

CANNOCK CHASE COUNCIL

COUNCIL

25 JUNE, 2008

REPORT OF DIRECTORS' MANAGEMENT TEAM

SCHEME OF DELEGATIONS FOR OFFICERS

1. Purpose of Report

- 1.1 The purpose of the report is to provide an amended Scheme of Delegation for Officers for Council to approve.

2. Recommendation

- 2.1 Council is recommended to adopt the following document:-
- a) The Scheme of Delegations to Officers in Annex 1.

3. Key Issues

- 3.1 The Annex to this report includes? an amended Scheme of Delegations for Officers which reflects the changes in management responsibilities of Officers since February 2008. Minor administrative changes have also been included.

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Section 1

1. Background

1.1 Scheme of Delegation for Officers:

Following the management re-structure being implemented in February, 2008 there is a need to review the Scheme of Delegation to Officers to ensure that appropriate Directors are delegated by Council to discharge Council functions. In simple terms, the management changes reflected in the delegations scheme are:-

- a) Leisure Operations and Leisure Strategy (including Major Projects) move from Deputy Chief Executive and Director of Service Improvement to Director of Organisational Improvement
- b) Local Taxation & Benefits move from the Director of Service Improvement to Director of Governance
- c) HR, Customer Services, ICT and Support Services move from Director of Organisational Improvement to Deputy Chief Executive
- d) The PR & Marketing function moves from Director of Organisational Improvement to Chief Executive.

Section 2

2. Details of Matters to be Considered

- 2.1 Council is requested to consider the document attached and determine whether any further changes may be necessary.

Section 3

3. Contributions to CHASE

- 3.1 The good governance of Council resources, underpinned with sound financial management, efficient and transparent decision making forms a core contribution to CHASE.

Section 4

4. Section 17 Implications

- 4.1 There are no Section 17 implications arising directly from this report.

Section 5

5. Human Rights Act Implications

- 5.1 There are no Human Rights Act implications arising directly from this report.

Section 6

6. Data Protection Act Implications

- 6.1 There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

7. Risk Management Implications

- 7.1 The attached documents form a key mechanism in ensuring effective management decisions and accountability for the Council and its staff.

Section 8

8. Legal Implications

- 8.1 The Council is vested with the necessary legal powers to adopt the attached documents as a means of discharging its duties efficiently.

Section 9

9. Financial Implications

- 9.1 There are no financial implications arising as a direct result of this report.

Section 10

10. Human Resource Implications

- 10.1 There are no human resource implications arising as a direct result of this report.

Section 11

11. Conclusions

- 11.1 Council is recommended to adopt the attached document. Further changes may be necessary during the course of the year.

Section 7

Scheme of Delegation

- 1.1 The Scheme of Delegation (“Scheme”) provides the framework for day to day management of the Council, including the management of the Council’s human resources. It authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto. Further delegations may be made by Council, the executive or another Council committee, panel or body provided that the committee, panel and body granting the delegation have the power so to do.
- 1.2 For the purposes of this Scheme, the term “Director” shall have that meaning as defined in Annex 3 hereto.
- 1.3 (a) This Scheme contains two types of authorities:
 - a Functional, operational and day to day management of services delegated to the Directors; and
 - b Functions delegated to specific officers.(b) Annex 1 details Reserved Authorities.
- 1.4 The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:
 - a European and National Law
 - b Contract Procedure Rules
 - c Financial Regulations
 - d The Scheme of Delegation
 - e Emergency Planning Procedure
 - f Other Council policies, procedures and previous decisions
- 1.5 Authorities granted within b. and c. above, take precedence over this Scheme and accordingly the implementation and interpretation of the Scheme must be considered in conjunction with both b. and c. above.

- 1.6 Any reference in this Scheme to a statute, includes any statutory instrument, regulation, order, rule, guidance or circular made under it and includes any modification amendment or re-enactment thereto.

Delegations to all Directors

DELEGATIONS TO DIRECTORS

General

- 2.1 Subject to paragraphs 2.1(a) below, Directors are entitled, in their absolute discretion, to authorise named officers within their area of management to exercise all or some of their delegated functions, unless the law requires specific named officers to be given delegated authority.
- (a) Any authorisation of named officers by Directors under paragraph 2.1 above shall:
- i. comply with the Council's financial regulations (if applicable);
 - ii. Be appropriately documented; and
 - iii. only occur after the relevant Director has given consideration to whether it is appropriate that the Chief Executive, the Section 151 Officer, the Monitoring Officer, another Director and/or member(s) of staff, and any Member(s) of the Council are first informed and any representations received duly considered. Any dispute between Directors over the proposed authorisation of a named officer shall be referred to the Chief Executive for resolution.
- 2.2 To exercise day to day management of those services and resources placed under their responsibility and control, including the appointment, discipline and dismissal of employees (in accordance with relevant guidelines).
- 2.3 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer where Council policy is not changed; there is no additional call on the Council's own resources; and resource implications, financial and non-financial, are not created.
- 2.4 To be the Proper Officer for the production of background documents in respect of any report presented to Committees etc. in their name, under the Local Government Access to Information Regulations. Where a joint report has been produced, officers will agree who will undertake the responsibility as lead officer for the report.

- 2.5 Where relevant capital schemes and estimates have received requisite approval(s), invite tenders and award contracts in accordance with Financial Regulations and Contract Procedure Rules.
- 2.6 To be the Proper Officer for the opening of tenders received in relation to their area of management.
- 2.7 In consultation with the Section 151 Officer, authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate and Performance Plan or equivalent.
- 2.8 To select and appoint specialist professional advisors within approved budgets.
- 2.9 To enter into arrangements with outside authorities and bodies for the delivery of services within approved budgets.
- 2.10 To discharge his/her duties in respect of Health and Safety in the workplace.
- 2.11 To determine the fees and charges for services under their control, within Council policy and the requirements of financial regulations.
- 2.12 To accept appointments to undertake professional activity at a local, regional, national or international level.
- 2.13 So far as the matter relates to a function for which the relevant Director is responsible to the Council:
 - (a) to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.
- 2.14 To provide goods and services and plant to other local authorities and other bodies (where permissible).
- 2.15 To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 2.16 Unless otherwise falling within the remit and/or responsibility of the Council's relevant Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal, action or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that in-house legal advice has first been obtained and the relevant Director can meet the costs of the settlement, compromise, discontinuance or disposal from approved budgets.
- 2.17 To issue press statements in respect of high profile matters, in consultation with the Leader and/or relevant Portfolio Holder.

Human Resources

- 2.18 To determine permanent, temporary and interim departmental establishments, below Director level, in accordance with Council approved/adopted procedures, subject to such variations being in accordance with current Council policy, providing the costs can be met from approved budgets.
- 2.19 To approve the filling of and appointment to vacant posts below Head of Service level within the approved establishment in accordance with Council approved/adopted procedure, providing the costs can be met from approved budgets.
- 2.20 To engage agency personnel, in accordance with Council policy, within approved budgets to fulfil service delivery requirements.
- 2.21 To determine applications for ex-gratia/honorarium payments, for employees below Director level, in accordance with Council approved/adopted policy, and the costs being met from within approved budgets.
- 2.22 To determine re-evaluation applications for employees below Director, in accordance the Council's approved procedure, and the costs being met from within approved budgets.
- 2.23 To suspend individual employees from the occupational sick pay scheme in accordance with national and local conditions of service and, in consultation with the Deputy Chief Executive.
- 2.24 To, jointly with the Deputy Chief Executive*, determine claims made in accordance with the Council's Injury Allowance Scheme, providing the costs are met from within approved budgets.
- 2.25 To approve requests for unpaid leave in accordance with Council adopted/approved policies and procedures. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just and equitable in the circumstances.
- 2.26 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.
- 2.27 To approve annual leave being moved between leave years.
- 2.28 To approve requests for compassionate, maternity support and paternity leave in accordance with the Council's approved/adopted policies and procedures. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just and equitable in the circumstances.
- 2.29 To approve reasonable requests for time off work in respect of medical appointments, trade union duties and public duties in accordance with Council approved/adopted policies and procedures.
- 2.30 To approve requests from officers to undertake secondary employment in accordance with Council approved/adopted policies and procedures.

- 2.31 To determine those posts within their area of management that attract an essential car user allowance where they do not meet the criteria outlined in the Council's Single Status Agreement.
- 2.32 To consider, hear and/or determine grievances raised in accordance with Council adopted/approved policies and procedures.
- 2.33 To conduct formal disciplinary and capability proceedings, including dismissal of employees below Head of Service level, in accordance with Council approved/adopted policies and procedures.
- 2.34 To hear employee appeals relating to pay, grading, grievance, competence or other related decisions, made by another Director or other formally nominated officer, in respect of all employees of the Council, with the exception of senior officers whose appeal should be conducted in accordance with the Council's approved/adopted policies and procedures and/or the relevant national conditions of service.
- 2.35 In consultation with the Deputy Chief Executive*, to approve ill health retirements, below Director level, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.
- 2.36 In consultation with the Deputy Chief Executive*, to approve early retirements, below Director level, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs are met from within approved budgets.
- 2.37 Undertake, adhere to, implement, endorse and/or ensure compliance with all the Council's approved/adopted human resource policies and procedures.
- 2.38 Where a dispute and/or conflict arises between this Scheme and the terms and conditions of Heads of Service or Directors, then the terms and conditions of Heads of Service or Directors (as relevant) shall take precedence over this Scheme.
- 2.39 In the event that paragraph 2.38 applies and this Scheme fails or is otherwise deficient in enabling the Chief Executive to give effect to the terms and conditions of Heads of Service or Directors, the Chief Executive shall, after taking in-house legal and human resources advice, implement, arrange and/or establish a framework/mechanism and/or undertake any steps, actions or measures as deemed necessary and appropriate to give effect to the said terms and conditions.

* Where consultation with the Deputy Chief Executive is not possible or appropriate, the Head of Paid Service should be consulted.

Functions Delegated to Specific Officers

CHIEF EXECUTIVE

- 3.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations, exercise of all powers and authorities relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a Civil Contingencies
 - b Civic Duties and Member support
 - c Community Safety
 - d Data Protection and Freedom of Information
 - e Electoral Registration
 - f Functions in respect of Parish, District, County, Parliamentary and European Elections
 - g Partnerships
 - h Performance Management
 - i Policy Research & Development
 - j Public Consultation
 - k Public Relations and Marketing
 - l Scrutiny Support
- 3.2 To undertake all duties delegated to a Director, or to delegate such duties to another Director, where permitted by law.
- 3.3 To act as the Head of the Authority's Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989 and to be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.

