) above and obtain warrants of entry from a Justice of the Peace for the purposes of that legislation. (DEP / HEHL /all EHO's/PCO/EH Technical Assistants).

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

- e) To institute legal proceedings under Part III of the Environmental Protection Act 1990, the Clean Air Act 1993 and the Control of Pollution Act 1974. (DEP/HEHL / HLS).
- f) To exercise powers under Schedule 4 of the Environmental Protection Act 1990 (DEP, and his nominees duly authorised in writing).
- g) To administer formal cautions. (DEP / HEHL / EHO's)

To carry out the Council's functions under the Sunday Trading Act 1994.  
(DEP / HEHL / EHO / EH Technicians)

To carry out the duties entailed in the Council's Dog and Pest Control Service.  
(DEP / HEHL / EHO).

To carry out the Council's functions under the Slaughterhouse Act 1974.  
(DEP/HEHL/ EHO's).

Local Government (Miscellaneous Provisions) Act 1976 Section 8, power to ensure safety of unoccupied houses. Section 20, to serve notices requiring the provision of sanitary appliances at places of entertainment. Section 35, power to serve notices requiring removal of obstructions from private sewers. To do works in default and recover expenses (DEP /HEHL / EHO's).

To carry out the Council's functions under the Animal Health and Welfare Act 1984 **and the Animal Welfare Act 2006.** (DEP/HEHL).

To serve notices under the Building Act 1984 and authority to carry out work arising from notices served under Sections 59, 60, 64, 68, 70, 72 (1) (a), 72, 76, and 84 (DEP/HEHL/ EHO's) and 79 (DEP/HEHL in consultation with BD ).

~~To act as Authorised Officers under the Food Safety Act 1990, except as specified in a) to g) below (DEP/HEHL/EHO's/EH Technicians and Technical Assistants):~~

- ~~a) Section 9 - Food Safety Act 1990 Inspection and Seizure of Suspected Food (DEP/HEHL/EHO's).~~
- ~~b) Section 10 - Food Safety Act 1990 Service of Improvement Notices (DEP/HEHL/EHO's).~~
- ~~c) Section 11 - Food Safety Act 1990 Service of Prohibition Notices (DEP/HEHL/ EHO's).~~
- ~~d) Section 12 - Food Safety Act 1990 Emergency Prohibition Notices (DEP/HEHL/ EHO's).~~
- ~~e) To institute prosecutions (HLS).~~



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

~~f) To administer Formal Cautions (HEHL/ EHO's as Cautioning Officer).~~

~~g) To authorise any person deemed necessary to accompany a duly authorised Inspector under Section 20 2 (c) (i) of the Health and Safety at Work Etc. Act 1974 (DEP/HEHL).~~

To reduce the minimum 28 day notification period before any employer can carry out work under Regulation 6 of the Control of Asbestos at Work Regulations 1987 if the DEP is satisfied that a reduction in the notification period will not prejudice health and safety (DEP/HEHL).

To assign or transfer enforcement responsibility in respect of any particular premises to the Health and Safety Executive and to accept the assignation or transfer of responsibility from the Health and Safety Executive for any premises under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989 (DEP / HEHL).

To be the Lead Officer and to take action on matters relating to the Caravan Sites Act 1968. (HEHL)

- a) To carry out the functions of the Council under the Environmental Protection Act 1990 Part 1 (Air Pollution) except for the refusal or revocation of an authorisation Part III (Statutory Nuisances and Clean Air), Part VI (genetically modified organisms) and Part VIII (miscellaneous) (DEP/HEHL).
- b) To authorise commercial confidentiality of information made under Section 22 of the Environmental Protection Act 1990.  
(DEP/HEHL in consultation with the Chair).

To exercise the powers of entry, inspection and investigation by Authorised Officers as specified in any legislation the enforcement of which is delegated to Director of Environment & Planning-(HEHL / EHO's / EH Technical Assistants and Technicians).

