

# Section 26

## Scheme of Delegations

### 26.1 Introduction

The Scheme of Delegations (“Scheme”) 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.

For the purposes of this Scheme, the term “Chief Officer” shall have the following meaning:

- (a) The Chief Executive,
- (b) Deputy Chief Executive, and
- (c) Heads of Service.

This Scheme contains two types of authorities:

- (i) Functional, operational and day to day management of services delegated to Chief Officers; and
- (ii) Functions delegated to specific officers.

Annex 1 details Reserved Authorities.

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) Procurement Regulations
- (c) Financial Regulations
- (d) The Scheme of Delegations
- (e) Emergency Planning Procedures
- (f) Other Council policies, procedures, and previous decisions

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.

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 Chief Officers

## **26.2 General Obligations**

- 26.2.1 Subject to paragraphs 26.2.1(a) below, Chief Officers 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 Chief Officers under paragraph 26.2.1 above shall:
- (i) comply with the Council's financial regulations (if applicable),
  - (ii) be appropriately documented, and
  - (iii) only occur after the relevant Chief Officer has informed the Chief Executive, the Section 151 Officer, and the Monitoring Officer. The Chief Executive shall have the power to veto any such authorisation.
- 26.2.2 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services or functions under their management including the discharge of all responsibilities, duties and obligations, exercise of all powers relating thereto and the delegation and/or authorisation of the same to suitably qualified and experienced officers.
- 26.2.3 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.
- 26.2.4 To invite tenders and award contracts in accordance with Financial Regulations and Procurement Regulations.
- 26.2.5 To determine the fees and charges for services under their control, within Council policy and the requirements of financial regulations.
- 26.2.6 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 Plan or equivalent.
- 26.2.7 To select and appoint specialist professional advisors within approved budgets.
- 26.2.8 To discharge their duties in respect of Health and Safety in the workplace.
- 26.2.9 To accept appointments to undertake professional activity at a local, regional, national, or international level in consultation with the Chief Executive.

- 26.2.10 So far as the matter relates to a function for which the relevant Chief Officer 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.
- 26.2.11 To provide goods and services and plant to other local authorities and other bodies (where permissible), in consultation with the Head of Paid Service.
- 26.2.12 To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 26.2.13 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.
- 26.2.14 To be the Proper Officer for the opening of tenders received as appropriate.
- 26.2.15 To negotiate and settle contract disputes relating to their service area.
- 26.2.16 To manage and settle terms and conditions of contract tendering processes for their service area and ensure EU and other legal compliance.
- 26.2.17 To authorise the instigation of civil and criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to any service area under their management control in consultation with the Legal Service.
- 26.2.18 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 legal advice has first been obtained and the relevant Chief Officer can meet the costs of the settlement, compromise, discontinuance or disposal from approved budgets.
- 26.2.19 To issue press statements in respect of high-profile matters, in consultation with the Leader and/or relevant Portfolio Holder and the Policy & Communications Manager unless otherwise directed by the Chief Executive.

### **Human Resources Delegations**

- 26.2.20 To determine permanent, temporary and interim departmental establishments, below Head of Service 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.

- 26.2.21 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.
- 26.2.22 To engage agency personnel, in accordance with Council policy, within approved budgets to fulfil service delivery requirements.
- 26.2.23 To determine applications for ex-gratia/honorarium payments, for employees within their area of management control, in accordance with Council approved/adopted policy, and the costs being met from within approved budgets.
- 26.2.24 To determine re-evaluation applications for employees below Head of Service level, in accordance the Council's approved procedure, and the costs being met from within approved budgets.
- 26.2.25 To suspend individual employees, within their area of management control, from the occupational sick pay scheme in accordance with national and local conditions of service and, in consultation with the HR service.
- 26.2.26 Where there is discretion within the Council's Employer Discretions Policy relating to the Local Government Pensions Scheme, to exercise those discretions on behalf of the Council where the cost is contained within existing budgets, unless the discretion is specifically reserved to another person or body.
- 26.2.27 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.
- 26.2.28 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.
- 26.2.29 To approve annual leave being moved between leave years.
- 26.2.30 To approve requests for compassionate, maternity support, paternity leave (including additional paternity leave and pay) and adoption leave in accordance with the Council's approved/adopted policies and procedures and legislation. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just, and equitable in the circumstances.
- 26.2.31 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.
- 26.2.32 To approve requests from officers to undertake secondary employment in accordance with Council approved/adopted policies and procedures.
- 26.2.33 To consider, hear and/or determine grievances raised by employees within their area of management control in accordance with Council adopted/approved policies and procedures.