- 3.4 To grant concessionary and free use of civic suite facilities to recognised organisations.
- 3.5 To exercise any function of the Council not required by statute to be exercised by Council and not otherwise delegated under this Scheme.
- 3.6 To amend this Scheme, in respect of which officer is responsible for exercising which delegation, for a period of up to six months. Beyond this time, a formal amendment to the Constitution will be required.
- 3.7 To incur expenditure in respect of any major incident/emergency within or adjoining the District until the Cabinet meets. To designate Directors and any other officers to carry out such functions as are deemed necessary in the circumstances.
- 3.8 To set and/or amend from time to time the scale of fees, costs, charges and expenses to be allowed for the discharge of District elections.
- 3.9 To sign, execute and/or attest any document, form or notice as required on behalf of the Council.
- 3.10 To enter into and execute such agreements, having first sought the advice of the Director of Governance and Monitoring Officer as appropriate, on behalf of the Council including but not limited to Partnerships and other local area agreements.
- 3.11 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.
- 3.12 To consider, hear and/or determine grievances raised by Directors, in accordance with Council approved/adopted policies and procedures. In the absence of any such policies or procedures, in accordance with legal requirements and recognised good practice/principles.
- 3.13 In consultation with the Deputy Chief Executive*, to approve ill health retirements for Directors, in accordance with Council approved/adopted policy, providing any costs can be met from within approved budgets.
- 3.14 In consultation with the Deputy Chief Executive*, to approve early retirements for Directors on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs can be met from within approved budgets.
- 3.15 To conduct formal capability proceedings in respect of Directors, excluding the authority to dismiss - which must be in accordance with the relevant and applicable paragraphs of this Scheme, Council approved/adopted policies and procedures and relevant national conditions of service.
- 3.16 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with all Directors.

- 3.17 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.
- 3.18 To authorise, instigate and/or commence civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council where no specific delegation to another Director exists or no other officer has been so authorised.
- 3.19 To appoint a lead officer for the Council to assist the Council undertake and discharge its obligations, duties and responsibilities arising under the Children Act 2004 and all Regulations or Orders made or deemed to be made under that Act or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modifications or re-enactment to the foregoing.
- 3.20 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the Social Security Administration Act 1992 (as amended).

* Where consultation with the Deputy Chief Executive is not possible or appropriate, the Monitoring Officer should be consulted.

DEPUTY CHIEF EXECUTIVE

4.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations, exercise of all powers and authorities relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:

- a. Counter Services
- b. Customer Services
- c. Facilities Management
- d. Health & Safety at Work
- e. Housing (Strategic)
- f. Information and Communications Technology
- g. Organisational Development
- h. Planning and Development Control
- i. Property Management
- j. Regeneration and Economic Development

- k. Support Services (including the administration of the Concessionary Fares scheme)
- 4.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 4.3 To undertake such duties as authorised by the Chief Executive under 3.2, where permitted by law.
- 4.4 To deputise for the Chief Executive in his/her absence in respect of matters not specifically delegated to other Directors by the Chief Executive for the period of that absence.
- 4.5 To act as the Council's Data Protection Officer and Freedom of Information Officer.
- 4.6 To update, amend or vary Annex 4A as required to ensure all relevant and necessary statutes (and associated legislation) are included therein so as to give effect to the intention, scope and meaning of paragraph 4.1.
- 4.7 At a more detailed level, to be responsible for those areas detailed between paragraphs 4.8 and 4.36 below.

PROPERTY

- 4.8 To undertake all relevant property management activities including management of the Council's retail markets; the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; granting licences; granting and terminating licences for market stalls; consents for assignments; variations to user clauses; proceedings for forfeiture; marketing; acquiring consents; granting wayleaves and easements; dealing with emergencies; appointing advisors; establishing and maintaining a property terrier; submitting planning and other applications.
- 4.9 To appoint a suitably qualified officer(s) or agent(s) (where applicable and permitted):
 - (a) to act as the Council's land and property valuer; Planning Supervisor under the Construction (Design and Management) Regulations 1995; and/or to undertake the roles mentioned herein (including any aspects, scope or remit of their industry recognised roles) for any schemes/project or development designed and managed by the Council; and
 - (b) to undertake and discharge all enforcement powers, authorities, duties, obligations and responsibilities arising in respect of that legislation referred to in Annex 4A.
- 4.10 To authorise the grant of licences on standard terms where future applications are received to take over land which has been the subject of a prior Standard Licence Agreement and there are no overriding reasons to object to such a renewal.
- 4.11 To decline on behalf of the Council, offers to purchase land where such a disposal does not accord with Council policy.

- 4.12 To proceed with the acquisition of areas of open space or amenity land required as a matter of proper development control providing:
- (a) The land has been laid out and maintained to the satisfaction of the Council and a commuted maintenance payment has been received, or
 - (b) The Council is in receipt of a commuted maintenance payment sufficient to carry out the necessary works and maintenance.

PLANNING

- 4.13 To process and determine all applications that:
- (a) fall within the legislation listed at Annex 4A; and/or
 - (b) seek planning consent under the Town and Country Planning Act 1990 (and associated Acts, Regulations, Orders and other enactments) duly accepted for determination by the Council (“Planning Applications”) in accordance with Local Planning Protocol set out at Annex 4B (as applicable).
- 4.14 Discharge all obligations, duties and responsibilities and exercise all powers and authorities (not falling within 4.13 above) arising and available under the legislation listed at Annex 4A.
- 4.15 To agree, in consultation with the Director of Governance (or anyone duly authorised by him):
- (a) planning obligations and agreements; and
 - (b) amendments, updates and/or variations to the Local Planning Protocol set out in Annex 4B as deemed necessary for the effective and timely consideration, process, evaluation and/or determination of Planning Applications as defined therein.
- 4.16 To make and (within the powers of the Council) confirm:
- (a) emergency or temporary tree preservation orders (TPOs);
 - (b) to deal with any unopposed applications to lop, top or fell legally protected trees and trees within conservation areas, and give grant aid therefore pursuant to Council policy;
 - (c) determine applications to fell or do works to trees that are subject of a TPO; and
 - (d) make TPO’s, and, where there are no objections, to confirm them when dealing with planning related matters.

- 4.17 To appoint suitably qualified officers and enforce planning control through the provisions of that legislation set out in Annex 4A and where considered necessary and appropriate the authorisation of criminal and civil proceedings (and the defence/opposition thereof if necessary and/or the acceptance and administration of formal cautions) and/or the use of the following statutory notices:
- (a) Planning Contravention Notices
 - (b) Enforcement Notices
 - (c) Stop Notices
 - (d) Breach of Condition Notices
 - (e) Notices requiring the proper maintenance of land
 - (f) Enforcement of control over advertisements
 - (g) Discontinuance Notices in respect of Advertisements
 - (h) Any other statutory notice available to the Council under any legislation referred to in Annex 4A
- 4.18 In consultation with the Director of Governance and Monitoring Officer to issue:
- (a) Certificates of Lawfulness of Proposed Use and Development
 - (b) Certificates of Existing Lawful Use and Development
 - (c) Stop Notices and Enforcement Notices in emergency situations
 - (d) Building Preservation Notices
- 4.19 To deal with the administration of all aspects of planning, development control and conservation including decisions on:
- (a) the supply of copies of applications, plans, and planning policy documents to third parties; and supply of other relevant information and documents to applicants and similar persons
 - (b) consultation with all appropriate bodies and persons in accordance with the Council's policies
 - (c) nature, scope and application of planning conditions, obligations and refusals as are deemed appropriate and necessary
 - (d) to sign and issue planning decisions, listed building, conservation area and advertisement consents whether approved by Committee or pursuant to this Scheme.

- 4.20 (a) To determine (refuse or approve) applications for planning permission for development limited to the following categories and within Council policies including:
- (i) certificates of appropriate alternative use;
 - (ii) overhead lines observations;
 - (iii) renewal of temporary consent including those relating to single caravans;
 - (iv) electricity substations;
 - (v) observations relating to the minor diversion or creation of public footpaths;
 - (vi) consultations from adjoining authorities;
- 4.21 Power to carry out all functions relating to town and country planning and development control as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, including the authorisation and appointment of Authorised Officers as defined and referred to in the Local Planning Protocol set out at Annex 4B (but not those functions delegated to the Planning Control Committee).
- 4.22 Remove unauthorised advertisements and recover the cost of removal from the offender(s).

HOUSING (STRATEGIC)

- 4.23 To discharge any and all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).
- 4.24 To exercise any and all powers and authorities available under Part VII of the Housing Act 1996 (as amended) as deemed necessary and appropriate to discharge any and all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).
- 4.25 In pursuance of 4.23 and 4.24 enter into such contracts, agency arrangements and other legally binding agreement(s)/arrangement(s) as is permitted and deemed necessary and appropriate to discharge the duties, obligations, responsibilities, powers and authorities arising thereunder.
- 4.26 To authorise the instigation and defence of any civil proceedings/actions issued or pursued in relation to the discharge of any of the duties, obligations, responsibilities, powers and authorities arising or exercised under Part VII of the Housing Act 1996 (as amended).

ORGANISATIONAL DEVELOPMENT

- 4.27 To implement any nationally agreed changes to levels of remuneration or conditions of service.

- 4.28 To undertake the evaluation of appropriate grades for posts under the Council's job evaluation scheme.
- 4.29 In connection with the provisions relating to politically restricted posts contained within Sections 1-3 of the Local Government and Housing Act, 1989, to:
- a compile lists of politically sensitive posts;
 - b amend the list of politically restricted posts to take account of changes in salary and directions given by the Independent Adjudicator;
 - c issue certificates of opinion and such other information as may be required by the Independent Adjudicator.
- 4.30 To obtain independent medical advice on the health of individual employees.
- 4.31 In consultation with the relevant Director to refer individual employees to the Council's occupational health counselling service, provided costs can be met from existing departmental budgets.
- 4.32 To undertake, determine and implement reviews of the value of long service awards for employees in accordance with the Council's scheme.
- 4.33 To undertake, determine and implement an annual review of the Council's subsistence rates for employees, including the rates applied as part of the post entry training facilities, and the relocation package offered to newly appointed employees, in line with inflation.
- 4.34 To prepare a training plan for the use of funding from the Corporate Training budget and to approve spending against that budget.
- 4.35 To sign, execute, confirm and/or issue any and all key communications, notices, contracts and/or notifications (as defined and determined by the Deputy Chief Executive) as are relevant and necessary to enable the Council to discharge, undertake and/or meet all its human resource responsibilities, duties and obligations howsoever arising.