To carry out the Council's functions under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992 (DEP / HEHL / EHO's).

To enforce Part III of the Environmental Protection Act 1985 in respect of pesticides safety as amended by the Pesticides (Fees and Enforcements) Act 1989 (DEP/HEHL).

To authorise the exercise of local authority powers under the Criminal Justice and Public Order Act 1994 relating to occupation of land and premises by trespassers / travellers etc.(Relevant Director / DEP / EHO's , and Technicians /HLS)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To authorise the institution of civil legal proceedings for possession of land and premises owned by the Council occupied by trespassers/travellers without permission and further legal proceedings for their eviction from such land and premises. (DEP / HEHL / HLS in consultation with relevant Director)

In connection with the construction of bunding to prevent a potential incursion by travellers, or the removal of bunding already constructed for such purpose, the Director of Environment and Planning shall, before taking any action, consult with Ward Members and residents in the vicinity likely to be affected by an incursion of travellers. The decision whether or not to construct or remove bunding shall be delegated to the Director of Environment and Planning in consultation with the relevant Ward Members. (DEP, in consultation with relevant Ward Members)

Home Energy Conservation Act 1996. Authorisation to prepare, publish and submit to the Secretary of State the Council's Home Energy Conservation Reports. (DEP / HEHL)

To issue fixed penalty notices under section 4 of the Dogs (Fouling of Land) Act 1996. (HEHL, and nominees duly authorised by him in writing)

To issue fixed penalty notices under Section 88 of the Environmental Protection Act 1990. (DEP in consultation with HLS and their nominees, duly authorised in writing)

To institute legal proceedings under Section 87 of the Environmental Protection Act 1990 (DEP)

To Administer formal cautions as an alternative to the above (DEP)

To serve street litter control notices under section 93 of the Environmental Protection Act 1990 (DEP).

To carry out preparatory work in relation to designating an area as a Litter Control Area (DEP).

To serve litter abatement notices under Section 92 of the Environmental Protection Act 1990 (DEP).

To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005 as outlined in Appendix A1 to the report to Executive Committee of 21 February 2007 (HES/HEHL, in consultation with HLS) (Council – 12.03.07);

To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978 (HES/HEHL, in consultation with HLS);

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.

(HES/HEHL, or their nominees, in consultation with HLS);

To approve and refuse grant applications for house renovation grants, common parts grants, houses in multiple occupation, grants for providing facilities for persons with a disability and reinstatement grants, where mandatory (DEP / HEHL)

To authorise and to grant Home repairs assistance grants in cases where the applicants are clients of the Care and Repair Agency (DEP / HEHL)

To approve and pay Home Assistance grants up to the budget provided, in accordance with approved scheme (DEP / HEHL / EHO's)

To cancel grants where the work has not been completed within 12 months of date of approval (DEP / HEHL)

To authorise grant extensions in extenuating circumstances where eligible work has not been completed within 12 months of grant approval being given (DEP / HEHL)

To issue notices under the Housing Act 1985 Sections 189, 190, 190 (1a and b) and (b), and 1A (a and b) and to carry out works arising from such notices.  
(DEP / HEHL / EHO's)

To issue notices or orders applying management code and for the provision of amenities repairs, the abatement of overcrowding in houses in multiple occupation and the provision of means of escape in case of fire under the Housing Act 1985.  
(DEP / HEHL / EHO's)

To consider and decide on the most appropriate course of action in relation to Repairs Notices and Deferred Action Notices for vacant or rented accommodation.  
(DEP / HEHL / EHO's).

To serve "minded to" notices under the Housing (Fitness Enforcement Proceedings) Order 1996 (DEP / HEHL / EHO's).