- 26.2.34 To conduct formal disciplinary, capability and sickness proceedings, including dismissal of employees below Head of Service level, in accordance with Council approved/adopted policies and procedures.
- 26.2.35 To hear employee appeals relating to pay, grading, grievance, capability, discipline, sickness procedures or other related decisions, made by another Chief Officer 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.
- 26.2.36 Undertake, adhere to, implement, endorse and/or ensure compliance with all the Council's approved/adopted human resource policies and procedures.
- 26.2.37 Where a dispute and/or conflict arises between this Scheme and the terms and conditions of Chief Officers then the relevant terms and conditions shall take precedence over this Scheme.
- 26.2.38 In the event that paragraph 26.2.37 applies and this Scheme fails or is otherwise deficient in enabling the Chief Executive to give effect to the terms and conditions of Chief Officers, the Chief Executive shall, after taking 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.

# Functions Delegated to Specific Officers

## **26.3 Chief Executive**

- 26.3.1 The Chief Executive is designated as the Head of Paid Service (see Section 4 of the Local Government and Housing Act 1989).
- 26.3.2 To undertake all duties delegated to Chief Officers, or to delegate such duties to another Chief Officer, where permitted by law.
- 26.3.3 To be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.
- 26.3.4 To grant concessionary and free use of civic suite facilities to recognised organisations.
- 26.3.5 To exercise any function of the Council not required by statute to be exercised by Full Council and not an executive function and not otherwise delegated under this Scheme.
- 26.3.6 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.
- 26.3.7 To incur expenditure in respect of any major incident/emergency within or adjoining the District until the Cabinet meets. To designate any officers to carry out such functions as are deemed necessary in the circumstances.
- 26.3.8 To attest the Common Seal and sign and/or execute any form, notice, order or document as required on behalf of the Council.
- 26.3.9 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.
- 26.3.10 To consider, hear and/or determine grievances raised by Heads of Service 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.
- 26.3.11 To conduct capability proceedings in respect of Heads of Service 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.
- 26.3.12 In consultation with the HR service, to approve ill health retirements for employees i.e., Heads of Service and below, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.

- 26.3.13 In consultation with the HR service, to approve early retirements for employees, i.e., Heads of Service and below, 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.
- 26.3.14 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with the HR service.
- 26.3.15 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.
- 26.3.16 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).
- 26.3.17 Following consultation with the Leader of the Council, to implement any decisions of the Cabinet made in relation to changes to the Council's membership arrangements of any Local Enterprise Partnerships.
- 26.3.18 To determine any review of decisions made by the Monitoring Officer in respect of assets of community value, as detailed in paragraph 26.10.2(d) of this Scheme.
- 26.3.19 Authority to designate an officer as Data Protection Officer.

#### **26.4 Deputy Chief Executive**

- 26.4.1 To exercise the powers of the Chief Executive in the event of their incapacity, absence or unavailability.
- 26.4.2 To undertake all duties delegated to other Chief Officers (in their service areas), or delegate such duties to another Chief Officer, where permitted by law.

#### **26.5 Head of Wellbeing**

- 26.5.1 To update, amend or vary Annexe 6 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.

#### **Leisure Services**

- 26.5.2 To appoint suitably qualified officers to apply for and hold Premises and Personal Licences, and all other licences as are required to facilitate the delivery of services at Council owned venues.
- 26.5.3 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.
- 26.5.4 To determine all applications for reduced hire charges for leisure facilities.
- 26.5.5 To manage the leisure facilities and/or to manage the culture and leisure service contracts and contractors.

- 26.5.6 In consultation with the Portfolio Leader, to review, amend and prioritise actions in the Indoor and Built Sports Facilities Strategy and Action Plan 2019-2036, and Playing Pitch Strategy 2019-2036, in line with the expectations of the Council, Sport England and National Governing Bodies for Sport, available funding and project sustainability and delivery.
- 26.5.7 With the Head of Economic Development and Planning, explore and develop any future projects, opportunities and initiatives in the Cannock Chase District that may arise from hosting the Commonwealth Games Mountain Biking event, in consultation with the Portfolio Leaders for Economic Development & Planning and Culture and Sport.

### **Strategic Housing**

- 26.5.8 To determine the Council's annual Homelessness Prevention Programme.
- 26.5.9 To discharge any and all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).
- 26.5.10 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).
- 26.5.11 To review the Tenancy Fraud Policy every three years, or in the event of changes in legislation, in consultation with the Housing Portfolio Leader.
- 26.5.12 To determine all applications for home improvement grants and to exercise all other functions in respect thereto.
- 26.5.13 In consultation with the Environment and Climate Change Portfolio Leader, to make minor amendments to the Housing Assistance Policy – Independent Living 2020 which do not affect the broad thrust of the Policy's purpose and direction.

### **Partnerships & Community Safety**

- 26.5.14 To give consent to the exercise by police of powers to disperse groups of young persons under Part 5 of the Anti-Social Behaviour Act 2003.
- 26.5.15 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 6 of this Section.
- 26.5.16 To prepare and issue notices and authorise prosecutions in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 6 of this Section.
- 26.5.17 To update, amend or vary Annex 6 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.
- 26.5.18 To apply for a warrant to enter premises where the legislation listed in Annex 6 so permits.



## **26.6 Head of Operations**

- 26.6.1 With the Head of Economic Development & Planning, to identify the likely car parking needs arising from the proposed Levelling Up Fund Project and undertake any feasibility work as necessary to inform a future business case.