SUPPORT SERVICES

- 4.36 To carry out the Council's responsibilities for naming and numbering streets.

DIRECTOR OF GOVERNANCE & MONITORING OFFICER

- 5.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations, exercise of all powers and authorities relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:

- a. Accounting (including Budget preparation and monitoring)
- b. Benefit Administration
- c. Civil Contingencies on behalf of the Chief Executive
- d. Collection of Local Taxation
- e. Democratic Services
- f. Ethical Standards
- g. Financial Management
- h. Governance
- i. Internal Audit
- j. Legal Services
- k. Local Land Charges
- l. Members' Allowances
- m. Procurement
- n. Risk Management & Insurances
- o. Strategic Concessionary Fares
- p. Treasury Management
- q. Value for Money

5.2 To act as the Solicitor to the Council in accordance with Article 15.

5.3 To act as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and the Local Government Act 2000.

5.4 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.

5.5 To undertake such duties as authorised by the Chief Executive under 3.2, where permitted by law.

5.6 At a more detailed level, to be responsible for those areas detailed between paragraphs 5.7 and 5.31 below.

FINANCIAL MANAGEMENT

- 5.7 To consider and determine applications for car loans in accordance with the Council's policies and to make arrangement for payment and collection of sums due under any car loan agreement.
- 5.8 To determine and review as necessary the interest rate payable on Council car loans and mortgages.
- 5.9 To bring back into account dividends received from receivers or liquidators and any other sums received in respect of debts previously written off.

LEGAL

- 5.10 To maintain the Council's Constitution, except to the extent that specific areas of the Constitution are specifically identified within this document as within the responsibility of other person or body.
- 5.11 To be the Proper Officer for:
 - (a) maintaining the local land charges register;
 - (b) executing/sealing Tree Preservation Orders; and
 - (c) in respect of all delegations set out in paragraph 5.12 below.
- 5.12 Subject to the provisions of the Council's Constitution:
 - 1. To institute any proceedings (including counterclaims/actions) :
 - (a) for damages or for the recovery of money or compensation due to the Council;
 - (b) to obtain compliance with any statutory notice served by the Council, or with the provision of any agreement enforceable by the Council;
 - (c) against any trespasser for the possession of any Council land; and
 - (d) pursuant to the exercise of any power delegated to another officer.
 - 2. To institute any proceedings where considered expedient in the interests of the Council or of the inhabitants of the District (or any section thereof):
 - (a) to obtain any relief (interim or otherwise) or leave/permission to proceed;
 - (b) in any other case, where the Director of Governance & Monitoring Officer considers the matter one of urgency and/or necessary for the benefit or protection of the Council.

3. To institute proceedings pursuant to the Representation of the People Acts for wilful non-return of Forms A.
4. Institute proceedings to recover costs incurred under Section 29 Local Government (Miscellaneous Provisions) Act 1982.
5. To prosecute for any offence in respect of which the Council is authorised to prosecute including the agreement to and administering of any formal caution where considered necessary and appropriate.
6. To defend or oppose any proceedings instituted against the Council.
7. To authorise an officer of the Council to appear in Court on behalf of the Council.
8. To take Counsel's opinion on any course of action proposed to be recommended to Members or in connection with any matter.
9. In respect of commercial leases, to take any necessary action together with the relevant Director to implement any rent review mechanism.
10. In respect of shop leases, to renew, to approve assignments, to serve notices to quit for breach of covenant: to serve notices seeking rent increases, in consultation with the appropriate Director.
11. Application upon certificate of Community Physician for Court Order for persons in need of care and attention - Section 47 National Assistance Act 1948.
12. To convey houses and to lease flats under the "right to buy" scheme and to determine the appropriate provisions for inclusion in any such conveyance or lease.
13. To apply for a warrant to enter premises where the legislation so authorises.
14. To take action against unauthorised encampments under Sections 77 - 79 Criminal Justice and Public Order Act 1994.
15. To approve dealings in respect of properties charged to the Council.
16. To deal with claims for home loss or disturbance payments.
17. To appoint a deputy Monitoring Officer.
18. To appoint and or instruct any legal adviser or investigator (or such other persons) as required for the benefit of the Council in the discharge of the Director of Governance's responsibilities.
19. To:
 - (a) attest the Common Seal;

- (b) sign and/or execute and/or attest any form, notice, order or document as required on behalf of the Council;
 - (c) execute agreements (including in relation to Public Open Spaces);
 - (d) open tenders.
20. To prepare and/or send and/or otherwise authenticate any notice, order, or other document for and on behalf of the Council.
 21. In consultation with the relevant Director to execute such document, for the temporary closure or diversion of roads and highways, within the District Councils jurisdiction.
 22. To sign such certificates as required under the Local Government (Contracts) Act 1997.
 23. To authorise officers to represent the Council in court pursuant to the Local Government Act 1972, section 223.

LOCAL TAXATION

- 5.13 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.
- 5.14 Appointment under section 112 of the Local Government Act 1972, to collect and recover any Council Tax or National Non-Domestic Rate payable on dates previously determined. In the event of a Council Taxpayer or National Non-Domestic Ratepayer defaulting, to implement the appropriate recovery proceedings and issue appropriate notices for the recovery of the amounts due. The Solicitor to the Council or such other officers authorised by him/her will take all such proceedings as may be necessary to secure the recovery of sums due and appear on behalf of the Council at any hearing of any legal proceedings in respect thereof.
- 5.15 To determine Council Tax and Non Domestic Rate Non Valuation Appeals on behalf of the Council
- 5.16 To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992.
- 5.17 To deal with other matters relating to Council Tax on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g., setting of Council Tax,).
- 5.18 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the levy of distraint on behalf of the Council.

- 5.19 To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988.
- 5.20 To confirm all valid applications for Mandatory Rate Relief.
- 5.21 To deal with other matters relating to Non-Domestic Rates on behalf of the Council, with the exception of those specifically requiring Council approval in law.
- 5.22 To administer, collect and recover Business Improvement District (BID) levies in respect of any BID established and approved within the Cannock Chase District.
- 5.23 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Local Taxation.

BENEFITS

- 5.24 To determine all applications for Housing Benefit and Council Tax Benefit
- 5.25 To consider and determine discretionary housing payments.
- 5.26 To calculate and recover overpayments of Housing Benefit and Council Tax Benefit in accordance with relevant legislation.
- 5.27 To determine applications for back dating of housing and/or council tax benefits.
- 5.28 To exercise the Council's discretion in administering Regulation 11 of the Housing Benefit (General) Regulations 1987.
- 5.29 To deal with all other matters relating to Housing and Council Tax Benefits on behalf of the Council, with the exception of those specifically requiring Council approval in law.
- 5.30 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Housing Benefit and Council Tax Benefit Fraud.
- 5.31 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to benefits and benefit administration (including housing and council tax benefits) .

DIRECTOR OF ORGANISATIONAL IMPROVEMENT

- 6.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations, exercise of all powers and authorities relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:

- a. Culture, Sports and Leisure Development
 - b. Corporate Projects
 - c. Leisure Operations (including Catering)
 - d. Leisure Strategy
- 6.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 6.3 To undertake such duties as authorised by the Chief Executive under 3.2, where permitted by law.
- 6.4 At a more detailed level, to be responsible for those areas detailed between paragraphs 6.5 and 6.7 below

LEISURE OPERATIONS

- 6.5 To appoint suitably qualified officers to apply for and hold Premises and Personal Licences, and all other licenses as are required to facilitate the delivery of services at Council owned venues.
- 6.6 To take action on any matter at Leisure venues to secure the safety of persons using, visiting or working at them and to ensure compliance with all aspects of the law relating thereto.
- 6.7 To determine applications for reduced hire charge for leisure facilities.

DIRECTOR OF SERVICE IMPROVEMENT

- 7.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations, exercise of all powers and authorities relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a. Environmental Health
 - b. Licensing
 - c. Waste Management and Recycling
 - d. Street Cleansing
 - e. Parks & Open Spaces Operations
 - f. Cemeteries

- g. Car Park Operations
 - h. Building Control
 - i. Housing Services
- 7.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 7.3 To undertake such duties as authorised by the Chief Executive under 3.2, where permitted by law.
- 7.4 At a more detailed level, to be responsible for those areas detailed between paragraphs 7.5 and 7.44 below.
- 7.5 Subject to Council policy (where applicable), to exercise all regulatory powers and undertake and/or discharge all obligations, duties and responsibilities contained within legislation listed in Annex 5A and 5B.

ENVIRONMENTAL HEALTH

- 7.6 To issue and administer formal cautions, prepare and issue notices and authorise prosecutions in respect of all matters falling within the service areas listed within paragraph 7.1 above.
- 7.7 To apply for a warrant to enter premises where the legislation (listed in Annex 5A and 5B) so permits.
- 7.8 To enter into agreements under Prevention of Damage by Pests Act 1949.
- 7.9 To exercise all powers conferred by any statute listed in Annex 5A including the issuing and/or service of any notice and/or the issuing and enforcement of fixed penalty notices
- 7.10 To enforce Section 20 Local Government (Miscellaneous Provisions) Act 1976 and associated legislation – provision of sanitary accommodation at places of entertainment.
- 7.11 To determine grant applications with respect to Smoke Control.
- 7.12 To determine applications for Street Trading consents.
- 7.13 To appoint such officers to be inspectors pursuant to Section 19 of the Health & Safety at work etc Act and authorised to exercise the powers of an Inspector within the District of Cannock Chase under Sections 20, 21, 22, 25, 38 and 39 of the Act and any Regulations made by the Secretary of State under Section 15;

and

to act as the authorised officer pursuant to Section 5 of the Food Safety Act 1990 and is authorised to exercise statutory powers and duties granted to the Council by Regulations, Orders and Statutory Instruments exacted pursuant to any provisions of the Act.