To serve Deferred Action Notices under the Housing Grants, Construction and Regeneration Act 1996. (DEP/HEHL/EHO's)

To refer any other course of action under 9, 10, 11 and 12 above to the Executive Committee. (DEP / HEHL / EHO's)

To serve works notices under the provisions of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997. (DEP / HEHL AND EHO's)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To take Emergency action on owner-occupied property for Repair Notices, Deferred Action Notices, Closing Orders, Demolition Orders or group repair proposals. (DEP, in consultation with members of the Executive Committee)

To exercise the powers of authorised Officers in respect of entry, inspection and investigation in relation to housing condition as specified in any legislation the enforcement of which is delegated to the Director of Environment and Planning Services (DEP / HEHL / EHO's / EH Technical Assistants / EH Technicians).

To authorise Officers to act under the provisions of the Housing Act 2004 and to authorise Officers to issue and refuse licences, as appropriate. (HEHL, in conjunction with the relevant Portfolio Holder) (Council – 18.09.06).

### Environmental Health – Licensing

#### General Licensing – Premises / Personal, etc.

The day-to-day management of the General Licensing Service. (HE)

To process and issue, Premises and Personal Licences, and Temporary Event Notices (TEN's), in accordance with relevant statutory provisions of the Licensing Act 2003, and relevant Guidance. (HE)

To issue licences under the Licensing Act 2003, when preconditions required by the relevant authorities have been met. (HE)

To determine what constitutes “compelling circumstances” and “relevant, vexatious, frivolous or repetitious representations” in relation to reviews of premises licences. (HE, or HLS, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)(C - 13/3/6)

#### Licensing - Gambling Act 2005

~~To administer the provisions of the Gambling Act 2005, in accordance with the requirements of that Act. (HE / MLic)~~

***To process and issue, where no representations have been received or representations have been withdrawn, applications, variations and transfers of a Premises Licence in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO).***

***To process and issue, where no representations have been received or representations have been withdrawn, applications for a Provisional Statement***

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

***for a Premises Licence in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO).***

***To process and issue applications for permits and registrations in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO)***

***To process any cancellation of licensed premises gaming machine permits. (HE / MEH / MLic / LO)***

***To process and issue temporary use notices / occasional use permissions in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO)***

***To authorise prosecutions for offences under the Gambling Act 2005. (HLD& P, in consultation with HE)***

### Licensing - Miscellaneous

To issue licences or permits under the House to House Collections Act 1939, Police Factors etc. (Miscellaneous Provisions) Act 1916 (as amended) (Street Collection). (HE / MEH / MLic / LO)

### Licensing - Taxis

To grant Hackney Carriage and Private Hire Drivers' Licences:

- a) in respect of an initial application, if the ordinary driving licence contains no more than 6 current penalty points and the application has not been previously refused by the Licensing Committee.
- b) in respect of a renewal application, if ordinary driving licence contains no more than 6 current penalty points and the application has not been previously refused by the Licensing Committee.

(DEP / HE / MEH / MLic / LO) (Council 12.09.05)

To grant Hackney Carriage and Private Hire Vehicle Licences. (DEP / HE / MEH / MLic / TLO)

To suspend Hackney Carriage and Private Hire drivers' Licences (DEP / HE / MEH / MLic)

To suspend licences of taxi drivers and proprietors of vehicles who fail to produce documents as required by legislation and who fail to observe licence conditions. (DEP / HE / MEH / MLic / TLO).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To suspend and/or revoke Hackney Carriage and Private Hire Vehicle Licences where the vehicles are unfit for use as Hackney Carriage or Private Hire Vehicles.  
(DEP / HE / MEH / MLic / TLO).

To refer to the Licensing Committee, Hackney Carriage drivers' licences, Private Hire drivers' and Operators licences, where an application for the renewal of a licence may be refused or a licence may be withdrawn or on a contentious initial application.  
(DEP / HE / MEH / MLic ).