### **Parks and Open Spaces**

- 26.6.2 To:
- (a) Make, vary, modify, revoke (and confirm unless there are substantial unresolved objections) tree preservation orders (TPOs) under section 198 of the Town and Country Planning Act 1990 (as amended).
  - (b) Determine applications made under TPOs and determine notifications made in respect of trees in Conservation Areas (S211 notices).
  - (c) Exercise all powers in relation to the duty to replace trees protected by TPO or within Conservation Areas.
  - (d) Deal with any appeals in relation to the determination of TPO applications.
  - (e) Exercise all powers relating to countryside hedgerows as set out in the Hedgerows Regulations 1997 and the Environment Act 1995.

### **Transportation**

- 26.6.3 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.
- 26.6.4 To undertake and implement all necessary measures necessary to comply with all relevant and associated legislation governing the O Licence.
- 26.6.5 To undertake management of the Councils retail markets, including granting and terminating licences for market stalls.

## **26.7 Head of Regulatory Services**

### **Environmental Protection**

- 26.7.1 To enter into agreements under Prevention of Damage by Pests Act 1949.
- 26.7.2 To determine grant applications with respect to Smoke Control.
- 26.7.3 Appoint Proper Officers under Public Health (Control of Diseases) Act 1984 and National Assistance Acts 1948 and 1951.
- 26.7.4 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).
- 26.7.5 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 5 of this Section.

- 26.7.6 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.
- 26.7.7 To issue and enforce licences and inspect and enforce compliance with the law for residential caravan sites.
- 26.7.8 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing licences permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 5 of this Section.
- 26.7.9 To issue and administer formal cautions, prepare and issue notices and authorise prosecutions, in consultation with the Legal service, in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 5 of this Section.
- 26.7.10 To apply for a warrant to enter premises where the legislation listed in Annex 5 of this Section so permits.
- 26.7.11 To issue and enforce fixed penalty notices where the legislation listed in Annex 5 of this Section so permits.
- 26.7.12 Power to authorise the institution / enforcement of civil proceedings under section 126 and schedule 9 of the Housing and Planning Act 2016.
- 26.7.13 To review and make any amendments in respect of arrangements for the Mobile Homes 'Fit and Proper Person' requirements in the interests of operational efficiency and / or due to changes in legislation or government guidance.
- 26.7.14 In consultation with the Housing, Heritage & Leisure Portfolio Leader, to approve subsequent 'Statements of Intent' following approval of the 'Energy Company Obligation Statement of Intent'.

### **Building Control**

- 26.7.15 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.
- 26.7.16 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.
- 26.7.17 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.
- 26.7.18 To determine the level of charges in accordance with The Building (Local Authority Charges) Regulations 2010.

- 26.7.19 To sign and serve notices under the following sections of the Building Act 1984:
- (a) Section 32 - Lapse of deposit of plans.
  - (b) Section 35B - Compliance Notices
  - (c) Section 35C - Stop Notices
  - (d) Section 36 (removal or alteration of +offending work).
  - (e) Section 73 (raising of chimney).
  - (f) Section 77 and 78 (dangerous building).
  - (g) Section 79 (verminous and dilapidated buildings and neglected sites).
  - (h) Section 81 (control of demolition).
- 26.7.20 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.

### **Environmental Health**

- 26.7.21 To enforce Section 20 Local Government (Miscellaneous Provisions) Act 1976 and associated legislation – provision of sanitary accommodation at places of entertainment.
- 26.7.22 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.
- 26.7.23 To appoint and authorise officers 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.
- 26.7.24 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 5 of this Section.
- 26.7.25 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing licences permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 5 of this Section.
- 26.7.26 To issue and administer formal cautions, prepare, and issue notices and authorise prosecutions, in consultation with the Legal service, in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 5 of this Section.
- 26.7.27 To apply for a warrant to enter premises where the legislation listed in Annex 5 of this Section so permits.
- 26.7.28 To issue and enforce fixed penalty notices where the legislation listed in Annex 5 of this Section so permits.

- 26.7.29 To review, amend, update, and approve future Food Law Enforcement Service Plans
- 26.7.30 To review, amend, and/or update the Environmental Health & Public Protection Enforcement Policy as necessary, due to changes in legislation, government guidance, and in the interests of operational efficiency.