- 7.14 To appoint such officers to be empowered to authorise officers within Environmental Health:
- a) as inspectors in their own names under the Health & Safety at Work etc Act 1974 and the Food Safety Act 1990;
 - b) to exercise any powers and discretions conferred on the Council by the statutes listed in Annex 5A and 5B; and
 - c) to discharge all obligations, duties and responsibilities conferred on the Council by the statutes listed in Annex 5A and 5B.
- 7.15 Where permissible, appoint persons not employed by the Council as required to assist the Council in discharging its duties in respect of any legislation listed in Annex 5A and 5B.
- 7.16 Appoint Proper Officers under Public Health (Control of Diseases) Act 1984 and National Assistance Acts 1948 and 1951
- 7.17 To appoint suitably qualified and experienced persons to undertake remedial action and represent the Council at Court, under Sections 188, 193, 211 and 212 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- 7.18 Power to enforce the provisions of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002 No. 1808) and issue Fixed Penalty where driver refuses to co-operate.
- 7.19 To determine all applications for home improvement grants and to exercise all other functions in respect thereto.
- 7.20 To authorise prosecutions and/or the issuing of Enforcement Notices in accordance with any of the legislation listed within Annex 5A and/or 5B.
- 7.21 To update, amend or vary Annexes 5A and/or 5B as required to ensure all relevant and necessary statutes (and associated legislation) relating to Environmental Health are confirmed so as to give effect to the intention, scope and meaning of paragraph 7.1.

ENVIRONMENTAL SERVICES

- 7.22 To determine and make Tree Preservation Orders.
- 7.23 To determine applications to fell, or do works to, trees which are the subject of a Tree Preservation Order.
- 7.24 To exercise powers to dispense with or to enforce the duty to replace trees which are the subject to a Tree Preservation Order.
- 7.25 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to tree preservation order(s).

- 7.26 The management of the Community Alarm Scheme and the sale of alarms to individuals in bulk (including power to offer a discount) whether a private residential occupier or a Council tenant and whether or not resident in the District.

HOUSING (HRA)

- 7.27 To enforce the Council's conditions of tenancy including authorisation of proceedings for injunctions and repossession.
- 7.28 To hear and determine appeals in respect of introductory tenancies in accordance with legislation and Council approved/adopted policies and procedures
- 7.29 To determine annual grants to tenants and Residents Associations and the Chase Tenants and Residents Federation.
- 7.30 To authorise the closure of Council dwellings where the cost of improvement and repair is considered to be uneconomic.
- 7.31 To determine annual decoration, floor covering and disturbance allowances.
- 7.32 To determine social need and medical priorities (following recommendations of the Medical Assessment Panel) in respect of housing applications and transfer requests.
- 7.33 The day to day administration and management of the housing register and the allocation of houses (whether by secure tenancy, by nominations to the house of another body, by licence, or otherwise):
- (a) in accordance with the points system where applicable and any Council policy; or
 - (b) to Council employees specified by the Chief Executive to be key workers, or in cases of medical urgency or to occupants of unfit houses;
 - (c) in respect of property rejected by all qualified applicants, to an applicant who would not normally qualify within the Council's existing allocations policy
 - (d) decisions on the appearance on and removal from the housing register.
- 7.34 Within the Council's rent policy to fix rents for all Council dwellings within the context of the Rent Restructuring Framework.
- 7.35 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Housing.

TRANSPORTATION

- 7.36 To hold, or to appoint a suitably qualified officer, on behalf of the Council the Heavy Goods Vehicle Operators Licence (O Licence) and to maintain the schedule of vehicles covered by the O Licence.

- 7.37 To undertake and implement all necessary measures necessary to comply with all relevant and associated legislation governing the O Licence.

BUILDING CONTROL

- 7.38 To determine all matters concerning the provision of building regulations activities including plans vetting, site inspections, enforcement of the building regulations, relaxation of building regulations, dangerous structures and ruinous and dilapidated buildings and neglected sites, demolition notifications and notifications under the Building (Approved Inspector) Regulations.
- 7.39 To obtain information and entry to land using provisions under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 95 and 96 of the Building Act 1984, in relation to the service of statutory notices under the Building Act.
- 7.40 To exercise powers under the Party Walls etc. Act 1996 to act as Appointing Officer in appointing a Third Surveyor if called upon to do so.
- 7.41 To determine the level of charges in accordance with The Building (Local Authority Charges) Regulations 1998.
- 7.42 To sign and serve notices under the following sections of the Building Act 1984:
- (i) Section 32 - Lapse of deposit of plans
 - (ii) Section 36 (removal or alteration of +offending work)
 - (iii) Section 73 (raising of chimney)
 - (iv) Section 77 and 78 (dangerous building)
 - (v) Section 79 (verminous and dilapidated buildings and neglected sites)
 - (vi) Section 81 (control of demolition)
- 7.43 To sign and serve Decision Notices and letters giving notice of the Council's decision in relation to Building Regulations applications, Building Notices, Initial Notices, plans, certificates and final certificates, Regularisation Certificates and Completion Certificates.
- 7.44 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Building Control.

HEAD OF FINANCIAL MANAGEMENT

- 8.1 To act as the Council's Chief Finance Officer in accordance with:
- a Section 151 of the Local Government Act 1972 (Section 151 Officer), and
 - b Section 114 of the Local Government Finance Act 1988 (Section 114 Officer),
- 8.2 To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend (including loans on mortgage), and to determine rates of interest and terms of

repayment on such loans as may be required or prudent from time to time, and to administer any mortgage.

- 8.3 To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.
- 8.4 To maintain a Registrar of Council Bonds and Stock Issues and declarations and certificates relating to securities.
- 8.5 To appoint a deputy Section 151 Officer.
- 8.6 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the Social Security Administration Act 1992 (as amended).

Annex 1

Reserved Authorities

Preamble

- i. For the avoidance of any doubt, not all functions, powers or tasks have been delegated to Directors or officers under this Scheme.
- ii. The functions, powers and tasks set out in this Annex are not intended to be and are not delegated to officers.
- iii. This Annex sets out and confirms which functions, powers and tasks (which must be considered in conjunction with the Council's Constitution) that have been reserved to Council, Cabinet and specific Council committees and panels.

COUNCIL

- 1.1 To approve the senior management structure of the Council above Head of Service level and any amendments thereto.

Appointments and Dismissals

- 1.2 The appointment and dismissal of the Chief Executive.
- 1.3 The allocation of the responsibilities to the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, and the removal thereof.

Policy – Terms and Conditions of Employment

- 1.4 The Council's policies in respect of pensions shall be determined by full Council.
- 1.5 Full Council will determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement cannot be reached between the Chief Executive and the recognised trade unions through the Council's normal negotiating machinery.

Early Retirement and Voluntary Redundancy

- 1.6 The Council will determine the policy for pension issues, early retirement and redundancy, including the policy in respect of granting of augmented service.

Disciplinary Action

- 1.7 Subject to the Terms of Reference, Council may suspend the Head of Paid Service (the Chief Executive), Monitoring Officer or Section 151 Officer, in accordance with their relevant terms and conditions of employment, whilst an investigation takes place into alleged misconduct. Such suspension must be on full pay and last no longer than two months.
- 1.8 No other disciplinary action may be taken in respect of any of these officers except in accordance with a recommendation in a report made by a designated independent person appointed pursuant to Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Grievances

- 1.9 The Council shall consider grievances originated by or against the Head of Paid Service (the Chief Executive) in accordance with the Council's policies and procedures.

CABINET

Pay and Grading Issues

- 2.1 All pay and grading issues relating to senior officers³ will be determined by the Cabinet.

Early Retirement and Voluntary Redundancy

- 2.2 Any retirement, other than on the grounds of permanent ill health, where access to augmented service to an employee's pension or the payment of actuarial strain is a consideration, the Cabinet will determine whether the augmented service will be granted within the Council's policy.

STANDARDS COMMITTEE

- 3.1 Disciplinary action in respect of any other senior officer will be undertaken by the Standards Committee, in accordance with their relevant terms and conditions of employment and relevant local procedures. If the Standards Committee considers dismissal to be appropriate, it shall recommend accordingly to the appropriate body.

APPOINTMENTS PANEL

- 4.1 The appointment of Directors and Heads of Services shall be made by the Appointments Panel appointed by the Council.

APPEALS AND COMPLAINTS PANEL

- 5.1 The Council's Appeals and Complaints Panel will hear employee appeals relating to disciplinary and other related decisions, made by either the Cabinet, Standards Committee, the Chief Executive or an officer nominated by the Chief Executive, in respect of senior officers of the Council, with the exception of the Head of Paid Service, the Section 151 Officer and the Monitoring Officer whose appeal procedures should be in accordance with their conditions of service.
- 5.2 Chief Officers may appeal against the salary for post to a "Panel at Authority level", comprising elected Members and / or management. This Panel should be chaired by an independent person.

PROCEDURAL REQUIREMENTS

- 6.1 Pursuant to 1.2 and 4.1, no offer of appointment shall be made until
- a the appointing body ¹ has notified the Proper Officer (See definition below) of the name of the potential successful applicant and any other particulars that the appointing body considers relevant to the appointment
 - b the Proper Officer has notified every member of the Cabinet of:
 - i. the name of the potential successful applicant;
 - ii. any other particulars that the appointing body considers relevant to the appointment which have been notified to the Proper Officer; and
 - iii. the time within which the Leader on behalf of the Cabinet must object to the potential successful applicant being offered the post, such time being no less than 10 working days

AND

- c either:
 - i. the Leader has within the period notified to the Cabinet informed the appointing body that none of the Cabinet has any objection to the appointment; OR
 - ii. the Proper Officer has received no objections from the Leader within that period and has notified the appointing body of that; OR
 - iii. the appointing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.