To grant Private Hire Operators' Licences (DEP/ HE / MEH / MLic / LO)

To authorise in writing an Authorised Officer, or Officers, for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1972. (DEP)

### Landscape & Countryside Services

Day-to-day management of all Council-owned parks, woodlands and open spaces.  
(DEP / HE)

### Waste Management

To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005 as outlined in Appendix A1 to the report to Executive Committee of 21 February 2007.  
(HE, in consultation with MLS) (Council – 12.03.07)

To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978  
(HE, in consultation with MLS)

To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.  
(HE or his/her nominee(s), in consultation with MLS)

Removal, storage and disposal of abandoned vehicles. (DEP / HE / MWM)

To organise vehicle amnesties as and when required. (HE / MWM)

To sign notices to quit and tenancy agreements relating to allotments (DEP / HE)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **Operations Team**

#### **Cemeteries and Crematorium**

To deal with day-to-day cemetery and crematorium matters.  
(DEP / HO / Mber).

To make decisions in accordance with the Memorial Masons Registration Scheme presented to Executive Committee on 25 September 2002 and approved by Council on 21st October 2002. (DEP / HO / Mber)

To make decisions and take appropriate action in respect of unsafe memorials in the Abbey, Edgioake and Plymouth Road Cemeteries in accordance with the recommendations of the Executive Committee on 12th February 2003 and 26th February 2003 and approved by the Council on 14th April 2003.  
(DEP / HO / Mber)

#### **Operations - Redditch Market:**

To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches. Including the setting of fees / rents as published in the "Fees and Charges" booklet or as agreed by the Executive Committee.  
(DEP / HO)

To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances, in consultation with BD or HFR&B.  
(DEP / HO).

To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales, in accordance with the Asset Management Plan.  
(DEP / HO)

#### **Operations - Transport**

To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.  
(DEP / HO)

Issue of free and concessionary bus passes, in accordance with schemes approved by the Council. (DEP)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To admit operators to the Council's Concessionary Fares Scheme, subject to them meeting the requirements set out under the Scheme. (DEP)

To amend the concession eligibility requirements, list of eligible services, generation factor and operator return documents as required from time to time to ensure the efficient operation of the Concessionary Fares Scheme Service.  
(DEP)(Executive Committee 11.02.04)

### **Planning & Building Control**

#### **Development Control / Development Plans**

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers (HP&BC)

unless:-

1. The Chair / Vice-Chair / Planning Committee Member / Ward Member, makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.
2. The Planning Officer considers that the application should be considered by Committee.
3. The approval of the application would represent a departure from the policies of the statutory development plan.
4. The proposal involves the Borough or County Council either as applicant or landowner where the determination will be for approval and the proposed development is not minor in nature.
5. The applicant is a Councillor or known to be an employee of Redditch Borough Council.
6. Any application where there is a known involvement by a Council employee in any capacity - e.g. agent or consultant.
7. Any application for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floorspace).



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

8. Any application where the Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – Not to Unilateral Undertakings).
9. Any Planning Applications where two or more individual letters of objection received from separate members of the public and the Officer intention is to approve planning permission.
10. Any application which has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.
11. Any application seeking erection of a new, or Change of Use to A3 (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or any application seeking (change of use or erection of a new) consent for a night club, theatre or casino.

### Legislation / Regulations under which decisions will be taken include:-

- Town & Country Planning Act 1990 (as amended)
- Planning and Compensation Act 1991
- Town & Country Planning (General Permitted Development) Order 1995)
- Town & Country Planning (General Development Procedure) Order 1995
- Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)
- Building Act 1984
- Circular 5/2000: Planning Appeals: Procedures (including Inquiries into Called in Planning Applications)
- Circular 18/1984: Crown Land & Crown Development
- Town & Country Planning (Environmental Effects Impact Assessment) Regulations 1999
- Highways Act 1980
- Planning (Hazardous Substances) Act 1990
- Hedgerow Regulations 1997
- Goods Vehicles (Licensing of Operators) Act 1995
- Goods Vehicles (Licensing of Operators) Regulations 1995
- Town & Country Planning (Control of Advertisements) Regulations 1992
- Wildlife and Countryside Act 1981
- Caravan Sites and Control of Development Act 1960
- Acquisition of Land Act 1981
- Telecommunications Act 1991