### **Licensing**

- 26.7.31 The determination of sexual entertainment venues licences except where there are relevant objections to the application where the application and determination will be referred to the Public Protection Committee.
- 26.7.32 The enforcement of all licensing matters in any manner permitted by law.
- 26.7.33 To issue hackney carriage and private hire drivers licences with the discretion to refer applications where offences by the applicant have been revealed, or proposed revocations or refusal of renewals where objections of relevance have been made, to the Public Protection Committee in accordance with Council policy and guidelines.
- 26.7.34 To issue hackney carriage and private hire vehicle licences and private hire operators licences and any other related licence with the discretion to refer applications where offences by the applicant have been revealed, or proposed revocations or refusal of renewals where objections of relevance have been made, to the Public Protection Committee in accordance with Council policy and guidelines.
- 26.7.35 To issue revoke and enforce all permits and licences within the remit of a District Council in any legislation listed in Annex 5 of this Section (with the exception of the Licensing Act 2003 and the Gambling Act 2005) with discretion to refer any controversial matter to the Public Protection Committee.
- 26.7.36 To process all applications under the Licensing Act 2003 and Gambling Act 2005.
- 26.7.37 To refer all applications made under the Licensing Act 2003 and Gambling Act 2005 to the Licensing Committee (or sub-committee) where there are relevant objections, or matters of public interest, and in accordance with the law, policy, and national and local guidelines.
- 26.7.38 To determine all applications made under the Licensing Act 2003 and Gambling Act 2005 other than those referred to the Licensing Committee (or sub-committee).
- 26.7.39 To make any amendments to the Licensing Policy; the Street Trading Policy (in consultation with the Environment & Climate Change Portfolio Leader); and the Gambling Act 2005 Policy required due to changes in legislation or government guidance and minor variations to the Policies in the interests of operational efficiency and service improvement.
- 26.7.40 In consultation with the Environment & Climate Change Portfolio Leader, to make amendments to the Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy and the CCTV & Dashcam Policy required due to changes in

legislation or government guidance and variations to the Policies in the interests of service improvement / operational efficiency.

- 26.7.41 To determine the mechanisms for implementation of all driver training requirements within the Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy.
- 26.7.42 To determine applications for Street Trading consents.
- 26.7.43 To grant and/or revoke pavement licences, refuse applications for pavement licences, attach conditions to pavement licences and serve relevant notices under the provisions of Business and Planning Act 2020, including the duration of licences and any conditions attached.
- 26.7.44 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 6 of this Section.
- 26.7.45 To carry out the Council's responsibilities for naming and numbering streets.

## **26.8 Head of Economic Development and Planning**

- 26.8.1 Subject to all Council policy (where applicable), to exercise all regulatory powers, including issuing licences, permits, notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 4 to this Section.
- 26.8.2 To issue and administer formal cautions, prepare and issue notices and, in consultation with the Legal Service, authorise prosecutions in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 4 to this Section.
- 26.8.3 To apply for a warrant to enter premises where the legislation listed in Annex 4 of this Section so permits.
- 26.8.4 To issue and enforce fixed penalty notices where the legislation listed in Annex 4 of this Section so permits.
- 26.8.5 To update, amend or vary Annexes 4 and 5 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.
- 26.8.6 With the Head of Operations, explore and develop any future projects, opportunities and initiatives in the Cannock Chase District that may arise from hosting the Commonwealth Games Mountain Biking event, in consultation with the Portfolio Leaders for Economic Development & Planning and Culture and Sport.
- 26.8.7 In consultation with the s.151 Officer and the Portfolio Leader, to take any associated decisions as required to ensure the Levelling Up Fund Project is delivered on time and on budget, including, but not limited to:

- (a) The Council appointment and contract award for any specialist advisers and consultants (in accordance with the Council's Procurement / contract regulations).
- (b) To enter into any necessary negotiations with relevant landowners and/or third parties regarding the acquisition of property/land interests as deemed necessary for delivery of the Levelling Up Fund Project, this will include the agreement of any financial compensation measures for owners/tenants/occupiers affected by the proposed development.
- (c) To investigate, determine and secure the most appropriate way in which to provide additional Specialist Project Management Services (subject to the availability of resources), to assist with delivery of the Levelling Up Fund Project. This will be necessary to safeguard the Council's interests and to provide sufficient delivery capacity to the Economic Development Team.

26.8.8 With the Head of Operations, to identify the likely car parking needs arising from the proposed Levelling Up Fund Project and undertake any feasibility work as necessary to inform a future business case.

### **Planning**

26.8.9 Subject to 26.8.16 below, to process and determine or instruct a suitably qualified person(s) to do so, all applications submitted under Town and Country Planning legislation, make assessments, discharge all obligations, duties, and responsibilities, and exercise all powers and authorities that fall within the legislation (and any modifications thereto or re-enactments thereof) listed at Annex 4 to this Section, and in particular, but not exclusively:

26.8.10 To agree, in consultation with the Legal Service, planning obligations under the Town and Country Planning legislation and any variation thereto.

### **(Tree Preservation Orders)**

26.8.11

- (a) 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.
- (b) Determine applications to fell or do works to trees that are subject of a TPO.
- (c) Make TPOs, and, where there are no objections, to confirm them when dealing with planning related matters, and
- (d) To exercise powers to dispense with or to enforce the duty to replace trees which are the subject to a Tree Preservation Order.

26.8.12 To appoint suitably qualified officers and enforce planning control or instruct a suitably qualified person(s) to do so through the provisions of that legislation set out in Annex 4 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 and Temporary Stop Notices, in consultation with the Legal Service.
- (d) Breach of Condition Notice.
- (e) Notices requiring the proper maintenance of land.
- (f) Enforcement of control over advertisements.
- (g) Discontinuation Notices in respect of Advertisements.
- (h) Any other statutory notice available to the Council under any legislation referred to in Annex 4 of this Section.