- 6.2 Pursuant to 1.2 notice of dismissal must not be given until:
- a the dismissing body² has notified the Proper Officer of the name of the officer to be dismissed and any other particulars that the dismissing body considers relevant to the dismissal
 - b the Proper Officer has notified every member of the Cabinet of:
 - i. the name of the officer to be dismissed;
 - ii. any other particulars that the dismissing body considers relevant to the dismissal which have been notified to the Proper Officer; and
 - iii. the time within which the Leader on behalf of the Cabinet must object to the dismissal, such time being no less than 10 working days

AND

- c either:
 - i. the Leader has within the period notified to the Cabinet informed the dismissing body that none of the Cabinet has any objection to the dismissal; OR
 - ii. the Proper Officer has received no objections from the Leader within that period and has notified the dismissing body of that; OR
 - iii. the dismissing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.
- 6.3 For the purposes of 6.1 and 6.2, “Proper Officer” means the Chief Executive except when the appointment proposed is of an officer to be Head of Paid Service or the dismissal proposed is of the current holder of that post. In these circumstances, the Monitoring Officer shall be the Proper Officer.

¹ This means the Council or the Panel charged with making the appointment

² This means the council or the panel deciding to dismiss

³ The term ‘senior officer’ within these guidelines refers to the Chief Executive, Deputy Chief Executive, Directors and Heads of Service employed on JNC conditions of services.

Annex 2

Designation of Proper Officers and Authorised Officers

Details of Proper Officers and authorised officers are set out below:

A. CHIEF EXECUTIVE

1. The Chief Executive is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a Electoral Registration Officer for the Council
 - b Returning Officer at Parish and District elections, Local Polls and Referendums.
 - c Returning Officer, Acting Returning Officer and Deputy Acting Returning Officers in connection with General Elections, European Elections, County Elections and National Referenda.
 - d Accepting Declarations of Acceptance of Office from elected Members within 2 months of the day of election
 - e Summonses to attend meetings of the Council
 - f In respect of the provisions of the Health and Safety at Work etc. Act 1974 for the Council's operation.

B. DIRECTOR OF GOVERNANCE

2. The Director of Governance is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a the opening of tenders.
 - b witnessing the sealing of legal documents and orders.
 - c the signing of legal documents and contracts.

- d maintaining the local land charges register and responding to queries
- e unless specifically delegated to another officer, for the signing and authentication of all notices (enforcement or otherwise) issued by the Council e.g., dangerous buildings, change of use, rent review
- f as local registrar under Section 15 of the Land Charges Act 1925
- g for the purposes of Section 3 of the Local Government (Contracts) Act 1997 and Regulation 7 of the Local Government (Contracts) Regulations 1997.
- h In the absence of the Chief Executive, to issue summonses to attend meeting of the Council.

C. DIRECTOR OF SERVICE IMPROVEMENT

- 3. The Director of Service Improvement is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a in respect of the Council's role as Burial Authority.
 - b for the signing of notices under Section 78 of the Building Act 1984.

D. HEAD OF FINANCIAL MANAGEMENT

- 4. The Head of Financial Management is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a for the purpose of Section 151 of the Local Government Act 1972 (Section 151 Officer).
 - b for the purpose of Section 114 of the Local Government Finance Act 1998 (Section 114 Officer).

Annex 3

Directors

LIST OF OFFICERS

The officers listed below shall for the purposes of the Constitution be individually known and referred to as a “Director”, unless specifically referred to otherwise, and collectively known as and referred to as “Directors”.

- a Chief Executive
- b Deputy Chief Executive
- c Director of Governance
- d Director of Organisational Improvement
- e Director of Service Improvement

Annex 4A

Legislation

- (a) Part III of the Town and Country Planning Act 1990 relating to the control of development.
- (b) Power to determine whether planning permission is needed under Section 64 of the Town and Country Planning Act 1990.
- (c) Article 3(2) (request of details on outline applications) of the General Development Procedure Order 1995.
- (d) Sections 42 (execution of works required by listed building enforcement notice), 54 (urgent works to preserve unoccupied listed buildings), 76 (urgent works to preserve unoccupied buildings in the conservation area) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (e) Section 17 Planning and Compensation Act 1991 (power to decline to determine an application where appeal for same development refused within 2 years).
- (f) To provide 'screening and scoping' options under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- (g) To require Environmental Statements in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 in respect of Articles 5(3), 7 and 19.
- (h) Paragraph A2(2) of part 6 of Schedule 2 to the General Permitted Development Order 1995 (determination whether proposed agricultural building requires specific permission).
- (i) The Town and Country Planning General Development (Amendment)(Number 6) Order 1992, part 24 relating to telecommunication development.
- (j) Town and Country Planning (Demolition - Description of Dwellings) Regulations 1993 - applications to demolish dwellings.
- (k) Hedgerow Regulations 1997 - to process hedgerow removal notices and issue hedgerow retention notices served under the Hedgerow Regulations 1997.
- (l) Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999

- (m) Local Government Act 1972, 1982, 1989 and 2000
- (n) Local Government (Miscellaneous Provisions) Act 1976
- (o) Police and Criminal Evidence Act 1984
- (p) Criminal Justice Act 2003
- (q) Criminal Justice and Police Act 2001
- (r) Criminal Justice and Public Order Act 1994
- (s) Health and Safety at Work etc Act 1974
- (t) Landlord and Tenant Act 1954
- (u) Land Compensation Act 1973
- (v) Caravan Sites Act 1968
- (w) Mobile Homes Act 1975 and 1983
- (x) Building Act 1984 – report of drains
- (y) Housing Act 1985 – Part II – Provision of housing
- (z) Part VI- Repair Notice
- (aa) Part VIII - Area improvement
- (bb) Part IX- Slum Clearance
- (cc) Part X- Overcrowding
- (dd) Part XI- Houses in multiple occupation
- (ee) Local Government and Housing Act 1980 – Part VII – renewal areas
- (ff) Environmental Protection Act 1990 – Statutory Nuisances
- (gg) Housing Act 1996 – Part II – Houses in multiple occupation
- (hh) Housing Act 1980, 1989, 1996 and 2004
- (ii) Housing Grants, Construction and Regeneration Act 1996 – renovation grants group repair schemes and deferred action notice

and all Regulations or Orders made or deemed to be made under those Acts or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modifications or re-enactment to the foregoing.

Annex 4B
Local Planning Protocol

***LOCAL PROTOCOL FOR
PLANNING DECISION MAKING***

LOCAL PROTOCOL FOR PLANNING DECISION MAKING

INTRODUCTION

- THE AIM OF THIS LOCAL PROTOCOL is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- THE KEY PURPOSE OF PLANNING is to control development in the public interest.
- YOUR ROLE AS A MEMBER OF THE PLANNING AUTHORITY is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- WHEN THE LOCAL PROTOCOL APPLIES – it applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings).
- DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE – make sure that you disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Councillors.
- LOBBYING COUNCILLORS – make sure that you explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Planning Control Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Remember that your overriding duty is to the whole community.
- LOBBYING BY COUNCILLORS – do not become a member of, lead or represent an organisation whose primary purpose is to lobby or promote or oppose planning proposals. If you do, you have fettered your discretion and are likely to have a personal and prejudicial interest. Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, e.g. Victorian Society, a local Civic Society, but disclose a personal interest, where that organisation has made representations on a particular proposal.
- SITE VISITS – do try to attend site visits organised by the Council where possible. Do not request a site visit unless you feel that it is strictly necessary.
- DECISION MAKING – come to a meeting of the Planning Control Committee with an open mind and demonstrate that you are open-minded. Make sure you come to a decision only after due consideration of all the information reasonably required upon which to base a decision. Do not take part in the meeting's discussion or vote on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. If you come to the meeting with a fixed view on a proposal or have made a clear statement in advance of the

meeting for a particular outcome, you must declare that you have a pre-determined the matter and take no part in the decision making other than addressing the Committee as a local Councillor.

IF YOU HAVE ANY DOUBTS ABOUT THE APPLICATION OF THIS LOCAL PROTOCOL TO YOUR OWN CIRCUMSTANCES, YOU SHOULD SEEK ADVICE EARLY FROM THE MONITORING OFFICER OR THE DEPUTY MONITORING OFFICER.

LOCAL PROTOCOL FOR PLANNING DECISION MAKING

CONTENTS

1. Purpose of the Protocol
2. The Role and Conduct of Councillors and Officers
3. Declaration and Registration of Interests
4. Development Proposals Submitted by Councillors and Officers and Development Proposals by the Council
5. Lobbying of and by Councillors
6. Pre-application Discussions and Negotiations during the Processing of Applications
7. Decision Making Procedures
8. Planning Obligations
9. Decisions Contrary to Officer Recommendation and/or the Development Plan
10. Access to Information
11. Comments, Compliments and Complaints

ANNEX A: Protocols for Public Speaking at the Planning Control Committee

Contacts

1. Purpose of the Protocol

- 1.1 Cannock Chase Council is a local planning authority and two of the most important responsibilities it has are to make decisions on planning and other applications made under the Town & Country Planning Acts and to prepare, adopt and review a Local Development Framework, which comprises a number of Development Plan Documents and Supplementary Planning Documents providing the policy context for decision making on applications.
- 1.2 The purpose of this Protocol is to explain how the Council carries out its planning duties and in particular how the decision making processes work. It will be of particular interest to applicants for planning permission, people who may be affected by other people's planning proposals or those interested in the preparation of the Development Plan Documents and Supplementary Planning Documents.
- 1.3 The Council has adopted and published in leaflet form local charters for applicants, for publicity and information about planning applications and for those involved with a planning enforcement problem. These leaflets give more detail about the services the Council provides when it is dealing with these matters. The Council has also adopted a Statement of Community Involvement June 2006 setting out how it will inform, consult and involve the community in the preparation of planning policy documents and the determination of planning applications.

2. The Role and Conduct of Councillor and Officers

- 2.1 **Councillors and Officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole. Officers advise Councillors and the Council, and carry out the Council's work. They are employed by the Council, not by individual Councillors, and instructions may only be given to Officers through a Council, Cabinet or Committee decision.**
- 2.2 Both Councillors and Officers are guided by codes of conduct. The Council's Code of Conduct based on the statutory Model Code provides guidance and standards for Councillors. Breaches of the Code may be reported to the Standards Board for England for investigations and may be regarded as maladministration by the Local Ombudsman.
- 2.3 Whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. The General Principles of Conduct issued by the Government state that Councillors should not favour any individuals or groups and, although they may take into account the views of others, they should reach their

own conclusions on the issues before them and act in accordance with those conclusions. Councillors must, therefore, represent their constituents as a body and vote in the interests of the whole district especially when discharging their planning responsibilities.

- 2.4 Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. The Code requires members not to make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions and to take all reasonable steps to ensure that all town planning matters in the organisations for which they have responsibility are conducted in accordance with the Code whoever undertakes such work. The Council is committed to upholding this principle in its role as local planning authority.