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

- Electricity Act 1989
- Planning and Compensation Act 1991
- Land Drainage Act 1991
- Ancient Monuments and Archaeological Areas Act 1979
- Local Government Planning and Land Act 1980
- Planning and Compulsory Purchase Act 2004
- Clean Neighbourhoods and Environment Act 2005 (Council – 11.12.06)

The preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals. (HP&BC and/or MDP) (Council – 11.12.06)

### Planning & Building Control - Building Control

To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-

Highways Act 1989 (Sections 169, 172 & 173) (HP&BC / MBC)

Building Act 1984 (Sections 8,15,16,18-30,32,33, 36, 71, 72 (1)(b), 80,81. (HP&BC / MBC)

To take action as appropriate under the following enactments:-

Public Health Act 1936 Section 262. (HP&BC / MBC)

Local Government (Miscellaneous Provisions) Act 1976 - Dangerous Excavations. (HP&BC / MBC)

To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out in paragraph 4 above and additionally Section 94 (HP&BC / MBC).

To issue notices of the Council's decisions on all applications and submissions made to it on Building Control Matters (HP&BC / MBC).

To take action under Building Act 1984, Sections 77 and 78. (HP&BC / MBC and MLS).

To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (HP&BC / MBC).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.  
(DEP, in consultation with BD)

### Planning & Building Control - Street Naming & Numbering

*(moving shortly to Borough Directorate, Legal Democratic & Property Team)*

Street / Property naming, in accordance with Council-approved Policy and list of candidate names.

(MBC, in consultation with Ward and other relevant Members / Portfolio Holder - *after transfer of responsibility (MDS)*, in consultation with Ward and other relevant Members / Portfolio Holder)

To prescribe street numbers and renumber premises where necessary.  
(HP&BC / MBC). *(After restructuring: (MDS) )*

### Strategy & Partnerships

#### Community Safety Team

To implement Designated Public Places Orders, as required, in accordance with the procedures set out in the report to Executive Committee on 5.12.05.  
(DEP and, in his/her absence, the HS&P, in consultation with the Portfolio Holder for Community Safety and local Ward Members) (Council – 12.12.05)

To make applications for injunctions under the Housing Act 1996 as amended by Section 13 of the Anti-Social Behaviour Act 2003 to prohibit Anti-Social Behaviour that affects the management of the Council's housing stock including applications for Exclusion and Power of Arrest (MLS, in consultation with HS&P / MASB / HH&C)

To take action to enforce breaches of injunctions made under Section 13 of the Anti-Social Behaviour Act 2003 (MLS, in consultation with HS&P / MASB / HH&C)

To enter into voluntary Acceptable Behaviour Contracts and voluntary Parental Commitment (HS&P / MASB / MT/ Anti-Social Behaviour Co-ordinators)

To give consent on behalf of the Council to requests from the Police for authorisations and to be consulted upon requests for the withdrawal of authorisations under Part IV of the Anti-Social Behaviour Act 2003 for the dispersal of groups and removal of persons under 16 to their place of residence.  
(DEP or, in her/his absence, HS&P)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To make applications for injunctions under Section 222 of the Local Government Act 1972, to include application for Power of Arrest as amended by the Police and Justice Act 2006 (MLS, in consultation with HS&P / MASB)

To carry out statutory consultation with the police and respond to consultation by the police with regards to applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998. (HS&P / MASB)

To make applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti-Social Behaviour Act 2003. (MLS, in consultation with HS&P / MASB) (Council - 29.01.07)

To make applications for Intervention Orders, attached to Anti-Social Behaviour Orders, under Section 1G of the Crime and Disorder Act 1998 as amended by Section 20 of the Drugs Act 2005. (MLS, in consultation with HS&P / MASB).