26.8.13 To issue:

- (a) Certificates of lawfulness of proposed use and development.
- (b) Certificate of lawfulness of use or development.
- (c) Building Preservation Notices.

26.8.14 Remove unauthorised advertisements and recover the cost of removal from the offender(s).

26.8.15 Represent the Council in appeals, inquiries, and hearings, or instruct an appropriately qualified person to do so.

26.8.16 The following matters shall be reported to the Planning Control Committee for determination:

- (a) All Planning Applications which in the reasonable opinion and judgement of the Officer(s) duly authorised by the Chief Executive to determine planning applications (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).
- (b) All Planning Applications which in the reasonable opinion of the Officer(s) duly authorised by the Chief Executive to determine planning applications (the Authorised Officer(s)):
  - (i) Is a major application which although complying with all policy requirements generates/leads to significant public opposition.
  - (ii) Has been made by a serving Member of the Council or an employee of the Council.
  - (iii) Is a major application and has been made by or on behalf of the Council.
  - (iv) Relates to a telecommunications development which involve the erection or installation of new masts to which there has been recorded public opposition and are not proposed to be refused by officers; and/or

- (v) 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.
  - (vi) When a Parish/Town Council has objected to an Application with a valid planning reason which Officers are not intending to refuse under delegated powers.
- (c) All Planning Applications where a Member of the Council has made a formal written request (using the necessary referral form available from the Council's Planning Section), which must:
- (i) set out the clear and relevant material planning 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.
- (d) All decisions to make Tree Preservation Orders (TPO) and there is an unresolved objection to the proposed TPO.
- 26.8.17 To make non-substantive amendments to adopted Supplementary Planning Documents (SPDs) in consultation with the Economic Development and Planning Portfolio Leader.
- 26.8.18 To approve the publication of future Cannock Chase Authority Monitoring Reports (AMRs), including minor revisions to the format and content of the AMR as required, in consultation with the Economic Development and Planning Portfolio Leader.
- 26.8.19 In consultation with the Economic Development & Planning Portfolio Leader, to approve any consultations related to the Brownfield Land Register and the publication of future versions of the Council's Part 1 Brownfield Land Register until such time as a Part 2 Register is produced.
- 26.8.20 The taking of all steps in the preparation of a Neighbourhood Plan by the Council, except for the final making (adoption) of a Neighbourhood Plan, which is a matter reserved for full Council for determination.
- 26.8.21 With the s.151 Officer, to jointly make decisions on whether or not to offer exceptional relief from the Community Infrastructure Levy and accept payments in kind on a case-by-case basis, in consultation with the Leader of the Council and the Corporate Improvement Portfolio Leader.
- 26.8.22 To make any minor amendments required to the Community Infrastructure Levy Guidance for Parish and Town Councils to reflect regulatory changes.
- 26.8.23 To make any non-substantive changes considered necessary to the Statement of Community Involvement, in consultation with the Economic Development and Planning Portfolio Leader.
- 26.8.24 With the s.151 Officer, to approve whether conditions attached to grant agreements in respect of Community Infrastructure Levy funding allocations have been met, before such funds can be released.



- 26.8.25 In consultation with the Portfolio Leader, to make minor changes to the Community Infrastructure Levy (CIL) Allocations Protocol, necessitated by changes to CIL related legislation.
- 26.8.26 In consultation with the Portfolio Leader, to agree future Statements of Common Ground related to Local Plan matters.
- 26.8.27 In consultation with the Environment and Climate Change Portfolio Leader, agree future allocation of funds to mitigation projects (in respect of the Cannock Chase Special Area of Conservation) and to agree and enter into any business plans and governance arrangements agreed by the Cannock Chase Special Area of Conservation Partnership to implement the mitigation policy.
- 26.8.28 In consultation with the Regeneration and High Streets Portfolio Leader, to review and update the Development Management Pre-application Charging Schedule as necessary.
- 26.8.29 The signing of authorisations under the Council's Great Crested Newt District Level Licence.
- 26.8.30 To waive or reduce the administrative fees in exceptional circumstances for the processing of invalid planning applications and the monitoring of Section 106 agreements.

## **26.9 Head of Housing HRA & Corporate Assets**

### **Property**

- 26.9.1 To undertake all relevant property management activities including the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; accepting the surrender of leases (in consultation with the Legal service); granting licences; 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.
- 26.9.2 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.
  - (b) To fulfil the Council's obligations as Client under the Construction (Design and Management) Regulations 2015, and/or
  - (c) to undertake any aspects, scope or remit of industry recognised roles for any schemes or projects or development on land designed and managed by the Council, and
  - (d) to undertake and discharge all enforcement powers, duties, obligations, and responsibilities arising out of the Council having an interest in land and premises including, but not limited to, the role of the Council as landowner.