3. Declaration and Registration of Interests

- 3.1 The law and the Council's Code of Conduct set out requirements and guidance for Councillors, respectively, on declaring personal and prejudicial interests and the consequences of having such interests.
- 3.2 **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Councillors. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- 3.3 **Do** then act accordingly. **Where you interest is personal and prejudicial** (i.e. where you have a personal interest and that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice your judgement of the public interest):-

Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

Don't try to represent ward views, get another Ward Member to do so instead.

Don't get involved in the processing of the application.

Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate office, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).

3.4 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a District and County Councillor), provided:-

i. The proposal does not substantially effect the well-being or financial standing of the consultee body;

ii. You make it clear to the consultee body that:-

- Your views are expressed on the limited information before you only;
- You must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just the people in that area, Ward or Parish, as and when it comes before the Committee and you hear all of the relevant information; and
- You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

iii. You disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.

3.5 Officers are required to follow the Council's Code of Conduct for Employees.

4. Development Proposals Submitted by Councillors and Officers and Development Proposals by the Council

- 4.1 Serving Councillors who act as agents for people pursuing a planning matter within their authority will play no part in the decision making process for that proposal. Similarly, should they submit their own proposal to the authority, they will take no part in its processing.
- 4.2 Proposals of this nature will be identified and reported to the Planning Control Committee for decision and not dealt with by officers under delegated powers. The same approach will be applied to applications submitted by planning officers employed by the Council.
- 4.3 Proposals for the Council's own development will be treated in exactly the same way as those by private developers.

5. Lobbying of and by Councillors

- 5.1 **Lobbying is a normal and perfectly proper part of the political process and applicants or third parties who may be affected by a planning decision may choose to approach their elected Ward Councillors or members of the Planning Control Committee to put their point of view in addition to discussing matters with planning officers. Members of the Planning Control Committee must take care about expressing an opinion that may be taken to indicate that they have already made their mind up on a planning proposal before they have had an opportunity to consider all the evidence and arguments.**
- 5.2 A Ward Councillor who is not a member of the Planning Control Committee may respond to lobbying by declaring their support for a particular outcome and may address the meeting of the Planning Control Committee which is to determine the application. The Councillor will be given the same amount of time to speak as a member of the public i.e. 5 minutes (see Annex A).
- 5.3 A Ward Councillor who is also a member of the Planning Control Committee must make a clear choice in response to lobbying either to:
 - i. inform the lobbyist that they must maintain a neutral position on the proposal until the meeting which is due to determine it, when they will have read the report and listened to any discussion there may be about

the proposal, in order to carry out their job as decision maker in an even handed way (a standard written response could be used for the purpose),
or

- ii. decide to declare support for a particular outcome but then declare at the Committee meeting that they have pre-determined the decision and take no part in the decision making other than addressing the Committee as a Ward Councillor.

This does not apply if the Ward Councillor has a prejudicial interest which arises from his/her own personal circumstances. In that case, the Councillor may make representations to the Planning Control Committee and answer questions as a member of public would be able to but must then leave the room and take no part in the decision making.

6. Pre-application Discussions and Negotiations During the Processing of Applications

6.1 An important part of the planning service provided by the Council is the advice given by Officers to both applicants and people affected by planning proposals both before the submission of applications and during the processing of applications. It is considered to be a more effective use of resources to give advice to applicants to enable them to present their applications in a manner which meets the appropriate planning policy requirements first time rather than not to do so which could result in more applications being refused and having to be resubmitted or determined at appeal.

6.2 The following principles will apply to the giving of advice:

- i. It will always be made clear that any advice cannot bind the Council to making a particular decision.
- ii. Advice will be based solely upon approved policy considerations contained in the development plan, approved supplementary planning guidance and in appropriate cases government planning guidance.
- iii. When Councillors are requested to advise, the meeting will take place in the presence of an appropriate Officer.
- iv. A written record of the meeting including any agreed outcome will be made and placed on the case file.

6.3 These protocols relate to the giving advice on planning policy. Advice on procedure can be given by individual Officers or Councillors at any time.

7. Decision Making Procedures

7.1 **The Council is required to prepare Development Plan Documents (DPD's) and (if appropriate) Supplementary Planning Documents (SPD's) to provide a robust local planning policy context for decision making on planning applications. Public consultation in accordance with the principles set out in the Council's adopted Statement of Community Involvement June 2006 is carried out at specific stages in the preparation of DPD's which are adopted following an independent examination by an Inspector acting on behalf of the Secretary of State for Communities and Local Government.**

7.2 **Decisions to take formal DPD's through their stages as far as preferred options are taken by the Cabinet and decisions to submit documents for examination and formally adopt them are taken by the Council. Decisions to adopt SPD's are taken by Cabinet.**

7.3 **The policies and proposals in the District's DPD's when adopted and the adopted Regional Spatial Strategy (RSS) are the most important matters to inform decision making on planning applications together with the policies contained in SPD's which give more detailed guidance on specific planning subjects, e.g. affordable housing, open space, sport and recreation. There is a presumption that decisions should be made in accordance with policies in these documents with most weight to be given to policies in the Development Plan (DPD's and RSS).**

7.4 **Decisions on planning and other applications** submitted under the Town & Country Planning Acts including applications for listed building consent, conservation area consent, consent to display an advertisement, certificates or lawful use or development and prior notification of agricultural, telecommunication development and demolitions (referred to and defined as Planning Applications under paragraph 7.4(A)(1) below) are made by one of the following two methods:-

A. By the Head of Service or a manager in the Planning Division in the following circumstances:-

1) All applications seeking planning consent that have been duly accepted for determination by the Council ("Planning Applications") but, in the

reasonable opinion and judgement of the officer(s) duly authorised by the Deputy Chief Executive to determine Planning Applications (“Authorised Officer(s)), substantially fail to meet the express requirements of applicable Council policies and/or are considered contrary to the objectives of relevant Council policies, may be refused (on behalf of the Council) by the Authorised Officer(s).

- 2) All Planning Applications that are considered, in the reasonable opinion and judgement of the Authorised Officer(s), to meet all applicable Council policies notwithstanding any objections that have been received in response to any publicity and/or consultation, may be determined and approved by the Authorised Officer(s).
- 3) All Planning Applications which in the reasonable opinion and judgement of the Authorised Officer(s) should be approved despite not fully complying with applicable Council policies, shall be reported to the Planning Control Committee for determination (whether or not any objections are received) with a recommendation from the Authorised Officer(s) that the Planning Applications be approved.
- 4) No Authorised Officer(s) shall exercise any powers of determination as confirmed in paragraphs 1 -3 above in respect of any Planning Applications that:-
 - (a) Generates/leads to significant public opposition;
 - (b) Has been made by a serving Member of the Council or an employee of the Council;
 - (c) Has been made by or on behalf of the Council;
 - (d) Relates to a telecommunications development which involve the erection or installation of new masts to which there has been recorded public opposition;
 - (e) Results in a request being received from an objector or the applicant seeking to address the Planning Control Committee in connection with the determination of the Planning Application; and/or
 - (f) Members of the Planning Control Committee have asked be referred to the Planning Control Committee for determination.

(B) Council’s Planning Control Committee:

- 5) Where any sub-paragraph under clause 4 applies to a Planning Application, then that Planning Application shall be reported to the Planning Control Committee for determination.

- 6) Where a Member of the Planning Control Committee seeks to invoke and rely upon clause 4 sub-paragraph (f) then:
 - (a) the Member shall be afforded the opportunity to have an informal site visit with the appropriate case officer to determine whether it should be recommended to the Planning Control Committee that a formal site visit be undertaken; and then shall
 - (b) proceed to making a written request (using the necessary referral form available from the Council's Planning Section), which must:
 - (i) set out the specific reasons for why the request is being made for the Planning Application to be referred to the Planning Control Committee for determination; and
 - (ii) be received by the Council's Planning Section within the initial 21 day consultation period.

7.5 Decisions to take formal **enforcement action** under the Town & Country Planning Acts, to make **Tree Preservation Orders (TPO)** and to determine applications to carry out works to TPO trees are made by senior officers. Where there is an unresolved objection to a proposed TPO or an unresolved complaint about a planning enforcement matter where officers are not recommending formal enforcement action, the final decision on these matters is also made by the Planning Control Committee.

7.6 The Planning Control Committee normally meets once every 3 weeks and has a membership of 19 Councillors. It considers reports prepared by planning officers which make an assessment of all the relevant planning issues, summarise all comments received and make a recommendation to approve or refuse the application with appropriate reasons based on national and local planning policies. A recommendation of approval may include conditions to ensure that the proposed development meets with the appropriate planning requirements. It may also require the applicant to complete a planning obligation (S106 of the Town & Country Planning Act 1990) to deal with the affects of the development on the local area in a way which cannot be controlled by a planning condition (see Section 8 below). The Committee decides whether or not to accept the recommendation. It may defer consideration of the application to seek further information or to enable a site inspection to take place (see 7.8 below). The procedures at Planning Control Committee provide for the applicant, a maximum of two objectors, Ward Councillors and a representative of a Parish Council to address the Committee before it makes a decision on a planning application, TPO or enforcement case. Full details of the operating rules for people to address the Committee are set out in Annex 'A'.

7.7 **Site Inspections by members of the Planning Control Committee.**

7.8 Inspections can be made to sites which are the subject of planning applications, TPOs or enforcement cases in the following circumstances:

- i. When officers recommend an inspection in advance of producing a report so that if Committee agrees the inspection can take place on the day the Committee meets to consider the report on the application.
- ii. When a member of the Committee requests an inspection as part of the procedure in 7.4 ii) 9 above.
- iii. When the Committee decides it needs to defer a decision on an application in order for a site inspection to take place.

7.9 In all cases clear and relevant planning reasons must be given as to why an inspection is considered necessary and what it would be likely to achieve. As a general principle an inspection is only likely to be appropriate when it will clarify or supplement information contained in the officer's written report and that information cannot be obtained in another way. It will not be appropriate for an inspection to take place merely because a consultee or neighbour has requested it unless Councillors can identify clear and relevant planning reasons.