(To enter into Parenting Contracts and Parenting Orders under Sections 25A and 26 of the Anti-Social Behaviour Act 2003, as amended by Sections 23 and 24 of the Police and Justice Act 2006. (HS&P / MASB)) [Awaiting provision being brought into force]

In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices Before Proceedings for a Demotion Order and to refer cases (with the authorisation of HH&C) to MLS to institute proceedings for possession (HS&P / MASB)

To respond to consultation from the Police under Part I of the Anti-Social Behaviour Act 2003 for the closure of premises where drugs are used unlawfully. (DEP, or in her/his absence, HS&P)

### Policy - Grants

To have responsibility for the payment of minor grants. (DEP)

To have responsibility for the payment of major grants to community and voluntary organisations. (DEP, in consultation with BD)

### Policy - Procurement

To approve or refuse to add firms to the Council's Standing Approved Lists of contractors following a Council resolution to include such firms, subject to further information being provided to the relevant Director's satisfaction. (HS&P)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **HOUSING & ASSET MANAGEMENT DIRECTORATE**

#### **Asset & Maintenance Team**

##### **Asset Management**

Acceptance of offers of dedication of land for highway purposes.  
(DHAM, in consultation with WCC)

Issue of consents under New Street Byelaws following approval of applications by the Executive Committee (DHAM, in consultation with WCC)

Issue of licences to plant trees, shrubs etc. and to deal with dangerous trees in a highway (DHAM, in consultation with WCC)

To take action in accordance with Highways Act 1989 Sections 219 - 225.  
(DHAM / MLS / in consultation with WCC)

Siting of street signs and bus stops (DHAM / HA&M)

Siting of street furniture other than bus shelters (DHAM / HA&M)

To carry out the Council's function under the Land Drainage Act 1991.  
(DHAM / HA&M)

To approve or otherwise, local traffic management proposals and associated works  
(DHAM / HA&M, in consultation with WCC)

To deal with applications for temporary road closures for special events.  
(DHAM / HA&M)

To make, in appropriate cases, Orders under Section 21 of the Town Police Clauses Act 1847 (MLS)

To accept grants from British Gas Trading Limited to assist in the upgrading of the heating systems of Council stock in accordance with Council approval of 11.12.06  
(DHAM) (Council 11.12.06)

To authorise the demolition of identified garages which satisfy the criteria and procedures detailed in Sections 7.4 and 7.5 of the report to Executive Committee on 30.01.05 (DHAM) (Council – 12.12.05)

##### **Care & Repair / Equipment & Adaptations**

To deal with the day to day management of the Care & Repair Service.  
(HA&M)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **Housing & Community Services Team**

#### **Housing Services**

Day-to-day management of the Council's housing stock, housing land and housing matters (DHAM / HH&C)

To deal with day-to-day management of the Equipment and Adaptations Service. (HH&C / MT)

To deal with lettings and day-to-day operation of the Communal Rooms in warden-controlled schemes. (DHAM / HH&C / CWTL)

In accordance with existing Council policies and practices, to deal with the registration and-allocation of tenancies of Council accommodation where rent arrears are less than £100. (HH&C / MT / Tenancy Officers)

In accordance with existing Council policies and practices, to deal with the registration and-allocation of tenancies of Council accommodation where rent arrears are more than £100. (DHAM)

In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985 (applications for accommodation, etc.). (DHAM / HH&C / MHO / Housing Options Officers)

In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices to Quit and to refer cases to the MLS to institute proceedings for possession. (DHAM / HH&C / MT / MIR&W)

To sanction applications for Warrants of Possession in above cases (DHAM / HH&C)

To sanction the demotion ( = loss of security of tenure) of tenancies. (HH&C) (Council 22.11.04)

To institute such proceedings and obtain such Warrants of Possession. (MLS).

In respect of squatters and unauthorised occupiers: to serve Notice Seeking Possession or Notice to Quit and refer to the MLS to institute proceedings for possession. (HH&C / MT/ MIR&W)

To sanction applications for Warrants of Possession in above cases. (DHAM / HH&C)

To institute such proceedings and obtain such Warrants of Possession. (MLS)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

Where, on the death of a secure tenant, a right to succeed does not arise or is not exercised, to serve Notice to Quit and refer to the MLS to institute proceedings for possession. (HH&C/ MT/ MIR&W)

To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; to serve Notice to Quit and refer to the HLD&P to institute proceedings for possession if the offer is refused. (HH&C)

To sanction applications for Warrants of Possession in above cases. (DHAM / HH&C)

To institute such proceedings and obtain such Warrants of Possession. (MLS)

To institute proceedings against occupants of Norgrove House or guest bedrooms or housing stock dwellings let on licence as temporary accommodation and to institute possession proceedings; to obtain eviction warrants and arrange for the execution of the same, where such occupants refuse to vacate the accommodation when requested and obtain warrants for possession. (MLS)

To deal with any vehicle or trailer causing a nuisance on housing estates using the procedure set out in the report to the Housing Committee of 5th October 1987. (MLS, in consultation with MT)

To instigate proceedings for possession in respect of leased garages where a breach of covenant causing serious nuisance occurs; to apply for Warrants of Possession in such cases (MLS, in consultation with HH&C / MT).

To collect and recover current housing rents and other housing-related debts within the overall Debt Prevention Strategy (Minute 200/92) (MIR&W). (Council 22.11.04)

To instigate proceedings in the case of over-allowed benefit. (HH&C, or in her/his absence, MLS)

To take enforcement action in relation to the Gas Maintenance Contracts, to gain entry to properties where a tenant does not permit access to the Council's contractor to undertake safety inspections and routine servicing. (HA&M / HH&C, in consultation with MLS) (Council 26.06.06)

To make decisions on negotiating the contract referred to in para's 5.4 - 5.6 of the "Asylum Seekers - Providing Support" report presented to the Housing Committee on 31 July 2000, and, subject to decision of the Executive Committee, to employ personnel or commissioning agencies or Services to implement the work on behalf of the Council, subject to costs being recovered. (DHAM)

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements (HH&C).

To exercise the Council's powers to force entry to Council-owned properties in cases of emergency (DHAM / HA&M / HH&C / MT, in consultation with MLS)

### Community Services

To deal with day-to-day management of the CCTV Control Room in accordance with the Council's adopted Code of Practice (MCC)

To identify and register with the Commission for Care Standards Inspection the "Registered Provider" and the "Registered Manager" for the purposes of the Care Standards Act 2000. (DHAM)

To register up-to-date Statements of Purpose with the Commission for Care Standards Inspection (HH&C)

To collect and recover Supporting People Charges within the Charging Policy adopted by the Council and to refer cases to the HLD&P to institute proceedings to recover such charges (HH&C)

To sanction applications for Warrants of Possession in above cases (HH&C)

To institute such proceedings and obtain such Warrants of Possession (MLS)



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

### **LEISURE, CUSTOMER & BUSINESS SUPPORT SERVICES DIRECTORATE**

#### **Leisure & Arts Team**

Day-to-day management and normal lettings in respect of sporting facilities. (DLCBS)

Day-to-day management of play areas (DLCBS)

To negotiate additional fishing matches at the Arrow Valley Lake during existing off-peak and under-utilised periods. (DLCBS)

Day-to-day operation and normal lettings in respect of the Forge Mill Museum and Bordesley Abbey Visitor Centre (DLCBS)

Applications for, and negotiation of charges for, the use of Leisure facilities and open spaces for circuses, fairs fetes, rallies, tournaments and display purposes, where Committee approval has been given in previous years and where any necessary planning permission, and/or relevant licence, has been obtained (DLCBS).

To approve the use of facilities for various annual events (DLCBS).

Day-to-day operation of Sports Development, and the setting of fees and charges for their activities (DLCBS) (C).

To determine representations (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates and that in all other cases they be referred to the Executive Committee for consideration (DLCBS or other appropriate Dir) .

To negotiate off-peak charges for specific amenity events at Sports Centres (C) (DLCBS).

To vary the charges at the Leisure facilities in response to additional competition (C) (DLCBS, in consultation with BD ).

Day-to-day operation of the Palace Theatre and Arts Development function; normal lettings and negotiation with artists and organisations of performing fees where appropriate (DLCBS).

To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays (DLCBS).

Normal lettings and day-to-day operation, in consultation with various Management Committees (where applicable), of the Community Meeting Rooms (DLCBS).

# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

To vary charges at Leisure Facilities, in response to additional competition.  
(DLCBS, in consultation with BD (C).

To vary fees and charges in accordance with market conditions as set out in Appendix 1 of the "Fees and Charges" report presented to Amenities Committee on 6th November 2001. (DLCBS) (C )

To approve and implement short-term and one-off promotions at all Sports and Leisure facilities (HLD&P / MLeis, MSS)

### **Customer & IT Services Team**

#### *One Stop Shop – Civic Suite Hire*

*(transferring shortly from BD Directorate – these delegations to apply after the move)*

*To set charges in respect of the Civic Suite and to vary fees and charges set by the Council, in response to commercial considerations, in the light of experience of the new charges. (HC&IT / MCS, in consultation with Portfolio Holder) (C)*

*Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite. (HC&IT / MCS.*

*To agree requests for concessionary use of the Civic Suite.  
(HC&IT / MCS, in consultation with relevant Portfolio Holder)*



# **CONSTITUTION - APPENDIX C**

## **Scheme of Delegation to Officers**

MLeis	Leisure
MLic	Licensing
MLS	Legal Services
MOGF	Operations (General Fund)
MOHRA	Operations (HRA)
MP	Policy
MPD	Project Development
MPS	Property Services
MR	Revenues
MR&M	Repairs & Maintenance
MSS	Sports Centres
MT	Tenancy
MWM	Waste Management

### Other Officers

CWTL	Community Warden Team Leader(s)
EHO (AEHO)	Environmental Health Officer (Area -)
EHT	Environmental Health Technician
FSO	Food Safety Officer
PCO	Pollution Control Officer
LO	Licensing Officer

### Other Bodies

STW	Severn Trent Water
WCC	Worcestershire County Council

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

<b><u>AUTHORISED SIGNATORIES PROFORMA</u></b>						
PAGE ONE OF TWO						
<b><u>EMPLOYEES</u></b>						
LETTER OF APPOINTMENT						
MILEAGE CLAIMS						
STAFF RETURNS / LEAVERS						
PRE-PLANNED OVERTIME						
SALARY ADVANCES						
SALARY AMENDMENTS						
STARTER FORMS						
TIMESHEETS						
TRAINING EXPENSES FORMS						
<b><u>PETTY CASH</u></b>						
VOUCHERS						
RE-IMBURSEMENT						
<b><u>PROCUREMENT</u></b>						
CONTRACT CERTIFICATES						
CONTRACT DOCUMENTS						
INVOICE CERTIFICATION						
PRINT & STATIONERY REQUISITIONS						
PURCHASE REQUESTS						
STORES REQUISITIONS						
<b><u>OTHER</u></b>						
MEMBERS' ALLOWANCES						
OFFICERS' ALLOWANCES						
PAYMENTS TO COURT						
A = MAY SIGN IN ABSENCE OF SUPERIOR ONLY				* = WITHIN £500 LIMIT		

Authorised Approval ..... Director .....  
 Date: .....

# CONSTITUTION - APPENDIX C

## Scheme of Delegation to Officers

PAGE TWO OF TWO

DIRECTORATE: .....

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

NAME	
SIGNATURE	
INITIALS	

**CONSTITUTION - APPENDIX C**  
**Scheme of Delegation to Officers**