- 26.9.3 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.
- 26.9.4 To decline on behalf of the Council, offers to purchase or dispose of land where such a purchase or disposal does not accord with Council policy.
- 26.9.5 To proceed with the acquisition of areas of open space or amenity land required as a consequence of planning consent, 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.
- 26.9.6 To settle claims for compensation made in consequence of land use or management or regeneration or planning, having taken appropriate legal and technical advice, in consultation with the Chief Executive.

#### **Housing Revenue Account**

- 26.9.7 To enforce the Council's conditions of tenancy including authorisation of proceedings for injunctions and repossession and possession made under "absolute grounds".
- 26.9.8 To hear and determine appeals in respect of introductory tenancies in accordance with legislation and Council approved/adopted policies and procedures.
- 26.9.9 In compliance with the Homes & Communities Agency (Tenant Involvement & Empowerment Standard) to fund Residents Groups, Scrutiny Panel and a range of tenant involvement activities.
- 26.9.10 To determine, within agreed budgets, planned maintenance programmes in accordance with the results of the stock condition survey.
- 26.9.11 To determine annual decoration and disturbance allowances.
- 26.9.12 To determine social need and medical priorities (following recommendations of the Medical and Social Assessment Panels) in respect of housing applications and transfer requests.
- 26.9.13 To undertake the day-to-day administration and management of the housing register and the allocation of houses (whether by secure tenancy, by nominations to the properties of another body, by licence, or otherwise) in accordance with the approved policies of the Council and including in respect of property rejected by all qualified applicants, to an applicant who would not normally qualify within the Council's existing allocations policy.
- 26.9.14 To fix rents for all Council dwellings in accordance with the Council's rent policy.
- 26.9.15 To deal with claims for home loss or disturbance payments.

- 26.9.16 To determine, in accordance with approved policy, the eligibility of tenants in respect of the Social Alarms Service and the vulnerable grass cutting and internal decoration scheme.
- 26.9.17 To explore and consider additional and alternative sites for delivery of housing units under the Housing Investment Fund Programme, as circumstances dictated.
- 26.9.18 In accordance with the Housing Services Compensation Policy, compensation can be paid at the discretion of the appropriate section of Service Manager up to the amounts detailed below:
- Team Leader: up to £100
  - Service Manager: up to £500
  - Head of Service: up to £1,500
- 26.9.19 Authority to approve repairs to property damage which are covered by the Council's insurance.

## **26.10 Head of Transformation and Assurance**

- 26.10.1 To administer the Corporate Training budget and to approve spending against that budget in consultation with the lead HR Professional.

## **26.11 Deputy Chief Executive - Resources**

- 26.11.1 To apply for a warrant to enter premises where the legislation listed in Annex 7 of this Section so permits.
- 26.11.2 To update, amend or vary Annex 7 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.
- 26.11.3 With the Head of Economic Development and Planning, to jointly make decisions on whether or not to offer exceptional relief from the Community Infrastructure Levy and accept payments in kind on a case-by-case basis, in consultation with the Leader of the Council and the Portfolio Leader.
- 26.11.4 With the Head of Economic Development and Planning, to approve whether conditions attached to grant agreements made in respect of Community Infrastructure Levy (CIL) funding allocations have been met before such funds can be released.

### **Finance**

- 26.11.5 To bring back into account dividends received from receivers or liquidators and any other sums received in respect of debts previously written off.

### **Local Taxation**

- 26.11.6 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.

- 26.11.7 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.
- 26.11.8 To determine Council Tax and Non-Domestic Rate Non-Valuation Appeals on behalf of the Council.
- 26.11.9 To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992.
- 26.11.10 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).
- 26.11.11 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.
- 26.11.12 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.
- 26.11.13 To confirm all valid applications for Mandatory Rate Relief.
- 26.11.14 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.
- 26.11.15 To administer, collect and recover Business Improvement District (BID) levies in respect of any BID established and approved within the Cannock Chase District.
- 26.11.16 In consultation with the Leader of the Council and relevant Portfolio Leaders, to undertake any future amendments to the Discretionary Rates Relief Policy to ensure that it remains consistent with the business support policy objectives of the Council.

### **Benefits**

- 26.11.17 To determine all applications for Housing Benefit and Council Tax Benefit.
- 26.11.18 To consider and determine discretionary housing payments.
- 26.11.19 To calculate and recover overpayments of Housing Benefit and Council Tax Benefit in accordance with relevant legislation.
- 26.11.20 To determine applications for back dating of housing and/or council tax benefits.
- 26.11.21 To exercise the Council's discretion in administering Regulation 11 of the Housing Benefit (General) Regulations 1987.
- 26.11.22 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.

26.11.23 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Housing Benefit and Council Tax Benefit Fraud.

### **Elections and Electoral Registration**

26.11.24 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.

26.11.25 To approve changes to polling districts polling places, and polling stations as may be required, in between formal reviews.

26.11.26 To appoint Deputy Electoral Registration Officers to carry out the powers and duties of the Electoral Registration Officer either in part or in full in accordance with section 52(2) of the Representation of the People Act 1983.

### **26.12 Section 151 Officer (Chief Finance Officer)**

26.12.1 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).

26.12.2 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.

26.12.3 To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.

26.12.4 To maintain a Registrar of Council Bonds and Stock Issues and declarations and certificates relating to securities.

26.12.5 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).

### **26.13 Monitoring Officer**

26.13.1 To undertake all duties of the Monitoring Officer as provided by law.

26.13.2 The person appointed by the Council as Monitoring Officer, in addition to undertaking the statutory functions of the post as listed in the Monitoring Officer Protocol shall:

- (a) Review and maintain the Council's Constitution.
- (b) To appoint and/or instruct any legal advisor or investigator (or such other persons) as required for the benefit of the Council.
- (c) To attest the Common Seal and sign and/or execute and/or attest any form, notice, order or document as required on behalf of the Council.

- (d) Determine any application to list any building and / or other land as an asset of community value, and / or claim for compensation arising from an asset being listed, in consultation with the Leader of the Council and Members of the ward in which the asset is located, where practicable.
- (e) Appoint persons to serve on the Council's Independent Remuneration Panel in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).

# Annex 1

## Reserved Authorities

### **Preamble**

- (i) For the avoidance of any doubt, not all functions, powers or tasks have been delegated to Chief Officers 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 Service Manager 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.

#### **Disciplinary Action**

- 1.7 In the following paragraphs—
  - (a) “the 2011 Act” means the Localism Act 2011(1).
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(2).
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act.

- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts.
  - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(3) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority.
  - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer, and
  - (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- 1.8 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- 1.9 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 1.10 In paragraph 1.10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 1.11 Subject to paragraph 1.13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 1.10 in accordance with the following priority order—
- 1.12
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector.
  - (b) any other relevant independent person who has been appointed by the authority.
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 1.13 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 1.13 but may do so.
- 1.14 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 1.15 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
- (a) any advice, views or recommendations of the Panel.
  - (b) the conclusions of any investigation into the proposed dismissal, and
  - (c) any representations from the relevant officer.



- 1.16 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances, or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."

### **Grievances**

- 1.17 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**

#### **Early Retirement and Voluntary Redundancy**

- 2.1 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, or actuarial strain paid within the Council's policy.
- 2.2 Subject to paragraph 2.3 below, for any early retirement/termination or redundancy where the payment of actuarial strain is a consideration Cabinet approval shall first be required before any proposed early retirement/termination redundancy can take effect.
- 2.3 Cabinet approval, as referred to in paragraph 2.2 above shall not be required where early retirement/termination or redundancy has been approved as part of the annual budget setting process and details of the associated costs of any proposed redundancies or early retirements/terminations set out in the "Savings Option Taken from the Budget" Annex of the Budget Statement, or other report to Council as part of the annual budget.

### **Standards Committee**

- 3.1 Disciplinary action in respect of any other Chief 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.

### **Joint Appointments Committee and Investigatory and Disciplinary Committee**

- 4.1 The appointment of Heads of Services shall be made by the Joint Appointments Committee appointed by the Council.
- 4.2 Subject to the Terms of Reference, the Investigatory and Disciplinary Committee 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. The suspension periods may only be extended beyond two months following a decision by the Investigatory and Disciplinary Committee.

## Appeals and Complaints Panel

- 5.1 The Council's Appeals and Complaints Panel will hear appeals relating to decisions, made by either the Cabinet, Standards Committee, the Chief Executive, or an officer nominated by the Chief Executive, in respect of Chief 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 appointed by the Council, 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<sup>1</sup> 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 body<sup>2</sup> 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.

<sup>1</sup> This means the Council or the Panel charged with making the appointment

<sup>2</sup> This means the Council or the Panel deciding to dismiss

# 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) Accepting Declarations of Acceptance of Office from elected Members within 2 months of the day of election.
  - (b) Summonses to attend meetings of the Council.
  - (c) In respect of the provisions of the Health and Safety at Work etc. Act 1974 for the Council's operation.

### **B. Head of Operations**

1. The Head of Operations 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.

### **C. Deputy Chief Executive (Resources)/Section 151 Officer**

1. The Deputy Chief Executive (Resources)/Section 151 Officer 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).
  - (c) Electoral Registration Officer for the Council.
  - (d) Returning Officer at Parish and District elections, Local Polls and Referendums.
  - (e) Returning Officer, Acting Returning Officer, and Deputy Acting Returning Officers in connection with General Elections; County Elections; Police, Fire & Crime Commissioner Elections; and National Referenda.

### **D. Head of Regulatory Services**

1. The Head of Regulatory Services 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) Maintaining the local land charges register and responding to queries.
  - (b) As local registrar under Section 15 of the Land Charges Act 1925.
  - (c) For the signing of notices under Section 78 of the Building Act 1984.

## **E. Council Solicitor and Monitoring Officer**

1. The Council Solicitor and Monitoring Officer 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) The signing of legal documents and contracts.
  - (c) 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.
  - (d) For the purposes of Section 3 of the Local Government (Contracts) Act 1997 and Regulation 7 of the Local Government (Contracts) Regulations 1997.
  - (e) In the absence of the Chief Executive, to issue summonses to attend meeting of the Council.

# Annex 3 Legislation – Operations

- Cinemas Act 1985
- Theatres Act 1968
- Sections 197-214 of the Town & Country Planning Act 1990
- Hedgerow Regulations 1997
- Town and Country Planning (Trees) Regulations 1999

and all Regulations and 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 amendments, modifications, or re-enactment to the foregoing.

# Annex 4 Legislation – Economic Development and Planning

## **Planning:**

- Housing and Planning Act 2016
- Parts II, III, IV, V, VII, VIII, ss257-260, of the Town and Country Planning Act 1990
- Town and Country Planning (Development Management Procedure) (England) Order 2010
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compensation Act 1991
- Planning Act 2008
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Town and Country Planning (General Permitted Development Order) 1995 (1995/418)
- Town and Country Planning (General Permitted Development) (England) Order (2015/596)
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- Hedgerow Regulations 1997
- Town and Country Planning (Trees) Regulations 1999
- Business and Planning Act 2020
- Anti-Social Behaviour Act 2003

## **Regeneration:**

- The Local Government Act 2000
- The Planning and Compulsory Purchase Act 2004
- The Local Government and Public Involvement in Health Act 2007
- The Local Democracy, Economic Development & Construction Act 2009

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 amendments, modifications, or re-enactment to the foregoing.

# Annex 5

## Legislation – Regulatory Services

- Animal Health & Welfare Acts 1981 and 1984
- Animal Welfare Act 2006
- Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Building Act 1984
- Business and Planning Act 2020
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Charities Acts 1992 and 2006
- Clean Air Act 1993
- Clean Neighbourhoods & Environment Act 2005
- Control of Pollution Act 1974
- Criminal Justice and Police Act 2001
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Acts 1989 and 1991
- Dangerous Wild Animals Act 1976
- Energy Act 2013
- Environment Act 1995
- Environmental Protection Act 1990
- Food & Environment Protection Act 1985
- Food Hygiene (England) Regulations 2006
- Food Safety Act 1990
- Gambling Act 2005
- General Food Regulations 2004
- Guard Dogs Act 1975
- Health Act 2006
- Health & Safety at Work etc Act 1974
- House to House Collections Act 1939
- Housing Acts 1985 and 2004



- Housing (Grants, Construction & Regeneration) Act 1996
- Land Compensation Act 1973
- Land Drainage Act 1991
- Licensing Act 2003
- Litter Act 1983
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Mobile Homes Acts 1975 ,1983 & 2013
- Mines and Quarries Act 1954
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisances Act 1993
- Offices, Shops & Railway Premises Act 1963
- Police Factories etc (Miscellaneous Provisions) Act 1916
- Pollution Prevention & Control Act 1999
- Prevention of Damage by Pests Act 1949
- Private Security Industry Act 2001
- Protection from Eviction Act 1977
- Public Health Acts 1875, 1936 and 1961
- Public Health (Control of Diseases) Act 1984
- Radioactive Substances Act 1993
- Refuse Disposal (Amenity) Act 1978
- Regulatory Enforcement and Sanctions Act 2008
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Rent (Agriculture) Act 1976
- Road Traffic Act 1988
- Slaughter of Poultry Act 1967
- Sunday Trading Act 1994
- Town Police Clauses Act 1847
- Traffic Management Act 2004
- Transport Act 1985
- Scrap Metal Dealers Act 2013
- Vehicles (Crime) Act 2001
- Water Industry Act 1991
- Zoo Licensing Act 1981

**Building Control:**

- Building Act 1984
- The Building Regulations 2010
- Building (Approved Inspector etc) Regulations 2010
- The Building (Local Authority Charges) Regulations 2010

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 amendments, modifications, or re-enactment to the foregoing.

# Annex 6

## Legislation – Wellbeing

- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Homelessness Act 2002
- Housing Acts 1985, 1996, and 2004
- Housing (Grants, Construction & Regeneration) Act 1996
- Housing and Planning Act 2016
- Homelessness Reduction Act 2017
- Housing and Regeneration Act 2008
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Control of Off-Street Parking (England and Wales) Order 1978
- Environment Act 1995
- Environmental Protection Act 1990
- Land Drainage Act 1991
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Local Transport Act 2008
- Refuse Disposal (Amenity) Act 1978
- Water Industry Act 1991

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 amendments, modifications, or re-enactment to the foregoing.

# Annex 7

## Legislation – Financial Management

- Housing Benefit (General) Regulations 1987
- Council Tax Benefit (General) Regulations 1992
- Council Tax (admin& enforcement) Regulations 1992
- Social Security Admin Act 1992
- NNDR (Collection and Enforcement) Regulations 1989
- General Rate Act 1967
- Social Security Contributions and Benefits Act 2002

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 amendments, modifications, or re-enactment to the foregoing.