7.10 The purpose of the inspection is to obtain additional information about a proposal by looking at the site and the surroundings. It is not an opportunity to discuss the merits of the proposal with the applicant or objectors. Representations from applicants and third parties will therefore not be permitted. The following procedure will apply:

- i. The inspection will be managed by the Chairman of the Committee or in his/her absence the Vice Chairman.
- ii. Applicants will be informed of the time of the inspection but not invited to participate other than to allow access to land or property if appropriate.
- iii. Officers will attend to give a brief explanation of the proposal and answer any questions from Councillors
- iv. Officers will make a brief note of the inspection including a record of which members attended and any new factual information which may have been brought out. This will be placed on the case file.

- v. Third parties (objectors) are not invited to inspections and would not be entitled to enter the site unless invited to do so by the applicant. If objectors are present with the consent of the applicant they may listen to the officers' explanation and Councillors' discussion but not participate.

8. Planning Obligations (S106 Agreements)

8.1 In order to mitigate the impact of development on the environment, deal effectively with transport, other infrastructure and community facility requirements generated by new development, agreements under S106 of the Town & Country Planning Act 1990 are negotiated with developers prior to the grant of planning permission. In some cases developers may offer unilaterally to make such provision.

8.2 These planning obligations whether made by agreement or unilaterally are required to ensure that development complies with the appropriate policies in the Development Plan and may include making payments to the District Council or County Council to enable facilities such as open space and school buildings to be provided. The fact that payments need to be made in order to secure the grant of a planning permission can give rise to a misunderstanding that somehow developers are 'buying' a planning permission. This is not the case but is a legitimate means of ensuring that the appropriate planning requirements are met. In order to ensure a consistent approach to negotiating obligations the Council has adopted Supplementary Planning Guidance and a Code of Practice on Planning Obligations (December 2000). This is due to be replaced by a Supplementary Planning Document in early 2008.

8.3 For the purpose of this Protocol two key elements of the Code of Practice on Planning Obligations are important:

- i. The issues to be dealt with by an obligation will be described in sufficient detail in the report on the planning application to be considered by the Planning Control Committee. This will include financial information if it is available at this stage.
- ii. The completed obligation will be placed on deposit in the planning register at the same time as a copy of the related planning permission.

9. Decisions Contrary to Officer Recommendation and/or the Development Plan

9.1 Planning is not an exact science. It relies on making informed judgements within a firm policy context. The weight given to particular planning considerations in a specific case can make a difference to the final outcome and it is perfectly justifiable for the Committee to give

different weights to issues than those given by Officers and thereby reach a different overall conclusion to that recommended by officers.

- 9.2 It may be clear from the original Officers' report when a conclusion to recommend approval is reached 'on balance' that there are sustainable reasons which can be adduced to support a decision to refuse planning permission and these may be brought out at the Committee meeting. In other cases the reasons may need further consideration in which case it may be appropriate for the matter to be deferred to determine at the next meeting. When the Committee wish to approve an application contrary to the officer recommendation of refusal, deferral may also be necessary to enable appropriate conditions to attach to the approval to be drafted.
- 9.3 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- 9.4 When it is intended to approve an application which is contrary to the Development Plan the material planning considerations which are judged to be more significant than the policies in the plan will be clearly identified in the report. In some cases the Secretary of State for Communities and Local Government must be informed and may decide not to permit the Council to approve the application but instead make the decision himself after holding a Local Public Inquiry.

10. Access to Information

- 10.1 The whole of the process of determining planning applications takes place in an open and accessible manner. Applications are deposited on a public register and all background information including any letters of objection or support for an application are available for inspection by law 5 clear working days before the application is due to be determined by the Committee. If an application is subject to an appeal the Council's and the appellants' evidence are made available for inspection and if people wish to express an opinion in writing or at a local inquiry or hearing they may do so.**
- 10.2 The Council is committed to making the process as open and accessible to people as possible within the financial constraints it has to operate. It therefore provides the following services in addition to the minimum statutory requirements:

- i. Copies of planning applications are deposited at Rugeley and Hednesford area offices in addition to the Civic Centre. Parish Councils are provided with copies of planning applications and the decisions made on them.
- ii. A copy of any agreement or obligation made under the Town & Country Planning Act to provide for measures, financial or otherwise, to enable a proposed development to comply with the planning requirements is included in the planning register.
- iii. All planning application case files are available for inspection by appointment at any time prior to the 5 clear working days before the meeting of the Committee which is due to determine the application. No appointment is needed during the 5 working days before the meeting.

11. **Comments, Compliments and Complaints**

- 11.1 Cannock Chase Council is committed to serving the community in the most efficient and courteous way possible. We welcome your comments, compliments and complaints as this helps us to know what are the good things about our services and what things we need to improve. If you wish to make a comment, compliment or complaint a 'How To' form is available at the Council Offices in Cannock, Hednesford and Rugeley:-

Cannock Chase Council, Civic Centre,

Beecroft Road, Cannock, WS11 1BG

Telephone: 01543-462621

Rugeley Area Office, Anson Street,

Rugeley, WS15 2BA

Telephone: 01889-583474

- 11.2 A complaint can only be investigated if it relates to the way a matter was dealt with rather than the actual outcome i.e. the fact that this Council made a planning decision which people disagree with is not a basis for lodging a complaint.

PROTOCOLS FOR PUBLIC SPEAKING AT PLANNING CONTROL COMMITTEE

1. Protocols

1.1 Who is Entitled to Speak

- i. In relation to a planning application:
 - a. The applicant or a person representing the applicant.
 - b. An objector who is acting on his or her behalf or on behalf of a group of objectors or a person representing objectors. Normally, only one person will be permitted to speak on behalf of all objectors unless it can be demonstrated that there are significantly differing points of view that are wished to be expressed when a maximum of two people will be permitted to speak.
 - c. A Ward Councillor
 - d. A representative of the Parish Council.
- ii. In relation to Tree Preservation Orders:
 - a. A person or representative of a person supporting the making of an order.
 - b. A person or representative of a person objecting to the making of an order.
 - c. A Ward Councillor
 - d. A representative of the Parish Council.

- iii. In relation to planning enforcement cases:
 - a. A person or representative of a person making a complaint about a planning enforcement matter.
 - b. A person or representative of a person responsible for the alleged unauthorised development.
 - c. A Ward Councillor
 - d. A representative of the Parish Council.

1.2 Making an Application to Speak

Requests to speak must be made by completing an application form obtainable from the Planning Control Unit at the Civic Centre. The completed form must be delivered to the Civic Centre by, at the latest, 12 noon on the Friday before the meeting of the Planning Control Committee due to take place the following Wednesday. Receipt of the completed form will be acknowledged in writing. Ward Councillors need not complete an application form but should inform the Chairman of the Planning Control Committee that they wish to speak on a particular application.

1.3 Procedure following Receipt of Application to Speak

If an application to speak has been received from one of the parties, other than a Ward Councillor, officers will use their best endeavours to contact the other parties to give them an opportunity of speaking if they so wish. In cases where there are a large number of objectors, it may not be possible to contact everyone. As information about speaking rights will already have been sent to applicants, people notified of applications and Parish Councils at an early stage in the processing of an application, failure to contact other parties following receipt of an application to speak from one of them will not invalidate the procedure. No contact will be made in writing at this stage.

1.4 Procedure at the Meeting

Applications and other matters on which there are speakers will be dealt with at the start of the meeting. The procedure for dealing with these matters will be as follows:

- i. An officer will give a verbal report updating the written report with any information received after its completion.
 - ii. Speakers will be called to speak in the following order:
 - objector(s);
 - Parish;
 - Ward Councillor
 - Applicant or supporter or alleged contravener (where applicable)
 - iii. Speeches must last no longer than FIVE MINUTES. The Chairman will invite the speaker to sum up before the five-minute time limit is reached.
 - iv. Members of the Planning Control Committee may then ask questions of any of the speakers.
 - v. The Planning Officer may then answer any points arising from the speeches.
 - vi. The speakers will then withdraw to the public gallery and a decision will be made following whatever further discussions members of the Planning Control Committee wish to have.
- N.B. In the event of a proposal for deferment of a decision to enable a site inspection by members of the Planning Control Committee to take place immediately prior to the next meeting of the Planning Control Committee, speakers will be invited to decide whether they wish to defer their speeches until that time. Only one opportunity to speak will be allowed.

1.5 Procedure after the Meeting

Speakers will be sent written notification of the Planning Control Committee's decision.

1.6 Chairman

The ruling of the Chairman of the meeting as to the construction or application of any of the above shall not be challenged.

**APPLICATION TO SPEAK AT A MEETING OF THE PLANNING CONTROL
COMMITTEE**

1.1 PLEASE READ THE NOTES BEFORE YOU COMPLETE YOUR APPLICATION
(PLEASE COMPLETE IN BLOCK CAPITALS)

1.2 NAME: _____

1.3 ADDRESS: _____

1.4 DAY TIME TEL. NO. _____

1.5 FAX NO. _____

1.6 Purpose of wishing to speak (tick appropriate box):-

As applicant or on behalf of applicant

As objector to a planning application or on behalf of objector

As supporter of a Tree Preservation Order

As objector to a Tree Preservation Order

As complainant concerning a planning enforcement issue

As person alleged to be in contravention of planning regulations

As representative of a Parish Council

1.7 Details of Planning Application, Tree Preservation Order or Enforcement Case which you wish to speak on:-

(i) Description: _____

(ii) Reference No.

1.8 You are reminded that when addressing the Committee you must not make a defamatory statement. If you do make a defamatory statement, action may be taken against you.

1.9 THE LENGTH OF THE SPEECH MUST NOT EXCEED FIVE MINUTES

Signature: _____

Date: _____

REQUEST FOR APPLICATION TO BE DETERMINED

BY THE PLANNING CONTROL COMMITTEE

If a member of the Planning Control Committee wishes an application to be decided by the Committee rather than by officers, this form must be completed and sent to the Planning Services Manager within 21 days of an application appearing on the weekly list of applications received.

Application No. _____

Location: _____

Description: _____

Reason for requesting consideration by the Planning Control Committee:

Requested by: _____

Date: _____

CONTACTS

Planning Services Manager - John Heminsley
Tel. 01543-464521
e-mail: johnheminsley@cannockchasedc.gov.uk

Senior Administration Officer - Sue Prestwood
Tel. 01543-464485
e-mail: sueprestwood@cannockchasedc.gov.uk

Cannock Chase District Council
Civic Centre
PO Box 28
Beecroft Road
Cannock
WS11 1BG

Telephone: 01543-462621
Fax: 01543-464512

www.cannockchasedc.gov.uk

Annex 5A

Legislation-

Service Improvement

Animal Boarding Establishments Act 1963
Animal Health & Welfare Act 1981 and 1984
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Breeding of Dogs Act 1973 and 1991
Breeding & Sale of Dogs (Welfare) Act 1999
Building Act 1984
Charities Act 1992
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1969
Cinemas Act 1985
Clean Air Act 1993
Clean Neighbourhoods & Environment Act 2001
Control of Pollution Act 1974
Control of Smoke Pollution Act 1989
Criminal Justice Act 2003
Criminal Justice & Police Act 2001
Criminal Justice & Public Order Act 1994
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Food & Environment Protection Act 1985
Food Hygiene (England) Regulations 2006
Food Safety Act 1990
Gambling Act 2005
Game Act 1831
Game Licence Act 1860
General Food Regulations 2004
Guard Dogs Act 1975
Health Act 2006
Health & Safety at Work etc Act 1974

Homelessness Act 2003
House to House Collections Act 1939
Housing Act 1985
Housing Act 1989
Housing Act 1996
Housing Act 2004 (also see Annex 5B)
Housing (Grants, Construction & Regeneration) Act 1996
Land Compensation Act 1973
Land Drainage Act 1991
Late Night Refreshment Houses Act 1969
Licensing Act 2003
Litter Act 1983
Local Government Act 1982
Local Government & Housing Act 1980
Local Government & Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Lotteries and Amusements Act 1976
Mobile Homes Act 1975 & 1983
Motorcycle Noise Act 1987
Mines and Quarries Act 1954
National Assistance Act 1948
Noise Act 1996
Noise & Statutory Nuisances Act 1993
Offices Shops & Railway Premises Act 1963
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Police Factories etc (Miscellaneous Provisions) Act 1916
Police Act 1997
Pollution Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949
Private Security Industry Act 2001
Public Health Act 1875, 1936 and 1961
Public Health (Control of Diseases) Act 1984
Radioactive Substances Act 1993 (as amended)
Rag Flock & other Filling Materials Act 1981 (as amended)
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Regulatory Reform Order 2003
Rent (Agriculture) Act 1976
Reservations Act 1975
Riding Establishments Act 1964 and 1970
Road Traffic Act 1988
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Town Police Clauses Act 1847
Transport Act 1985

Shops Act 1950
Scrap Metal Dealers Act 1964
Theatres Act 1968
Vehicles (Crime) Act 2001
Water Act 1989
Water Industry Act 1991
Zoo Licensing Act 1981

and all Regulations or Orders made or deemed to be made under those Acts or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modifications or re-enactment to the foregoing.

Annex 5B

Legislation

HOUSING ACT 2004

SECTION	DESCRIPTION
A – ENFORCEMENT OF HOUSING STANDARDS WITH RESPECT TO THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)	
4	The competency of officers to carry out an inspection and assessment under HHSRS.
10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.
11	Serving Improvement Notice to remedy Cat 1 Hazard(s).
12	Serving Improvement Notice to remedy Cat 2 Hazard(s).
14	Suspension of Improvement Notices.
17	Review of Suspended Improvement Notices.
20	Making a Prohibition Order relating to Cat. 1 Hazard(s)
21	Making a Prohibition Order relating to Cat. 2 Hazard(s)
23	Suspension of Prohibition Orders
26	Review of Suspended Prohibition Orders
28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards
29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards
40	The Taking of Emergency Remedial Action
43	The making of an Emergency Prohibition Order
46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act 2004
47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004

SECTION	DESCRIPTION
50 (5)	The service of a demand for recovery of expenses incurred by the Council in <ul style="list-style-type: none"> • Serving an improvement notice under S.11 or S.12. • Making a prohibition order under S.20 or S.21. • Serving a hazard awareness notice under S.28 or S.29. • Taking emergency remedial action under S.40. • Making an emergency prohibition order under S.43. • Making a demolition order under S.265 HA 1985.
Schedule 1 Part 2: Paragraph 6 Paragraph 8	Notice of a decision to revoke or vary an improvement notice Notice of refusal to revoke or vary an improvement notice
Schedule 2 Part 2: Paragraph 3 Paragraph 5	Notice of a decision to revoke or vary a prohibition order Notice of a decision to revoke or vary a prohibition order
Schedule 3 Paragraph 3(4)	Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.
Schedule 3 Paragraph 4	Notice of intention to enter to carry out Works in Default of an improvement notice.
B – LICENSING OF HOUSES IN MULTIPLE OCCUPATION	
62	Serving of Temporary Exemption Notices
64	The authority to sign a Licence on behalf of the Local Housing Authority
SCH. 5 Para. 1	Notice of intention to grant a licence
SCH. 5 Para. 3	Notice of intention to grant a licence with modifications
SCH. 5 Para. 5	Notice of intention to refuse a licence
SCH. 5 Para. 7	Notice of decision to grant a licence
SCH. 5 Para. 8	Notice of refusal to grant a licence
SCH. 5 Para. 14	Notice of intention to vary a licence
SCH. 5 Para. 16	Notice of decision to vary a licence
SCH. 5 Para. 19	Notice of intention to refuse to vary a licence
SCH. 5 Para. 21	Notice of refusal to vary a licence
SCH. 5 Para. 22	Notice of intention to revoke a licence

SECTION	DESCRIPTION
SCH. 5 Para. 24	Notice of decision to revoke a licence
SCH. 5 Para. 26	Notice of intention to refuse to revoke a licence
SCH. 5 Para. 28	Notice of refusal to revoke a licence
SECTION 73	Application to Residential Property Tribunal for Rent Repayment Order
C - ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION	
102	The making of an interim management order (IMO).
106 (2)	Authorisation of expenditure to carry out works necessary for protecting health, safety or welfare of occupants or occupants of other premises in the vicinity.
113	The making of a final management order (FMO).
126	Notice of renunciation of right to possession of furniture.
127	Authorisation of expenditure to supply furniture.
131	Power of entry to carry out works in connection with an IMO or FMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.
SCH 6 Para 1	Notices of intention to make an FMO.
SCH 6 Para 3	Notice of intention to make an FMO with modifications.
SCH 6 Para 7 (2) & (5)	Notice of confirmation that an IMO or FMO has been made.
SCH 6 Para 9	Notice of intention to vary an IMO or FMO.
SCH 6 Para 11	Notice of decision to vary an IMO or FMO.
SCH 6 Para 14	Notice of intention to refuse to vary an IMO or FMO.
SCH 6 Para 16	Notice of decision not to vary an IMO or FMO.
SCH 6 Para 17	Notice of intention to revoke an IMO or FMO.
SCH 6 Para 19	Notice of decision to revoke an IMO or FMO.
SCH 6 Para 20	Notice of intention to refuse to revoke an IMO or FMO.
SCH 6 Para 22	Notice of decision to refuse to revoke an IMO or FMO.
D – OVERCROWDING NOTICES WITH RESPECT TO HMOs	
139 (2)	Overcrowding notice to remedy excessive number of persons accommodated or likely to be accommodated in a HMO.
139 (3)	Notice of intention to serve an overcrowding notice.

SECTION	DESCRIPTION
144 (1)	
(a)	Notice of revocation of overcrowding notice.
(b)	Notice of variation of overcrowding notice.
E – SUPPLEMENTARY PROVISION AND POWERS OF ENTRY	
235	Notice requiring production of documents for any purpose connected with the exercise of any of the City Council’s functions under Parts 1 to 4 of the Act or investigating whether any offence has been committed.
239 (3)	Authority to enter any premises for the purposes of survey or examination with respect to any of the City council’s functions under Parts 1 to 4 of the Act or to ascertain whether any offence has been committed. NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.
243	Authorisations for enforcement purposes. Such authorisations as required by this section have already been incorporated within the appropriate parts of this schedule of delegations. (S.131; S.235; S239; ACH 3 Para 3(4); and SCH 7 Para 25). Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Director of Housing or Assistant Director (Housing Strategy).
255	Authority to make a HMO declaration on behalf of the City Council and to serve associated notice of the declaration.
F – GENERAL: PROSECUTION	
1.1 S.30	Failure without reasonable excuse to comply with an improvement notice.
S.32	Knowingly contravenes a prohibition order without reasonable excuse.
S.35	Failure without reasonable excuse to comply with a magistrates order requiring an occupier or other relevant person to permit appropriate action to be taken.
S.72 (1)	Failure to obtain a HMO licence without reasonable excuse.
S.72 (2)	Knowingly permits occupation in excess of the maximum permitted by a licence.
S.72 (3)	Failure without reasonable excuse to comply with a licence condition.
S.95 (1)	Failure to obtain a licence for a house subject to Selective Licensing (without reasonable excuse).
S.95 (2)	Failure to comply with a licence condition for a house subject to Selective Licensing (without reasonable excuse).
S.131 (5)	Failure to comply with a magistrates order requiring an occupier to allow access to carry out work in connection with an IMO or FMO.
S.139	Contravention of an overcrowding notice (without reasonable excuse).

SECTION	DESCRIPTION
S.234	Failure to comply with a HMO Management Regulation (without reasonable excuse).
S.236	Failure to comply with a notice under S.235 requiring production of documentation (without reasonable excuse) OR intentionally alters, suppresses or destroys any required documents.
S.238	The supply of information required by local authority in carrying out any of its functions under Parts 1 to 4 which is false or misleading (knowingly or recklessly).
S.241	Obstruction of an authorised officer in carrying out any duties under Parts 1 to 4 of the Act (without reasonable excuse) Includes offences under: Schedule 3 Para 5 (having contractor on site following service of notice of intention to carry out works in default under para 4) Schedule 7 Para 25 (4)-(failure to comply with magistrates order requiring access to carry out work to dwelling subject to an EDMO)
G – GENERAL: DEFAULT ACTION	
SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement.
SCH.3 Para 3	Authorisation of expenditure to carry out works in compliance with an improvement notice without agreement (by default).
SCH.3 Para 4	Notice of intention to carry out works without agreement (by default).
SCH.3 Para 9	Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default). NB. SCH 3 Para's 3, 4 and 9, above also apply to works carried out in connection with emergency remedial action taken under Section 40.
SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative).