

# CABINET

Members of Cabinet are invited to attend this meeting at South Walks House, South Walks, Dorchester, Dorset, DT1 1EE to consider the items listed on the following page.

A handwritten signature in black ink, appearing to read 'Matt Prosser'.

Matt Prosser  
Chief Executive

**Date:** Monday, 23 April 2018  
**Time:** 2.00 pm  
**Venue:** Committee Room A & B - South Walks House  
**Members of Committee:**  
G Carr-Jones (Chairman), D Walsh (Vice-Chairman), P Brown, S Jespersen, A Kerby and M Roake

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## USEFUL INFORMATION

For more information about this agenda please telephone Sandra Deary 01258 484370 email [sdeary@dorset.gov.uk](mailto:sdeary@dorset.gov.uk)

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# A G E N D A

Page No.

## 1 APOLOGIES

To receive any apologies for absence.

## 2 CODE OF CONDUCT

Members are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding disclosable pecuniary and other interests.

Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary or other disclosable interest

Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done within 28 days)

Disclose the interest at the meeting (in accordance with the Council's Code of Conduct) and in the absence of dispensation to speak and/or vote, withdraw from any consideration of the item where appropriate. If the interest is non-pecuniary you may be able to stay in the room, take part and vote.

**For further advice please contact Stuart Caundle, Monitoring Officer, in advance of the meeting.**

## 3 MINUTES

To confirm the minutes of the last meeting of Cabinet (previously circulated) as a correct record.

## 4 URGENT BUSINESS

To consider any items of business which the Chair has had prior notification and considers to be urgent pursuant to Section 100B (4) (b) of the Local Government Act 1972. The reason for the urgency shall be specified in the minutes.

## 5 REVISED SCHEME OF OFFICER DELEGATIONS

5 - 116

To enable consideration of a proposed standardisation of the existing

Officer Scheme of Delegations.

**6 LOCAL COUNCIL TAX SUPPORT SCHEME 117 - 118**

To obtain Cabinet's approval to a review of the Local Council Tax Support scheme being undertaken.

**7 LOCAL BUSINESS REVALUATION SUPPORT SCHEME 119 - 122**

For Cabinet to agree a discretionary rate relief scheme for 2018/19, which looks to provide help to those local businesses which have faced with large rate bills as a result of the 2017 revaluation.

**8 MANDATORY LICENSING OF HMOS: INTRODUCTION OF REVISED CRITERIA FOR LICENSING AND ADOPTION OF A COMMON FEE STRUCTURE. 123 - 128**

To adopt a common fees policy across the DCP for the licensing of Houses in Multiple Occupation (HMOs). The government has recently confirmed details of revised criteria for the mandatory licensing of HMOs which will be effective from 1<sup>st</sup> April 2018. The revised fees proposed will meet the cost of the licensing service.

**9 MODERN SLAVERY PROTOCOL 129 - 142**

To ensure that the Council meets its statutory requirements under Section 52 of the Modern Slavery Act 2015.

**10 PROPOSED SALE OF THE CATTLE MARKET LAND IN SHAFTESBURY**

To receive a verbal update from the Strategic Director.

**11 EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12A to the Local Government Act 1972 (as amended)

**12 PROPOSED SALE OF THE CATTLE MARKET LAND IN SHAFTESBURY 143 - 150**

To seek formal approval to confirm the decision to dispose of surplus land at the Cattle Market, Christy's Lane, Shaftesbury. The land in question comprises that part of the Council's holding that is let to the operator of the market.

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## Report for Cabinet

**23 April 2018**

## Standardisation of the Officer Scheme of Delegation

### FOR RECOMMENDATION TO FULL COUNCIL AND DECISION

#### Portfolio Holder(s)

Cllr Piers Brown

#### Senior Leadership Team Contact:

S Caundle, Assistant Chief Executive

#### Report Author:

Corporate Manager – Legal; Monitoring Officer

#### Statutory Authority

Local Government Act 1972; Local Government Act 2000

#### Purpose of Report

1. To enable consideration of a proposed standardisation of the existing Officer Scheme of Delegations.

#### Recommendations

2. That in so far as they have power so to do members:
  - (a) endorse the principles agreed by the informal member workshop as set out in appendix 1;
  - (b) agree without alteration the adoption of the revised draft officer scheme of delegation as set out in appendix 2 to take effect on 1st June 2018 and otherwise recommend such adoption to Full Council, provided that any such adoption be subject to the draft scheme also being adopted without alteration by the other two Councils of the Dorset Councils Partnership; and
  - (c) delegate to the Monitoring Officer power to make any amendment to the final scheme:
    - (i) that he considers to be of a typographical, procedural or clarifying nature identified during or subsequent to the adoption process and/or to better align any definitions in the proposed officer scheme of delegation with definitions used elsewhere in the Constitution; and /or

- (ii) to reflect any change to any delegation which he considers relates to a planning function that arises out the views of any meeting held before 1<sup>st</sup> July 2018 to allow the planning chairs, vice-chairs and portfolio/brief holders of the Councils of the Dorset Councils Partnership to consider issues relating to such delegation.

## **Reason for Decision**

- 3. To enable the adoption of a standardised Officer Scheme of delegations across the three Councils of the Dorset Councils Partnership provided that all three adopt the same version but to also provide a mechanism to allow for certain amendments that may be identified through the adoption process and/or relating to planning functions.

## **Background and Reason Decision Needed**

- 4. The current officer scheme of delegations used by all three councils of the Dorset Councils Partnership (DCP) is a document that has been created in part by bolting together delegations previously used by each of the sovereign Councils. It therefore contains numerous delegations some of which overlap, some of which are available to just one Council and not others, and some which cover the same issue but which subtly deviate from each other.
- 5. It was originally anticipated that within a year or so of the creation of the Dorset Council Partnership the current Officer scheme would need to be revisited to make it more fit for purpose for a shared service arrangement with a single officer core. The need to progress other transformation work within the DCP and discussions over LGR have delayed any review exercise.
- 6. As a decision regarding LGR has now been taken, the shelf life of any revised Officer Scheme of Delegations will be limited; indeed, in practical terms, there is now simply insufficient time and resource remaining to facilitate a fundamental review of the existing Officer Scheme in advance of the new Council coming into being. The draft now before members is not therefore a fundamental review, but rather primarily seeks to bring together concepts covered by the existing delegations with the aim of producing one single standardised set applicable to all three Councils; however, inevitably in trying to bring together differently worded delegations an element of interpretation has necessarily had to have been applied.
- 7. In effect, at the present moment in time, Members have two options as to how to proceed in relation to the Officer scheme. One, to make do with the current version and the on-going risks associated with that. Two, to adopt a more standardised version that seeks to minimise some of the risks associated with maintaining the current scheme but without undertaking a fundamental review. The proposed draft standardised version is attached at appendix 2.
- 8. In order to secure an understanding of Member wishes as to how to proceed, an informal Member workshop was held, attended by representatives of all Councils of the DCP. Members at that workshop had the time and opportunity to consider and debate a series of principles to inform a decision on whether and how to progress with a revision. The

- principles considered are attached at Appendix 1 and all five principles were universally supported. Equally, the concept of seeking to secure a single combined scheme has also been considered by relevant preliminary committees/groups of each Council who have also all indicated support.
9. The workshop also gave Members the opportunity to consider a few particularly challenging delegation areas including in particular the use of emergency and urgency powers. The approach adopted in the draft scheme was again universally supported.
  10. Copies of the draft scheme now before members was provided to all members of the informal workshop and subsequent initial assessing committees /groups subject to some limited subsequent modifications primarily arising from Officer comments in response to the draft being circulated. It is not believed that any of these changes give rise to any new fundamental principles not previously addressed in whole or part by the proposed revised draft scheme save that a new power has been added to the Head of Community Protection (delegation 12) to help facilitate progressing new arrangements with the Police for the purposes of progressing accreditation schemes in relation to community safety.
  11. Of course, Members do have the absolute right to change any of the proposals identified; however, because of the timelines involved, there is no realistic prospect that any such change could be reviewed and considered by the other Councils in time for adoption by each annual council in May. Accordingly, it should be noted that as a primary purpose behind these proposals is to create a single set of officer delegations across all three Councils, then the new scheme will not take effect unless all three Councils agree to its adoption without alteration. If that does not occur then the existing scheme will remain in place across all three Councils.
  12. Inevitably, it is always possible that as part of a consolidation exercise such as this that drafting errors may be identified. It is therefore proposed to give delegated power to the Monitoring Officer to correct any such issues that may be identified following adoption. The proposed scheme also contains a number of updated definitions. To the extent he considers it necessary the recommendations give power to the Monitoring Officer to align these with overlapping definitions elsewhere in the Constitution. Further, during the member workshop an issue was raised regarding one planning delegation. The same delegation has been referred to subsequently by other members. Rather than hold up the current process it was agreed at the workshop that issues relating to that planning delegation would be considered by relevant planning chairs and vice-chairs at a subsequent meeting. That meeting has not taken place at the time of writing this report; however, the recommendations empower the Monitoring Officer to make any consequential changes to any officer planning delegations that arise from such a meeting or meetings.

## **Implications**

### **Corporate Plan**

13. The delivery of a single standardised Officer Scheme of Delegations would help meet the corporate objective of improving organisational effectiveness.

## **Financial**

13. There are no specific financial costs other than officer time in producing an updated Officer Scheme of Delegations. However, there are financial risks inherent in any delegation which allows an officer to incur expenditure at his/her discretion. This is at its greatest in relation to emergency powers; an issue specifically considered by the Member workshop.

## **Environmental / Economic Development**

14. An Officer scheme that provides a reasonably flexible approach to delegations provides a better opportunity to enable the Council to respond quickly to urgent situations.

## **Risk Management (including Health & Safety)**

15. There are legal risks associated with the format and content of any Officer Scheme of Delegations. From a legal perspective, the more prescriptive and detailed the scheme, the less the risk of issues regarding interpretation and arguments before the courts as to adequacy; however, the greater the risk of it becoming rapidly out of date and the greater the need for increased resource to seek to keep it reasonably up to date. The revised draft seeks to strike an appropriate balance in this respect.
16. Having different delegations between three Councils served by one Officer core creates increased risk of Officer error. The draft scheme reduces to an absolute minimum the existence of any different delegations.
17. There is inevitably a risk with any delegation scheme that an Officer may opt to exercise a delegation contrary to the wishes of members. Nevertheless, because of the sheer volume of decisions made by the Council, operating without any Officer delegations would not be practical. Much like the existing scheme, the proposed scheme focuses most delegations on the first three Officer tiers, including the author of this report.

## **Human Resources**

18. Similar to the existing scheme, the revised draft contains various delegations relating to the management of officers.

## **Consultation and Engagement**

19. An informal member workshop has been held involving members from all three councils of the DCP to enable consideration of various principles and issues relating to the draft scheme. Issues relating to this report have also been considered by various preliminary committees/member consultation groups across the three councils.

## **Appendices**

Appendix 1 – principles considered by informal member workshop



## **Background Papers**

Existing officer scheme of delegations

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 12<sup>th</sup> February 2018

## Appendix 1

### Principles agreed by informal Member workshop

1. Members support a scheme of delegations which strikes a balance between being absolutely prescriptive regarding each power and very high level / minimalist.

Key Issues considered:

- Differing legal risks with different approaches to format of officer scheme;
- Potential benefits of having more flexible scheme in delivering urgent services

2. At this stage members support a scheme that seeks to largely bring together existing delegations into one set applicable to all 3 councils rather than undertake a fundamental review.

Key Issues considered:

- current risks with existing scheme;
- barriers to fundamental review at this stage;

3. Members support an approach which broadly brings together existing delegations applying most flexible where applicable. In doing that Members endorse the position that critical to delivering an effective officer scheme is ensuring a sensible dialogue between members and senior officers which seek to agree “normal” informal approaches to matters going before members notwithstanding what delegations might in principle allow.

Key issues considered;

- legal risk of not having single set of delegations;
- advantages of trialling single scheme in advance of LGR;
- benefit of imbedding robust informal arrangements between officers and members at this stage;

4. Members support the principle of having one single set of delegations applicable to all 3 councils rather than different delegations for each council relating to the same matter.

Key issues considered:

- assessing impact on “sovereignty” as against benefits of single approach across the partnership

5. Overall, members endorse an approach of giving the scheme as drafted a go recognising that if it creates any issues there is always scope to change it and that it has a limited shelf life if LGR proceeds.

Key issues considered:

- perceived issues of progressing current draft scheme without alteration;
- inherent power to adjust scheme at any time to correct any issues;
- barriers to making changes in order to meet adoption by annual council.

## Officer Scheme of Delegation

This section sets out the extent to which power has been delegated to Officers to exercise the functions of the Council over the longer term.

### General Interpretation and definitions

1. Unless the context otherwise requires, and notwithstanding any other definition which may be contained in the Constitution, for the purposes of this Scheme the following terms shall have the meanings as set out below:

(a) "Appropriate Operational Decision" means:

- (i) to make any operational decision that the deciding Officer considers relevant; and/or
- (ii) to undertake all action including for the avoidance of doubt to authorise any Officer that the deciding Officer considers necessary to undertake any such action,

that relates to the performance and/or delivery of the whole or any part of a service and/or function of the Council, and/or for which the Council has any responsibility and/or any delegated management power / delegated power, including for the avoidance of doubt but without prejudice to the generality of the foregoing:

- (iii) the acquisition of any good, supply and/or service;
- (iv) the making of any bid for funding;
- (v) the making of any virement from one budget line within a Business Unit to another budget line of that Business Unit;
- (vi) to determine whether to close any building of the Council / access to any Council land for a period of time; and/or
- (vii) the disposal and/or acquisition of any non property asset,

but excluding power save to the extent that this is expressly provided for within any particular delegation:

- (viii) to authorise expenditure from working balances and/or reserves;
- (ix) to determine any permanent change to any part of the Officer structure;
- (x) to sign any document required to institute legal proceedings;
- (xi) to make the final determination as to whether to dispose of and/or acquire any building and/or land;
- (xii) to determine whether to take, defend and/or settle any legal proceedings; and
- (xiii) to take any action relating to any Employee Matters;

- (b) “Assistant Chief Executive” means the Officer holding the post or performing the functions of the Assistant Chief Executive of the Council, provided that for the avoidance of doubt this includes any person fulfilling the functions of such a post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (c) “Brief Holder” means a Member appointed by Weymouth and Portland Borough Council Management Committee to hold a brief for the Council;
- (d) “Business Unit” means any staffing unit of the Council and/or any similar unit for which the Council has responsibility that performs and/or supports any function and/or service of the Council and/or for which the Council has any responsibility and/or any delegated management power / delegated power;
- (e) “Chief Executive” means the Officer holding the post of Chief Executive and/or performing the statutory functions of the head of paid service of the Council;
- (f) “Constitution” means the constitution of the Council of which this Scheme forms part;
- (g) “Contrary to the Development Plan” means an application that in the opinion of the Head of Planning (Development Management and Building Control) is contrary to the Development Plan when assessed as a whole;
- (h) “Consultation Period” means the period of twenty one (21) calendar days beginning with the date on which in relation to an application, as the case may be, the Council first displays a site notice, or a press advert is first published, or a notification procedure for notifying a Member of an application to which the delegation incorporating this definition relates is commenced (whichever is the earliest);
- (i) “Corporate Manager” means any Officer holding the third tier post of a corporate manager (howsoever named);
- (j) “Council” means the councils of:
  - (i) North Dorset District Council;
  - (ii) West Dorset District Council; and
  - (iii) Weymouth and Portland Borough Council,or to the extent that the context may require any one or more of them;
- (k) “Development Plan” shall have the same meaning as that contained in section 38 Planning and Compulsory Purchase Act 2004;

- (l) “Employee Matters” includes all matters relating to the day to day management of any Officer or other person undertaking any task for or on behalf of the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:
- (i) all action relating to the recruitment, appointment, secondment, discipline and/or dismissal of any such Officer or person;
  - (ii) to determine any term and/or condition of employment and any change to any such term and/or condition but excluding in relation to any Officer power to change any term and/or condition agreed as applicable to every Officer as part of negotiated arrangements with any relevant unions;
  - (iii) to determine any pay allowance and/or expenses to be paid;
  - (iv) to determine whether to re-engage or reinstate any employee;
  - (v) to determine how and the terms to regularise the position of any person on a fixed term contract and bring their terms of employment into line with relevant legislative and regulatory provisions;
  - (vi) to determine all issues relating to contract termination (whether by agreement or otherwise); and
  - (vii) to determine all matters relating to issues of sickness; capability and grievance;
- but excluding power save to the extent that this is expressly provided for within any particular delegation:
- (viii) to authorise expenditure from working balances and/or reserves;
  - (ix) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment; and
  - (x) to determine any change to any part of the Officer structure;
- (m) “Financial Regulations” means the adopted financial regulations including the contract procedure rules of the Council as set out in the Constitution;
- (n) “Food Provisions” shall be construed as including reference to all legislation relating to any function of the Council concerning food, feed and/or drink including for the avoidance of doubt but without prejudice to the generality of the foregoing any such function arising pursuant to any of the following:
- (i) the European Communities Act 1972;
  - (ii) the Food Safety Act 1990;
  - (iii) the General Food Regulations 2004;
  - (iv) the Contaminants in Food (England) Regulations 2009;
  - (v) the Food Safety and Hygiene (England) Regulations 2013;
  - (vi) the Official Feed and Food Controls (England) Regulations 2009;
  - (vii) the Official Controls (Animals, Feed and Food) (England) Regulations 2006;
  - (viii) the Trade in Animals and Related Products Regulations 2011;
  - (ix) European Regulation 178/2002 - Principles of Food Law;
  - (x) European Regulation 852/2004 - General Requirements;

- (xi) European Regulation 853/2004 - Products of Animal Origin;
  - (xii) European Regulation 854/2004 - Official Controls of POAO;
  - (xiii) European Regulation 882/2004 - Official Controls on Compliance;
  - (xiv) European Regulation 669/209 - Control of Imports non-animal origin;
  - (xv) Commission Regulation (EC) No 2073/2005;
  - (xvi) European Regulation 1069/2009 – Animal by-products;
  - (xvii) The Transmissible Spongiform Encephalopathies (England) Regulations 2010;
  - (xviii) European Regulation 206/2009 Personal imports of animal origin;
  - (xix) European Regulation 669/2009 Amendment;
  - (xx) European Regulation 1152/2009 Safeguarding controls concerning aflatoxins;
  - (xxi) The Animal By-Products (Enforcement) (England) Regulations 2011;
  - (xxii) European Regulation 1169/2011 Information to consumers;
  - (xxiii) European Regulation 272/2012 Imposing Special Import Conditions;
  - (xxiv) European Regulation 468/2012 Import of composite products;
  - (xxv) European Regulation 1152/2013 Amending 1152/2009 and 669/2009;
  - (xxvi) The Food Information Regulations 2014; and
  - (xxvii) any regulations, directions and/or orders made pursuant to any of the above;
- (o) “Head of Service” means any Officer holding the third tier post of a head of service (howsoever named);
  - (p) “Identified Member” means a Member elected to any part of the district / borough (as the case may be) of the Council within which an application has been received by the Council and/or any partner of such a Member who is identified in response to a question on an application form accompanying such an application as either making the application and/or as having had it made on behalf of that Member, partner or both of them (as the case may be);
  - (q) “Identified Employee” means an employee of the Council and/or any partner of such an employee, who is identified in response to a question on an application form accompanying an application that is received by the Council as either making the application and/or as having had it made on behalf that employee, partner or both of them (as the case may be);
  - (r) “Inspection” shall be construed so far as the context requires as including reference to undertaking any survey, inspection, investigation and any other activity similar to any of those actions;
  - (s) “Lead Member” means in the case of:
    - (i) North Dorset District Council a Portfolio Holder;
    - (ii) West Dorset District Council a Portfolio Holder; and

- (iii) Weymouth and Portland Borough Council a Brief Holder;
- (t) “Leader” means the Member appointed and/or designated as leader of the Council in accordance with the provisions of the Council’s Constitution;
- (u) “Managers” means the Officers holding any one or more of the posts of a Strategic Director; Assistant Chief Executive; Monitoring Officer; Section 151 Officer, a Head of Service and/or a Corporate Manager;
- (v) “Managing Committee” means in the case of:
  - (i) North Dorset District Council – Cabinet;
  - (ii) West Dorset District Council – Strategy Committee; and
  - (iii) Weymouth and Portland Borough Council – Management Committee;
- (w) “Member” means a person who is an elected councillor of the Council;
- (x) “Monitoring Officer” means the Officer designated as monitoring officer for the purposes of section 5 Local Government and Housing Act 1989 or if absent or unavailable any Officer nominated to act as the monitoring officer’s deputy, provided that for the avoidance of doubt this includes any person fulfilling the functions of such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (y) “Officer” means an employee of the Council or such other person who by way of an appropriate agreement with the Council is intended to perform an officer role and for the avoidance of doubt includes the Officer post for which the employee/person has been engaged;
- (z) “Portfolio Holder” means
  - (i) in the case of North Dorset District Council a Member appointed by the Leader and/or Cabinet to hold a portfolio for the Council; and
  - (ii) in the case of West Dorset District Council a Member appointed by Strategy Committee to hold a portfolio for the Council;
- (aa) “PGN” means any planning guidance note whether formal or informal and howsoever named produced by the Council;
- (bb) “Scheme” means this officer scheme of delegations as set out in the Constitution (as amended from time to time);
- (cc) “Section 151 Officer” means the Officer appointed to have responsibility for the proper administration of the Council’s financial affairs pursuant to section 151 of the Local Government Act 1972, or if absent or unavailable any Officer available to act as a deputy to the Section 151 Officer, provided that for the avoidance of doubt this includes any person fulfilling the functions of such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;

- (dd) “Senior Leadership Team” means the Chief Executive, Assistant Chief Executive, all the Strategic Directors and to the extent that they are not performed by the same persons occupying any of those posts, the Monitoring Officer and the Section 151 Officer;
- (ee) “Senior Member” includes the Leader and any Lead Member;
- (ff) “Significant Development” means an application for:
- (i) a residential development comprising over 10 dwellings or a residential site equal to or in excess of 0.5 hectares; and/or
  - (ii) the erection of a building or more than 10,000 square meters;
- (gg) “Strategic Body” means in the case of:
- (i) North Dorset District Council, Cabinet and/or the Leader;
  - (ii) West Dorset District Council, Strategy Committee; and
  - (iii) Weymouth and Portland Borough Council, Management Committee.
- (hh) “Strategic Director” means any Officer appointed to an officer post of strategic director save in the context of a delegation given to a specifically identified strategic director post in which case it shall be construed as referring to that strategic director post / the Officer occupying that post, provided that for the avoidance of doubt this definition also includes any person fulfilling the functions of any such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (ii) “Town and Country Planning Legislation” shall be construed as including reference to all legislation relating to any function of the Council concerning town and country planning including for the avoidance of doubt but without prejudice to the generality of the foregoing any such function arising pursuant to any of the following:
- (i) the Town and Country Planning Act 1990;
  - (ii) the Planning (Hazardous Substances) Act 1990;
  - (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - (iv) the Planning (Control of Advertisement) Regulations 1992;
  - (v) the Hedgerows Regulations 1997;
  - (vi) the Anti-Social Behaviour Act 2003 (in so far as it relates to high hedges);
  - (vii) the Planning and Compulsory Purchase Act 2004;
  - (viii) Department of the Environmental Circular 18/84;
  - (ix) Planning Act 2008;



- (x) all of the Town and Country Planning (General Permitted Development) (England) Orders including for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Orders of 2015;
  - (xi) all of the Town and Country Planning (Development Management Procedure) (England) Orders including for the avoidance of doubt the Town and Country Planning (Development Management Procedure) (England) Orders of 2015;
  - (xii) the Town and Country Planning Act 1971;
  - (xiii) all the Housing and Planning Acts; and
  - (xiv) any regulations, directions and/or other orders made pursuant to any of the above.
- (jj) “undertake all action” includes, without prejudice to the generality of the term, as necessary:
- (i) the undertaking of any Inspection and/or examination;
  - (ii) to enter land, any premises and/or vehicle for the purposes of exercising any service and/or function;
  - (iii) the giving of authority including in relation to determining and authorising the attendance of any person whether an Officer or otherwise;
  - (iv) the preparation, signing, issuing and/or serving of any document (including any notice, license, order, permission, permit, consent, approval, registration and/or certificate);
  - (v) the making of any determination including for the avoidance of doubt a decision to approve, cancel, confirm, grant, make, modify, review, refuse, renew, replace, revoke, suspend, transfer, vary and/or withdraw any such documentation as referred to above together with the determination of any condition, obligation, limitation, restriction and/ or requirement considered necessary in respect thereof;
  - (vi) conducting any review and/or appeal and/or any assessment of a similar nature;
  - (vii) the exercise of any relevant power relating to analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, purchasing, retention, sampling and/or seizure;
  - (viii) the recording of information through whatever medium including photographic and/or digitally;
  - (ix) the managing of any assessment process including without prejudice to the generality of that term the determination of the appropriate assessment to use and the scoring of any such assessment; and
  - (x) the exercise of any decision and/or discretion regarding determining the level of and/or whether to recover any cost incurred in relation to any action; and
- (kk) “Written Material Representation” means a representation received by the Council that is in writing and in the opinion of the Head of Planning (Development Management and Building Control) contains one or more planning considerations of material planning relevance to the application to which it relates.

2. This Scheme supersedes and replaces all previous schemes of delegation but for the avoidance of doubt does not invalidate any action taken pursuant to or for the purposes of any previous scheme of delegation.
3. Unless the context otherwise requires, reference in the Scheme to the singular shall include the plural and vice versa and reference to the masculine shall include the feminine and vice versa.
4. For the avoidance of doubt, nothing in this Scheme shall prevent:
- (a) the exercise of any power identified in this Scheme by any committee, body or Member (as the case may be) where it / s/he has also has been given such power by the Council and/or via legislation (further details of which can be found in this Constitution); however, for the avoidance of doubt, unless expressly provided for elsewhere in this Constitution or legislation otherwise expressly provides, any such exercise of power by such committee, body or Member will not invalidate any decision already taken; or
  - (b) an Officer opting not to exercise a power delegated / nominated to him/her pursuant to this Scheme.
5. Any Officer may nominate any other Officer(s) to exercise on his/her behalf any power that s/he may exercise pursuant to this Scheme (and for the avoidance of doubt reference to power includes any requirement to having to consult with that Officer).
- (a) Any Officer may nominate any other Officer(s) to exercise on his/her behalf any power that s/he may exercise pursuant to this Scheme (and for the avoidance of doubt reference to power includes any requirement to having to consult with that Officer).
  - (b) Any nomination may be cancelled in writing at any time and may in any event be subject to any condition or other restriction as specified in the nomination.
  - (c) Any nomination or cancellation (as the case may be) will unless otherwise expressly stated, take effect on the date when the nomination or cancellation is made.
  - (d) Details of any nomination or cancelation of a nomination should normally be registered with the Monitoring Officer within seven (7) working days of the nomination or cancellation being made; provided for the avoidance of doubt, that failure to provide such registration will not be deemed to negate the application or that nomination or cancellation (as the case may be).
  - (e) For the avoidance of doubt, where an Officer nominates any other Officer to exercise any of his/her powers, the Officer making the nomination retains the capacity to exercise any power so nominated.
6. Unless otherwise expressly provided, references in this Scheme to any specific legislation or any other document issued by or on behalf of the UK central government (or any European body with power to issue documentation which is binding upon the Council), including without prejudice to the generality of the foregoing regulations, orders, directions, directives, circulars, guidance and statements, shall be deemed to include:

- (a) any other legislation or other document of such nature made pursuant to it;
- (b) any existing or future amendment to such legislation or other document; and
- (c) any re-enactment or replacement (as the case may be) to such legislation or other document with or without modification,

provided for the avoidance of doubt, that where reference is made in the Scheme to an exercise of a power under specific legislation or other document, then that delegation shall continue to apply where the legislation or document is modified, replaced or re-enacted.

7. For the avoidance of doubt:

- (a) where an Officer is delegated a power in this Scheme which in any way overlaps, conflicts with or duplicates any other delegation contained in this Scheme (whether delegated to the same or a different Officer) then each such delegation shall be read as separate from the other and each delegation can therefore be exercised independently of any other delegation and in accordance with that delegation's own individual terms, free from any limitation, condition or other restriction or requirement that might apply to the alternative delegation; and
- (b) notwithstanding any other provision set out in any part of this Constitution in the event of any confusion or conflict between any delegation the principle set out in (a) above for the purposes of interpretation and application shall be given priority.

8. In the event of any apparent conflict or confusion regarding the interpretation of any part of this Scheme including the application of any definition then both the Assistant Chief Executive and the Corporate Manager – Legal independently of each other have the power at his/her absolute discretion to determine the appropriate resolution to any such conflict, confusion or application (as the case may be).

9. For the avoidance of doubt, unless there is express identification to the contrary, the provisions set out in this Scheme apply to each Council, in the case of the exercise of powers by Weymouth and Portland Borough Council apply to all the services/ functions that have been delegated to it by North Dorset District Council and West Dorset District Council and also apply to any similar arrangements entered into between any of the Councils as may be the case from time to time.

10. For the avoidance of doubt, where a power in this Scheme is delegated to more than one Officer, then all Officers to whom that power is delegated shall be able to exercise that power independently of each other.

11. In addition to any specific power of an Officer identified in this Scheme the Financial Regulations also identifies various powers and duties of Officers. Where such additional powers and duties are identified then for the purposes of the Constitution they shall be interpreted as being included in and forming part of this Scheme. As with all the other powers and duties identified in the Constitution these powers and duties are exercisable independent of any other powers or duties unless the Constitution otherwise expressly provides.

12. For the avoidance of doubt, reference in any delegation to:

- (a) the need for consultation with and/or approval of any Officer shall be deemed to include any other Officer:
  - (i) nominated to exercise all of the powers of that Officer and/or those consultation powers on behalf of the Officer;
  - (ii) acting on behalf of that Officer whether formally so nominated or otherwise who forms part of a unit for which the named Officer has whole or partial management responsibility and who normally supplies professional advice and assistance to the unit seeking such consultation; and/or
  - (iii) with management responsibility for that Officer,

and in the event of all other relevant Officers being unavailable or absent any Officer forming part of the Senior Leadership Team,

provided that this provision may in whole and/or part be expressly excluded from applying by the nominating Officer giving notice in writing to the Monitoring Officer which has not been withdrawn;

- (b) the need for consultation with a chairman of any body shall if that person is unavailable, absent and/or the post is vacant be deemed to include the vice-chairman of that body and/or if also unavailable, absent and/or the post is vacant any other Member appointed to that body;
- (c) any decision being within or not exceeding any budget and/or overall budget shall be construed as meaning any such budget taking account of any relevant virement (whether made pursuant to this Scheme or otherwise), saving and/or income; and
- (d) any relevant policy, plan, procedure and/or strategy of the Council means any extant (at the time when the delegated power is being exercised) policy, plan, procedure and/or strategy of the Council as may have been amended at any time and from time to time (as the case may be) but does not therefore include any superseded, expired, out of date, withdrawn or draft of any such document.

13. Where in relation to any specific Officer / Officer post referred to in this Scheme:

- (a) the Officer post for which that Officer has been engaged ceases to exist;
- (b) has its title changed; and/or
- (c) the Officer ceases to be employed / engaged by the Council,

then pending any relevant revision to the Scheme, reference in the Scheme to that Officer shall in relation to the delegations attributable to that Officer be construed as referring to the Officer(s) that for the time being take on the responsibilities of that Officer.

14. For the avoidance of doubt, nothing contained in this Scheme purports to delegate a power that is not available to the Council and/or that cannot lawfully be delegated to an Officer and accordingly every delegation howsoever worded should be read as only applying to the extent that the Council has the relevant power and the law allows such a delegation to be given; in the case of doubt legal advice should always be sought.

## DELEGATIONS

### 15. Delegations to all Officers

Ref	Delegation	If the delegation is not applicable to all the Councils
1 Page 21	To act as a witness: (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or (c) in any other circumstance with the prior written approval of the Monitoring Officer or the Corporate Manager – Legal.	
2.	To undertake all action relevant to that Officer that is required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that Officer.	
3.	To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution.	

### 16. Delegations to the Chief Executive

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>In any situation that s/he considers to be an emergency to take any Appropriate Operational Decision including power:</p> <ul style="list-style-type: none"> <li>(a) to incur expenditure from working balances and /or reserves and/or to acquire;</li> <li>(b) to determine whether to take, defend and/or settle any legal proceedings; and/or</li> <li>(c) to make a final determination as to whether to acquire and/or dispose of any building and/or land;</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(d) to the extent that s/he considers it appropriate and feasible so to do and solely to the extent that any decision would incur expenditure from working balances and/or reserves there is consultation with the Section 151 Officer; and</li> <li>(e) following the taking of any such emergency action the matter is notified as soon as reasonably practicable thereafter to a Senior Member and /or a Strategic Body.</li> </ul>	
Page 22	<p>To take any Appropriate Operational Decision including power to incur expenditure from working balances and/or reserves provided that;</p> <ul style="list-style-type: none"> <li>(a) it will not result in any overall Business Unit budget of the Council being exceeded unless: <ul style="list-style-type: none"> <li>(i) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and</li> <li>(ii) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes, and</li> </ul> </li> <li>(b) solely to the extent that s/he considers it appropriate and feasible so to do to there is prior consultation with any Officer forming part of the Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any).</li> </ul>	

3.	<p>To undertake all action relating to any Employee Matters including power:</p> <ul style="list-style-type: none"> <li>(a) to incur expenditure from working balances and/or reserves;</li> <li>(b) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment;</li> <li>(c) to determine whether to engage any person on a temporary contract of employment; and/or</li> <li>(d) to nominate any other Officer for any purpose relating to appointment, disciplining and/or dismissal,</li> </ul> <p>but subject to the following:</p> <ul style="list-style-type: none"> <li>(e) except where s/he considers that the action is urgent and it is not feasible so to do to prior consultation: <ul style="list-style-type: none"> <li>(i) with the Corporate Manager – Human Resources and Organisational Development relating to any proposed settlement agreement concerning any cessation of employment;</li> <li>(ii) with the Monitoring Officer and the Corporate Manager – Human Resources and Organisational Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health;</li> <li>(iii) with the Monitoring Officer, the Corporate Manager – Human Resources and Organisational Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health;</li> </ul> </li> <li>(e) except where s/he considers that the action is urgent and it is not feasible so to do any action being in accordance with any relevant Council policy and procedure; and</li> <li>(f) the approval of the Section 151 Officer solely to the extent that any action would result in expenditure from working balances and/or reserves.</li> </ul>	
4.	<p>To determine any change to the whole or any part of the employee / Officer establishment / structure of the Council (including regrading and/or the size of the overall establishment) including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with the Section 151 Officer.</p>	
5.	<p>In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit of the Council including management of all related budgets provided that this does not include power to incur expenditure from working balances and/or reserves.</p>	

6.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Monitoring Officer and/or the Section 151 Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing and/or expenditure from working balances and /or reserves then subject to the prior approval of the Section 151 Officer.	
7.	To carry out all the statutory duties of the head of paid service.	
8.	To undertake all action that s/he considers necessary to secure the effective delivery of any issue relating to Council's emergency planning function provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.	
9.	To undertake all action to ensure compliance with all health and safety legislation relevant to the Council provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine to close any office of the Council for any period of time.	
10.	To exercise the delegated power of any Officer and/or group of Officers (whether set out in this Scheme or otherwise) provided that this does not include exercising the statutory powers of the Monitoring Officer and the Section 151 Officer.	
11.	To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting.	
12.	To sign any Council document not otherwise covered by this Scheme.	
13.	<p>To resolve a complaint, including the approval of compensation in respect of:</p> <ul style="list-style-type: none"> <li>(a) any complaint made through the Council's complaint procedure; and/or</li> <li>(b) any finding of maladministration by the Local Government Ombudsman,</li> </ul> <p>provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.</p>	
14.	(a) Subject to prior consultation with:	



	<ul style="list-style-type: none"> <li>(i) the Leader or if unavailable / absent or no such appointment exists then such Lead Member as the Chief Executive considers appropriate;</li> <li>(ii) the Section 151 Officer;</li> <li>(iii) the Lead Member whose portfolio / brief includes finance and assets unless unavailable / absent or no member has been appointed such a portfolio/brief; and</li> <li>(iv) any such other Member as s/he considers appropriate (if any), to make all decisions s/he considers necessary or expedient to acquire land and/or property on behalf of the Council so long as there are funds available from a budget within the control of a Strategic Body.</li> </ul> <p>(b) In the event of the above power being exercised, the decision shall be reported as soon as reasonably practicable thereafter to the Strategic Body that the Chief Executive considers most appropriate.</p>	
15.	To determine the content and be responsible for any publication scheme (including determining any charges in relation to the same) relevant to freedom of information and/or data protection legislation.	
16.	To undertake all action in connection with the arrangement of civic and ceremonial functions.	
17.	<p>To the extent it is not otherwise covered by this Scheme or any other part of the Constitution to be the proper officer and the person authorised to carry out any function or action (other than where such authorisation is a particular named category of Officer) detailed in:</p> <ul style="list-style-type: none"> <li>(a) any regulations relating to referendums, petitions and/or directions;</li> <li>(b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers;</li> <li>(c) any other legislative provision; and/or</li> <li>(d) the Constitution not otherwise specifically delegated to another Officer,</li> </ul> <p>including for the avoidance of doubt and in so far as the law allows to have power to appoint or nominate (as the case may be) any other Officer to so act.</p>	
18.	Subject to prior consultation with at least one Senior Member as s/he considers appropriate to determine whether to close any of the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period.	
19.	<p>To determine whether to grant a dispensation:</p> <ul style="list-style-type: none"> <li>(a) under the Localism Act 2011 and/or any Member code of conduct adopted by the Council; and/or</li> <li>(b) in relation to any actual or perceived conflict of interest.</li> </ul>	

20.	To consider and determine whether to proceed with an investigation in relation to any complaint against a Member and/or any town /parish councillor.	
21.	To consider and undertake all action in relation to any investigation relating to a complaint against a Member and/or a town/parish councillor, including determining (but without prejudice to the generality of the foregoing):  (a) the extent and nature of any initial information gathering; (b) whether to proceed with a formal investigation; (c) the format that any investigation should take; (d) who should undertake any initial information gathering / investigation; (e) the consultation to undertake in relation to any investigation; (f) whether there has been any breach of any Council policy; (g) whether to adopt any different process to that normally followed; and/or (h) the appropriate action to take in relation to the outcome of any investigation / determination that a breach exists.	
22.	To approve Member attendance at any conference and the payment of any expense / allowance in accordance with the adopted scheme of member allowances as set out in the Constitution.	

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## 17. Delegations to every Officer who forms part of the Senior Leadership Team

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	In any situation that s/he considers to be urgent to take any Appropriate Operational Decision including power:  (a) to incur expenditure from working balances and /or reserves; and/or	

	<p>(b) to determine whether to take, defend and/or settle any legal proceedings, but subject in both cases to the following:</p> <p>(c) to prior consultation with the Monitoring Officer;</p> <p>(d) to the extent that s/he considers it appropriate and feasible so to do:</p> <p>(i) to prior consultation with any other Officer forming part of Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any); and</p> <p>(ii) to any decision being in accordance with any relevant Council policy and procedure; and</p> <p>(e) solely to the extent that any decision would incur expenditure from working balances and/or reserves to the prior approval of the Section 151 Officer.</p>	
2.	<p>To attest the Council seal, provided that in the case of the Assistant Chief Executive and any Strategic Director this power is only available in the absence / unavailability of all of:</p> <p>(a) the Chief Executive;</p> <p>(b) the Monitoring Officer; and</p> <p>(c) the Corporate Manager – Legal.</p>	
3.	<p>To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.</p>	
4.	<p>To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part for whatever purpose.</p>	
5.	<p>To determine any review / appeal arising in connection with the Council's powers and duties in relation to assets of community value pursuant to the Localism Act 2011.</p>	
6.	<p>To undertake all action in relation to any blight notice including without prejudice to the generality of the foregoing power to:</p> <p>(a) determine whether to issue a counter notice; and/or</p> <p>(b) incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.</p>	

7.	<p>To undertake all action in connection with the receipt of any expression of interest arising in relation to the community right to challenge pursuant to the Localism Act 2011, such power to include without prejudice to the generality of the foregoing, power to receive and validate any such expression of interest, provided that:</p> <p>(a) in relation to the making of an actual decision as to whether to accept or reject an expression of interest there has been prior consultation with such Members as s/he considers appropriate; and</p> <p>(b) within three months of a receipt of an expression of interest s/he reports to such appropriate body as s/he considers appropriate on the interest received.</p>	
8.	<p>To undertake all action in connection with the entering into of an agreement with any voluntary agency, charity or public sector organisation in circumstances where the Council has or is proposing to offer financial and/or other assistance to that body provided that no such agreement shall commit the Council to the utilisation of any resources that not been authorised for such a purpose (whether pursuant to this Scheme or otherwise) and s/he is satisfied that there is relevant insurance provision is in place (if any)</p>	
9.	<p>To undertake all action in connection with any request for radio, television and/or other coverage or recording of any meeting of the Council.</p>	
10.	<p>To determine whether to write off any debt of up to £10,000 or such higher sum as may be identified in the Financial Regulations subject to the prior approval of the Section 151 Officer.</p>	
11.	<p>To authorise any Officer and/or any other person that s/he considers appropriate:</p> <p>(a) to carry out any Inspection and/or examination;</p> <p>(b) to carry out such further action arising during and/or out of any Inspection and/or examination as may be considered expedient by the person carrying out the Inspection and/or examination (including without prejudice to the generality of the foregoing the exercise of any relevant powers of analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, measurement, purchasing, sampling, seizure and/or, testing;</p> <p>(c) to exercise any power of entry available to the Council;</p> <p>(d) to issue any document relating to any such Inspection and/or examination including for the avoidance of doubt any notice (including any fixed penalty notice);</p> <p>(e) to serve any document;</p> <p>(f) to undertake any work in default and/or the supervision/management of the same;</p>	

	<p>(g) to undertake any enforcement activity; and/or</p> <p>(h) to seek a warrant;</p> <p>provided that in all cases:</p> <p>(i) the appointment / authorisation relates wholly or partly to any service and/or function for which s/he has any responsibility and/or any delegated management power; and</p> <p>(j) s/he reasonably believes that any cost associated with any such authorisation can be met from within a relevant existing budget and/or the prior approval of the Section 151 Officer is obtained.</p>	
12.	To authorise the issue of and/or sign the identify card of any Officer.	
13.	In consultation with the Monitoring Officer and/or the Corporate Manager – Legal to agree to the taking, defending and/or settling of any legal action.	
14.	To undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.	North Dorset District Council only

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<b>Delegations to the Assistant Chief Executive and each of the Strategic Directors</b>		
<b>Ref</b>	<b>Delegation</b>	<b>If the delegation is not applicable to all the Councils</b>
1.	<p>To take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and/or reserves; and/or</p> <p>(b) to determine whether to take, defend and/or settle any legal proceedings;</p> <p>provided that:</p> <p>(a) it will not result in any overall Business Unit budget of the Council being exceeded unless:</p>	

	<ul style="list-style-type: none"> <li>(i) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes; and</li> <li>(ii) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and</li> <li>(c) solely to the extent that any decision would result in expenditure from reserves to prior consultation with a Senior Member;</li> <li>(d) solely to the extent that it involves a determination whether to take, defend and/or settle any legal proceedings to consultation with the Corporate Manager – Legal and/or the Monitoring Officer;</li> <li>(e) subject as provided for in this delegation any decision is in accordance with any relevant Council policy and procedure; and</li> <li>(f) to the extent that s/he considers it feasible so to do to prior consultation with any Officer forming part of Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any).</li> </ul>	
Page 30	<p>To undertake all action relating to any Employee Matters including power:</p> <ul style="list-style-type: none"> <li>(a) to incur expenditure from working balances and/or reserves;</li> <li>(b) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment, and/or</li> <li>(c) to determine whether to engage any person on a temporary contract of employment;</li> </ul> <p>but subject to the following:</p> <ul style="list-style-type: none"> <li>(d) solely in relation to the appointment, disciplining and/or dismissal of any Officer and only to the extent that the law requires having been nominated by the Chief Executive for such purposes;</li> <li>(e) except where s/he considers that the action is urgent and it is not feasible so to do to prior consultation: <ul style="list-style-type: none"> <li>(i) with the Corporate Manager – Human Resources and Organisational Development relating to any proposed settlement agreement concerning any cessation of employment;</li> <li>(ii) with the Monitoring Officer and the Corporate Manager – Human Resources and Organisational Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health;</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>(iii) with the Monitoring Officer, the Corporate Manager – Human Resources and Organisational Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health; and</li> <li>(f) except where s/he considers that the action is urgent and it is not feasible so to do any action being in accordance with any relevant Council policy and procedure; and</li> <li>(g) solely to the extent that the exercise of this delegation would result in expenditure from working balances and/or reserves: <ul style="list-style-type: none"> <li>(i) the Section 151 Officer being of the opinion that any expenditure resulting in any Business Unit budget being exceeded can be met from working balances and/or any likely underspend elsewhere within the Council; and</li> <li>(ii) the prior approval of the Section 151 Officer.</li> </ul> </li> </ul>	
3.	In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit of the Council for which s/he has responsibility including management of all related budgets but excluding power to exceed the overall Business Unit budgets for which s/he is responsible.	
Page 31	<p>To exercise any delegated power of:</p> <ul style="list-style-type: none"> <li>(a) the Chief Executive; and/or</li> <li>(b) any other Officer,</li> </ul> <p>provided that:</p> <ul style="list-style-type: none"> <li>(c) with regard to any delegated power of the Chief Executive this only applies where the Chief Executive is absent, unavailable or the post is vacant; and</li> <li>(d) this delegation does not extend to the statutory powers of the Monitoring Officer or the Section 151 Officer.</li> </ul>	
5.	Subject to prior consultation with the Corporate Manager – Legal, to settle any claim or potential claim made by or against the Council in a sum not exceeding £20,000 or such higher amount as may be provided for in the Financial Regulations provided that for the avoidance of doubt this includes power to authorise expenditure from working balances and/or reserves subject solely in relation to any such expenditure to the prior approval of the Section 151 Officer.	

6.	To resolve how to deal with a complaint, including the approval of compensation, that is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in the overall budgets for which s/he has responsibility (whether direct or indirect) being exceeded.	
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**19. Delegations to the Assistant Chief Executive**

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To act as a person specified as a scheme employer under any relevant Local Government Pension Scheme legislation to consider disputes and first instance decisions on pension matters	
2.	To exercise all formal discretions relating to the local government pension scheme in consultation with any pensions administration authority.	
3.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Monitoring Officer and/or the Section 151 Officer.	

**20. Delegations to the Strategic Director with responsibility for the finance unit**

Ref	Delegation	If the delegation is not applicable to all the Councils



1.	To act, make all determinations and sign proxies on behalf the Council in respect of bankruptcies, liquidations and/or receiverships.	
2.	To authorise and make any payment to any parish and/or town council who provide support to customers in relation to any Council matter.	

## 21. Delegations to Strategic Director(s) with responsibility for development management and/or planning policy and/or environmental health

Ref	Delegation	If the delegation is not applicable to all the Councils
P Page 33	To undertake all action relating to whether to make and the making of any application pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing any application for planning permission, listed building consent or any other application that s/he considers to be of a similar nature.	
2.	To exercise all powers of the Council under section 23 Local Government (Miscellaneous Provisions) Act 1976.	
3.	Subject so far as s/he considers it feasible and practicable to prior consultation with the Corporate Manager – Legal to authorise: <ul style="list-style-type: none"> <li>(a) the service of directions under section 77 Criminal Justice and Public Order Act 1994 on any person residing on land in vehicles to leave the land; and</li> <li>(b) the removal of any vehicle from such land.</li> </ul>	
4.	To review and determine in relation to any high hedges legislation: <ul style="list-style-type: none"> <li>(a) the process for dealing with any complaint; and</li> </ul>	

	(b) any fee to be charged.	
5.	<p>To determine whether to delegate authority to a neighbouring planning authority the ability to determine an application submitted pursuant to any of the Town and Country Planning Legislation that crosses an administrative boundary subject to prior consultation with:</p> <p>(a) the chairman of the Council's Planning Committee or if unavailable, absent or there is none the vice-chairman of Planning Committee or if also unavailable, absent or there is none then any Senior Member; and</p> <p>(b) any ward Member whose ward includes any part of the application site.</p>	
6.	To undertake all action relating to the allocation and distribution of funding (including for the avoidance of doubt the authorising of payment) secured in connection with any permission (including any related planning obligation or CIL payment), consent or other approval granted pursuant to any Town and Country Planning Legislation subject to the same being in accordance with any strategy and/or policy adopted by the Council for such purposes.	
7. Page 34	<p>To determine and amend at any time the distribution of any contribution received by the Council pursuant to any PGN including in particular but without prejudice to the generality of the foregoing power to determine:</p> <p>(a) the specific project(s) identified within the PGN (whether an updated PGN or any previous or future amended PGN) to which any contribution shall be applied / expended;</p> <p>(b) the total contribution amount to be spent in respect of any such project;</p> <p>(c) the amount of contribution to any such project to be taken from any payment received;</p> <p>(d) the actual project(s) any payment received should contribute towards; and/or</p> <p>(e) whether or not to require an (and the extent of any) indemnity in relation to any expenditure of PGN monies provided that in the exercise of this power it shall be subject to consultation with such members as s/he considers appropriate.</p>	
8.	<p>To consider and determine any neighbourhood forum area where:</p> <p>(a) no other competing application has been received;</p> <p>(b) it is set up for the express purpose of promoting or improving the social, economic and/or environmental well-being of the neighbourhood;</p> <p>(c) the neighbourhood area to which the application relates has been agreed by or on behalf of the Council and it relates to an area where there is no town or parish council;</p>	

	<p>(d) its membership includes a minimum of twenty one (21) individuals each of whom lives or works in the district or is an elected member of the Council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories;</p> <p>(e) its membership is drawn from different places in the neighbourhood area and in the opinion of s/he represents a good cross-section of the community as a whole;</p> <p>(f) it has a written Constitution agreed by the Corporate Manager – Legal; and</p> <p>(g) in his/her opinion there are no significant issues raised as a result of the consultation,</p> <p>provided that no final determination of any such area is made without prior consultation with any ward Member who area includes the whole and/or part of the proposed area.</p>	
9.	<p>To undertake all action in connection with the allocation of any capital programme grant for any social/affordable housing purpose, provided that:</p> <p>(a) such power does not extend to approving any grant in excess of the budget available for such purposes;</p> <p>(b) the determination is in accordance with any relevant Council plan and/or strategy relevant to the grant;</p> <p>(c) prior to any determination to award a grant, there is consultation with the Head of Financial Services; and</p> <p>(d) in any financial year that a determination is made to award a grant, prior to the end of that financial year a report is taken to such a body as s/he considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or has yet to be paid during that financial year.</p>	
10.	<p>To consider and determine whether or not to support a bid by a Registered Social Landlord for social housing investment programme funding provided that such a determination will not in itself result in the Council having to commit any resource as a consequence of the outcome of any such bid.</p>	
11.	<p>To undertake all action in connection with the management and implementation of procedures for the sale / re-sale of low cost market housing including, but without prejudice to the generality of the foregoing, determining whether a person is eligible for consideration for the provision of a low cost home.</p>	

**22. Delegations to the Strategic Director(s) with responsibility for parking and/or property**

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To determine whether to grant free parking to any honorary towns person to the extent that such free parking is permitted pursuant to any parking order adopted by the Council.	
2.	Subject to prior consultation with the Leader and such Lead Member as s/he considers appropriate to consider and determine all issues relating to a request for the provision of any war memorial including for the avoidance of doubt but without prejudice to the generality of the foregoing, its siting, content and relevance provided that to the extent this includes arrangements for future maintenance then subject solely in relation to any future maintenance costs to prior consultation with the Section 151 Officer.	

**23. Delegations to the Monitoring Officer**

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Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action relating to the investigation, reporting and determination of any complaint against a Member and/or any parish and/or town councillor including without prejudice to the generality of the foregoing power to determine:</p> <ul style="list-style-type: none"> <li>(a) the extent and nature of any initial information gathering;</li> <li>(b) whether to proceed with a formal investigation;</li> <li>(c) who should undertake any initial information gathering / investigation;</li> <li>(d) the format that any investigation should take;</li> <li>(e) any consultation to undertake in relation to any investigation; and/or</li> <li>(f) whether to adopt any different process to that normally followed.</li> </ul>	

2.	To determine such changes to the Constitution as s/he considers necessary and/or expedient provided that it is for such purpose and accords with such consultation as is set out in the Article of the Constitution relating to Review and Revision to the Constitution (if any).	
3.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Chief Executive and/or Section 151 Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with a Senior Member.	
4.	<p>To:</p> <ul style="list-style-type: none"> <li>(a) undertake all action s/he considers appropriate to give effect to any decision taken by or on behalf of the Council (including a decision made pursuant to a delegation in this Scheme),</li> <li>(b) commence, defend, settle or take part in any legal proceedings in any case where such action is necessary to give effect to any decision of the Council and/or or in any case where he/she considers that such action is necessary to protect the Council's interests;</li> <li>(c) sign and/or authorise the service of any legal document including any notice and/or contract;</li> <li>(d) to instruct any legal representative (including counsel) and any other experts in relation to any legal proceeding, public inquiry and/or other matter involving the Council or any other person / body on whose behalf the Council is acting; and/or</li> <li>(e) to enter any representation including for the avoidance of doubt any objection to any proposal affecting the Council or any resident within the Council's district.</li> </ul>	
5.	To attest the Council seal.	

**24. Delegations to the Section 151 Officer**

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To determine all matters relating to whether to enter into and the terms of any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Chief Executive and/or Monitoring Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with a Senior Member.	
2.	<p>To authorise the overspend of any approved Business Unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) in any one instance (including the use of expenditure from reserves or working balances if necessary for such purpose) provided that:</p> <p>(a) the same is reported as soon as reasonably practicable to the next available meeting of such Member(s) and/or body as s/he considers appropriate; and</p> <p>(b) the total amount of any approved overspend across the Council pursuant to this delegation does not exceed £150,000 in any one financial year without there having been prior consultation with a Lead Member responsible for finance and/or such other Member(s) as s/he considers appropriate.</p>	
3.	To determine whether to waive any provision within the Financial Regulations in any circumstance that in his/her opinion is sufficiently urgent to justify such a waiver provided that a written record is kept of such a decision.	
4.	To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with a Senior Member with responsibility for finance.	
5.	Subject to prior consultation with a Senior Member with responsibility for finance, to approve any virement within the capital programme of up to £10,000 in any one transaction or any higher sum as may be provided for in the Financial Regulations.	
6.	To consider and make any recommendation in respect of the strategic and annual audit plans.	
7.	<p>For the purposes of any data protection legislation / directives to undertake all action:</p> <p>(a) in connection with any variation application;</p>	

	<p>(b) regarding the setting and/or waiver of any inspection charges; and</p> <p>(c) in connection with any issue relating to security standards and procedures including the managing and/or deletion of any information held on any computer storage system holding data of the Council.</p>	
8.	To determine and undertake all calculations necessary for the purposes of determining the council tax base for the Council for any year.	
9.	<p>To:</p> <p>(a) determine and undertake all calculations necessary to determine any amounts which a Secretary of State requires to be notified to him in relation to non-domestic rating income;</p> <p>(b) determine and undertake all calculations necessary to determine any other amounts which s/he at his absolute discretion considers to be related to any such requirements of any Secretary of State as are identified in (a) above which for the avoidance of doubt but without prejudice to the generality of the foregoing includes the amount of authorities' shares calculated for purposes related to shale oil and gas; and/or</p> <p>(c) complete any related form and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.</p>	
10	To authorise any virement to facilitate the outcome of any consultation with and /or decision by him/her pursuant to any delegation in this Scheme provided that s/he considers that any such virement is not financially imprudent having regard to the Council's overall financial circumstances or there are exceptional circumstances which warrant such action.	
11	<p>To authorise any virement:</p> <p>(a) between any one or more budget lines within the same Business Unit;</p> <p>(b) between any one or more budget lines (excluding reserves) of different Business Units of up to £30,000 in any one transaction; and/or</p> <p>(c) subject to consultation with a Lead Member with financial responsibilities and only where s/he considers it urgent from reserves of up to £10,000 in any one transaction.</p>	
12.	<p>To:</p> <p>(a) act as a co-signatory for any cheque drawn on the Council's accounts; and/or</p> <p>(b) sign any amendment to any cheque drawn on the Council's accounts.</p>	

13.	To determine whether to write off any debt provided that it is in accordance with any relevant provisions in the Financial Regulations.	
14.	To undertake all action in respect of arranging insurance cover for any Member and/or Officer for the purpose of any indemnity provided by the Council to any such Member and/or Officer together with insurance to protect the Council against any liabilities provided that s/he considers any such arrangement to be financially prudent.	

## 25. Delegations to any Manager whilst acting in the capacity as an on-call emergency officer

Ref	Delegation	If the delegation is not applicable to all the Councils
Page 40	<p>In any situation that s/he considers to be an emergency to take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and /or reserves; and/or</p> <p>(b) to undertake all action relating to any Employee Matters,</p> <p>provided that in any case where the exercise of this power results in the incurring of expenditure from working balances and/or reserves the matter is referred within a reasonably practicable time thereafter to a Senior Member.</p>	

## 26. Delegations to each of the Chief Executive and the Managers

Ref	Delegation	If the delegation is not applicable to all the Councils



<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 41</p>	<p>1. To appoint /authorise any Officer and any other person undertaking any task for or on behalf of the Council to be:</p> <ul style="list-style-type: none"> <li>(a) an inspector;</li> <li>(b) an authorised officer; and/or</li> <li>(c) an enforcement officer,</li> </ul> <p>including power to authorise any such Officer /person to undertake all action relevant to the performance of such a role in relation to any service and/or function of the Council including in particular but without prejudice to the generality of the foregoing any service / function of the Council arising in connection with:</p> <ul style="list-style-type: none"> <li>(d) the Health and Safety at Work etc Act 1974;</li> <li>(e) the European Communities Act 1972 and any provisions made thereunder;</li> <li>(f) the Licensing Act 2003;</li> <li>(g) the Gambling Act 2005;</li> <li>(h) the Public Health (Control of Disease) Act 1984;</li> <li>(i) any of the Food Provisions; and</li> <li>(j) any of the Town and Country Planning Legislation,</li> </ul> <p>provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power.</p>	
<p>2.</p>	<p>To authorise and sign any identity card on behalf of any Officer (including any inspector, authorised officer and/or enforcement officer) and/or any other person undertaking work for or on behalf of the Council as s/he considers may be necessary for the proper performance of that person's duties provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power.</p>	
<p>3.</p>	<p>To undertake all action in connection with the entering into of any contract/agreement for works, services and/ or supplies for the purpose of facilitating in whole or part the provision of any service and/or function for which s/he has any responsibility and/or any delegated management power including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any terms relating to the same,</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(b) any expenditure incurred can be met from a relevant budget available for such a purpose; and</li> </ul>	

	(c) the process relating to the same accords with the Contract Procedure Rules.	
4.	To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject: (a) to prior consultation with such Lead Member as s/he considers appropriate; and (b) to the extent that s/he considers it appropriate to prior consultation with an Overview and Scrutiny Committee.	
5.	To sign any document including any contract on behalf of the Council save those required to commence legal proceedings, provided that this power does not extend to: (a) the signing of a contract in excess of any value as may be prescribed in the contract procedure rules; and (b) attesting the Council seal.	
6.	To act as a nominated officer under any contract for works, supplies and/or services provided such a contract relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
Page 42	To undertake all action in connection with any decision of the Council (including any decision pursuant to this scheme) where the subject matter of that decision is wholly or partly within the work of any Business Unit for which s/he has any responsibility and/or any delegated management power and/ or s/he has been authorised by the Council and/or any Officer possessing relevant authority.	
8.	To approve (with or without modification) or refuse any draft plan and/or strategy for public consultation subject to: (a) consultation with such Lead Member as s/he considers appropriate; (b) the extent that s/he considers it appropriate to prior consultation with an Overview and Scrutiny Committee.	
9.	To undertake all action in connection with any application to the Council for a grant in respect of which s/he been given a budget provided that: (a) such power does not extend to approving any grant for a sum in excess of £2,500; (b) the grant is determined in accordance with any relevant Council policy; and (c) any expenditure incurred can be met from a relevant budget within his/her control.	

10.	<p>To authorise, initiate, defend and/or appeal in any legal proceedings (including any tribunal, hearing and inquiry) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to undertake all action in respect thereof as s/he considers appropriate;</p> <p>provided that in all cases:</p> <p>(b) the prior written approval of the Corporate Manager – Legal has been obtained, such approval at the absolute discretion of the Corporate Manager – Legal being either specific to an individual matter or of a more general nature; and</p> <p>(c) the subject matter of the proceedings is wholly or partly within the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power.</p>	
11.	<p>Subject to prior consultation with the Corporate Manager - Legal, to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings provided the caution relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
Page 43	<p>To undertake all action in connection with the investigation and/or enforcement of:</p> <p>(a) any actual, perceived or potential breach of any statutory provision; and/or</p> <p>(b) any consent, authorisation, permit, registration, certificate, licence, notice, order or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision contained therein) given, issued or made by the Council (whether pursuant to a delegated power or otherwise),</p> <p>provided that the subject matter of that statutory provision and/or document relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
13.	<p>To undertake all action in connection with the enforcement of the terms of any agreement, contract, licence, lease or any other legal instrument issued by or to which the Council is a party provided that the subject matter of that instrument relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
14.	<p>To undertake any Inspection of land and/or buildings and/or exercise any related powers of entry that s/he considers is necessary and/or appropriate for the proper performance of any work of any Business Unit for which s/he is wholly</p>	

	or partly responsible and/or to which s/he is providing support together with the power to undertake all action arising as a consequence of any such Inspection (but for the avoidance of doubt excluding authorising the initiation of any formal court proceedings).	
15.	To undertake all action in connection with any fixed penalty notice, including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) to determine any relevant content; and/or (b) to determine whether or not to issue any such notice;  provided that in all cases the fixed penalty notice relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power (but for the avoidance of doubt excluding authorising the initiation of any formal court proceedings).	
16.	To monitor, store, archive and/or destroy Council documentation relating wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power provided that it is in accordance with relevant Council policies (if any).	
Page 44	To set any fee, charge and/or any method of charge for any matter relating wholly and/or partly to any service / function of the Council provided that:  (a) the Council has not already formally determined the fee and/or charge for that work for the proposed period of time to be covered; (b) the amount of the fee and/or charge is not expressly set by legislation; and (c) the fee, charge and/or method of charge relates wholly or partly to a service and/or function undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
18.	To authorise and undertake all action in connection with the securing of a warrant where in his/her opinion this is necessary in relation to any work being undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
19.	To instruct / appoint and/or authorise any external person (including any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any matter (including at any legal proceedings, tribunal, hearing,	

	inquiry or similar body) relating to work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
20.	To act for and/or on behalf of the Council or any part thereof including the exercise of any of their delegated powers (provided there is no legal restriction preventing the same), when instructed and/or nominated (as the case may be) to do so in connection with any matter for which the Council any Business Unit or Officer has power, including engaging in correspondence, negotiations and generally to undertake all action that is necessary to fulfil that instruction and/or nomination.	
21.	To undertake all action in connection with the preparation and issuing of any response to a complaint against the Council made pursuant to the Council's formal complaints procedure or an Ombudsman complaint.	
22.	To apply for any grant (including any lottery grant) or subsidy to which the Council is, or may be, entitled including for the avoidance of doubt the signing of any grant claim, supporting documentation and/or confirmation on behalf of the Council but excluding any expressly requiring the consent of the Section 151 Officer.	
23.	To undertake all action in connection with a request for the release of information pursuant to: <ul style="list-style-type: none"> <li>(a) any freedom of information legislation;</li> <li>(b) any environmental information legislation; and/or</li> <li>(c) any other legislation.</li> </ul>	

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## 26. Delegations to each Head of Service and Corporate Manager

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	In accordance with relevant approved policies, practices and procedures (including, for the avoidance of doubt and to the extent it is relevant, the contract procedure rules), to take any Appropriate Operational Decision including power: <ul style="list-style-type: none"> <li>(a) to incur expenditure from working balances and/or reserves; and/or</li> </ul>	

	<p>(b) to determine whether to take, defend and/or settle any legal proceedings subject to prior consultation with the Corporate Manager - Legal;</p> <p>provided that it will not result:</p> <p>(c) in any budget line relating to employee salaries or overheads being exceeded; and</p> <p>(d) in any Business Unit budget of the Council being exceeded,</p> <p>unless in either case:</p> <p>(e) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes;</p> <p>(f) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and</p> <p>(g) there is prior consultation with the Officer forming part of Senior Leadership Team with overarching responsibility for the service / function whose budget line / overall budget will be exceeded.</p>	
	<p>To authorise any Officer and/or any other person that the authorising Officer considers appropriate:</p> <p>(a) to carry out any Inspection and/or examination;</p> <p>(b) to carry out such further action arising during and/or out of any Inspection and/or examination as may be considered expedient by the person carrying out the Inspection and/or examination (including without prejudice to the generality of the foregoing the exercise of any relevant powers of analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, measurement, purchasing, sampling, seizure and/or, testing;</p> <p>(c) to exercise any power of entry available to the Council;</p> <p>(d) to issue any document relating to any such Inspection and/or examination (including for the avoidance of doubt any notice including any fixed penalty notice (but excluding any document for the purpose of commencing formal legal proceedings);</p> <p>(e) to serve any document;;</p> <p>(f) to undertake any work in default and/or the supervision/management of the same;</p> <p>(g) to undertake any enforcement activity; and/or</p>	

	<p>(h) to seek a warrant;</p> <p>provided that in all cases:</p> <p>(i) the appointment / authorisation relates wholly or partly to any service and/or function for which s/he has any responsibility and/or any delegated management power; and</p> <p>(j) s/he reasonably believes that any cost associated with any such authorisation can be met from within a relevant existing budget and/or the prior approval of the Section 151 Officer is obtained.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 47</p>	<p>3. In accordance with relevant approved policies, practices and procedures to undertake all action relating to any Employee Matters including power to incur expenditure from working balances and/or reserves but subject to the following:</p> <p>(a) solely in relation to the appointment, disciplining and/or dismissal of any Officer and only to the extent that the law requires having been nominated by the Chief Executive for such purposes;</p> <p>(b) to prior consultation:</p> <p>(i) with the Monitoring Officer and the Corporate Manager – Human Resources and Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health;</p> <p>(ii) with the Monitoring Officer, the Corporate Manager – Human Resources and Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health; and</p> <p>(c) solely to the extent that the exercise of this delegation would result in expenditure from working balances and/or reserves:</p> <p>(i) the Section 151 Officer being of the opinion that any expenditure resulting in any Business Unit budget being exceeded can be met from working balances and/or any likely underspend elsewhere within the Council; and</p> <p>(ii) the prior approval of the Section 151 Officer.</p>	
	<p>4. In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit for which s/he has responsibility including management of all related budgets but excluding power to exceed any overall Business Unit budget without the prior approval of the Section 151 Officer.</p>	

5.	Subject to the prior approval of the Monitoring Officer and/or the Corporate Manager – Legal to agree to the taking, defending and/or settling of any legal action provided further that subject to the prior approval of the Section 151 Officer this includes power to incur expenditure from working balances and/or reserves.	
6.	For the purpose of any Business Unit for which s/he is responsible to sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part for whatever purpose.	
7.	To exercise any of the power held by any Officer below the level of Strategic Director / Assistant Chief Executive in the event of that Officer being unavailable, absent and/or that Officer post being vacant.	
8.	To exercise all of the powers of the Assistant Chief Executive and each of the Strategic Directors but only if all the Officers forming part of the Senior Leadership Team are unavailable, absent and/or all those Officer posts are vacant.	

## **27. Delegations to the Corporate Manager (Community and Policy Development)**

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	<b>Delegation</b>	<b>If the delegation is not applicable to all the Councils</b>
1.	<p>To undertake all action relating to the development and/or maintenance of a process for dealing with and determining any application to the Council for a grant relating to:</p> <ul style="list-style-type: none"> <li>(a) any affordable housing;</li> <li>(b) any community partnership; and/or</li> <li>(c) any conservation and/or countryside grant scheme,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine whether to award any such grant provided that in all cases:</p> <ul style="list-style-type: none"> <li>(d) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</li> </ul>	



	(e) the grant will not result in any relevant budget being exceeded.	
2.	<p>To undertake all action in respect of any matter arising in relation to any actual or potential asset of community value whether pursuant to the Localism Act 2011 or otherwise including in particular but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application including for the avoidance of doubt any claim for compensation; and/or</p> <p>(b) to maintain any relevant register including to determine whether any asset should be registered and/or removed;</p> <p>provided that:</p> <p>(c) such power does not include to make any final determination of any review arising in relation to the same; and</p> <p>(d) in the case of any determination relating to a claim for compensation, there has been prior consultation with the Head of Financial Services.</p>	
3. Page 49	<p>To undertake all action in relation to the creation and maintenance of a register of previously development land (Brownfield Land Register) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) all determinations associated with whether to enter land on to Part 1 of the Brownfield Land Register including for the avoidance of doubt all relevant assessments as to whether land meets all the criteria for the purposes of being so entered;</p> <p>(b) all necessary actions for the purpose of reviewing, amending, adding and/or removing any entry from the Brownfield Land Register;</p> <p>(c) to determine:</p> <p>(i) the nature and extent of any consultation, publicity and/or procedure to be undertaken in relation to the entering and/or maintaining land on Part 1 of the Brownfield Land Register; and/or</p> <p>(ii) how to proceed having regard to any representation received in relation in any such consultation, publicity and/or procedure; and/or</p> <p>(d) to determine whether or not to propose land for residential development for a purpose (in whole or part) of enabling such land to be entered on to Part 2 of the Brownfield Land Register.</p>	
4.	To determine and maintain a process for the allocation of any money received by the Council from any car boot sale including for the avoidance of doubt:	

	<p>(a) to determine any final allocation,</p> <p>provided that for the purposes of determining a suitable process there has been prior consultation with at least one Senior Member.</p>	
5.	<p>To undertake all action in relation to the preparation of a local plan, action plan and/or any supplementary planning document pursuant to any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to enter into any service level agreement and/ or contract for any purpose associated with the same provided that any associated cost can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer has been obtained;</p> <p>(b) the drafting of any such plan and/or document including any preferred option relating thereto; and/or</p> <p>(c) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received in respect of any such consultation;</p> <p>provided that such power does not include:</p> <p>(d) making a final determination as to whether to submit any plan for independent examination;</p> <p>(e) making a final determination as to whether to accept any recommendation arising from any independent examination; and</p> <p>(f) making a final determination as to whether to adopt any such plan and/or supplementary planning document.</p>	
6.	<p>To determine whether or not any plan or programme should have an environmental assessment and/or whether a plan or programme might or would have significant environmental effects including the preparation and determination of reasons in respect thereof.</p>	
7.	<p>To undertake all action in connection with the review and setting of a price for the sale of any low cost housing in order to meet any requirement provided for in any planning obligation and/or section 52 agreement.</p>	
8.	<p>To undertake all action in respect of any matter arising in relation to the designation of any nature reserve including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p>	

	<p>(a) to determine any application,</p> <p>provided that this does not include power to make a final determination to approve the designation of any nature reserve unless there has been prior consultation with at least one Senior Member and any ward Member in whose ward any such nature reserve would be situated whether in whole or part.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 51</p>	<p>9. To undertake all action in respect of any matter arising in relation to any function of the Council concerning neighbourhood planning (including all functions relating to the making and approval of any neighbourhood development plan, neighbourhood development order and/or community right to build order) whether pursuant to the Town and Country Planning Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(b) to provide appropriate advice and assistance;</p> <p>(c) to undertake all relevant procedural functions;</p> <p>(d) subject as provided below to make a final determination as to whether to designate a neighbourhood plan area and/or make such an area a business area;</p> <p>(e) to determine whether to submit any matter to independent examination; and/or</p> <p>(f) to determine whether to appoint and the appointment of any examiner provided that any costs associated with the same can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer is obtained;</p> <p>provided that this does not include power :</p> <p>(g) to make a final determination as to whether to designate a neighbourhood plan area unless in his/her opinion:</p> <p>(i) there is insufficient time to have the matter considered by the relevant committee as part of the normal committee cycle;</p> <p>(ii) the Council is legally obliged to approve the designation; and/or</p> <p>(iii) there has been no objection to the proposal submitted to the Council within any relevant time for the submission of representations which has not been withdrawn;</p> <p>(h) to make the final determination as to whether to submit any document to a referendum;</p> <p>(i) to make the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order;</p>	

	(j) the final determination as to whether to make a neighbourhood development plan; and (k) the power to make arrangements in relation to a referendum arising pursuant to the exercise of a neighbourhood planning function without the prior approval of the Corporate Manager – Democratic and Electoral Services.	
10.	To undertake all action in respect of any determination that is required for the purpose of deciding whether to support any bid from any registered social landlord to the Homes and Communities Agency or any other body.	

## 28. Delegations to the Corporate Manager – Democratic and Electoral Services

Ref	Delegation	If the delegation is not applicable to all the Councils
Page 52	In accordance with any relevant Council scheme and/or policy (if any) to determine whether to authorise Member allowances and expenses and undertake all action relating to the administration of the same including in particular but without prejudice to the generality of the foregoing to determine any increase to Member travel and subsistence allowances.	
2.	Subject to consultation with such Member as s/he considers appropriate (if any) to determine whether to approve any expenditure on civic hospitality.	
3.	To undertake all action in connection with Member attendance at any conference, session and workshop provided that s/he considers such attendance could be of benefit to any such Member.	
4.	Subject to prior consultation with such Senior Member as s/he considers appropriate (if any) to undertake all action for the purposes of organising and conducting a review of any principal area internal ward, polling district boundary, polling place and/or any parish electoral arrangement including for the avoidance of doubt but without prejudice to the generality of the foregoing, undertaking any consultation and formulating any draft proposal that s/he considers appropriate.	
5.	In circumstances provided for in the Constitution (if any), to determine the appropriate membership of any committee or sub-committee (as the case may be) to hear any matter identified in the Constitution as requiring a determination by	

	such a body including power to organise the setting up of the same.	
6.	Subject to such prior consultation with any chairman as s/he considers appropriate, to undertake all action in connection with the arrangements of any site visit for Members.	
7.	To undertake all action in connection with making arrangements for (including the holding of) any referendum.	

## 29. Delegations to the Corporate Manager – Human Resources and Organisational Development

Ref	Delegation	If the delegation is not applicable to all the Councils
1	To issue a certificate as to whether a particular employee's duties render his/her post politically sensitive according to any relevant statutory criteria.	
2	To implement any award of a joint negotiating body so far as it concerns rates of salary, wages, car allowances or other allowances payable to Officers and other employees of the Council except where the terms thereof involve the exercise of a discretion by the Council.	
3.	To undertake all action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Dorset County Council as administering authority; except where the Council is entitled to exercise discretion.	
4.	To pay gratuities and injury awards to employees, former employees and their widows/widowers and dependants in accordance with any relevant approved policy and/or strategy of the Council.	
5.	For the purposes of any pension scheme legislation to act as a person specified by the Council as a scheme employer to consider disputes and first instance decisions on pension matters.	
6.	To consult and negotiate on behalf of the Council with any trade union recognised by the Council and /or any Officer and/or	

	any other appointed body in relation to:  (a) the formulation, adoption and/or implementation of any policy, strategy and/or procedure of the Council; and/or (b) employee / Officer terms and conditions of employment including power to make recommendations to the Council in respect of such negotiations but excluding the power to bind the Council in respect of any such negotiations.	
7.	Power to negotiate, agree and implement on behalf of the Council with any trade union recognised by the Council and /or any Officer and/or any other appointed body:  (a) any change to an Officer job description to incorporate provision for such Officer to work for any external body approved by the Council in relation to the same; and/or (b) to any Officer's terms and conditions of employment to incorporate any relevant indemnity provisions as may from time to time be adopted by the Council in relation to any Officer.	
8.	To undertake all action in relation to the training and development of Officers.	
9.	To instruct / appoint and/or authorise any person (including any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any employment issue including the provision of training.	

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### 30. Delegations to the Corporate Manager – Legal

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with authorising, instituting, prosecuting, defending, appearing in and settling any legal proceedings (including any appeal, review or similar proceedings against any action and any proceedings in any tribunal, inquiry, hearing or any other forum involved in the consideration of legal proceedings) by or behalf of the Council (whether in the name of the Council or his/her name) together with the undertaking of such preliminary or further work in	

relation to the same as the s/he deems appropriate, including for the avoidance of doubt but without prejudice to the generality of the foregoing:

- (a) any action in respect of any caravan, tent or other structure (whether of a permanent or temporary nature) and/or any vehicle (whether pursuant to the Criminal Justice and Public Order Act 1994 or otherwise) that in the opinion of the Corporate Manager – Legal is unlawfully placed on land, including:
  - (i) the issue and service of any direction in relation to; and/or
  - (ii) authorising the taking of action to secure the removal of, any such structure and/or vehicle;
- (b) any action in respect of the enforcement of the Council's Parking Places Order and/or any other order and/or byelaw made, confirmed or obtained by the Council and/or which the Council is otherwise entitled to enforce;
- (c) any action relating to any perceived or actual breach of any provision or document arising and/or issued pursuant to any:
  - (i) Food Provisions; and/or
  - (ii) Town and Country Planning Legislation;
- (d) to determine whether to commence and/ or withdraw any such proceedings;
- (e) any determination associated with seeking and/or securing any order in connection with:
  - (j) any matter which in the opinion of the Corporate Manager – Legal relates to anti-social behaviour; and/or
  - (ii) rent repayment and/or a banning order;
- (f) the determination as to whether to issue any type of caution and/or other warning subject in the case of the issue of any formal caution to consultation with such Head of Service and/or Corporate Manager as the s/he deems appropriate (if any);
- (g) any determination associated with the securing and/or enforcement of any injunction (including in connection with anti-social behaviour);
- (h) determining whether to contest or settle any claim for repayment of a developer contribution however secured and in the case of any settlement, the terms relating to the same,
- (i) the obtaining of any warrant;
- (j) any action to secure the recovery of any debt; and/or
- (k) the giving of any undertaking that the Corporate Manager-Legal considers appropriate in relation to any of the above,

	but provided that in the case of a final determination as to whether to commence formal litigation action to seek to recover outstanding monies in excess of £10,000 secured pursuant to a planning obligation then subject to such consultation with such a Senior Member as s/he considers appropriate.	
2.	Subject to consultation with the Head of Assets and Infrastructure to undertake all action in respect of any trespass on Council owned land including for the avoidance of doubt action to secure the cessation of any such trespass and/or to seek to prevent it recurrence.	
3.	To authenticate any document whether pursuant to and/or for the purposes of the Local Government Act 1972, the Public Health Act 1936 and/or any other legislation requiring and/or enabling an Officer to have authentication power.	
4.	To investigate any issue relating to and undertake all action (including for the avoidance of doubt the drafting of any relevant documentation), in connection with the enforcement of any actual or perceived breach of any legislative provision, license, authorisation, consent, approval, notice, order or other document (including any condition, restriction, limitation, obligation or other requirement relating thereto) given, issued or made by or on behalf of the Council in such a manner as Corporate Manager-Legal considers appropriate including, but without prejudice to the generality of the foregoing any issue arising pursuant to:  (a) any Food Provisions; and/or (b) any Town and Country Planning Legislation.	
5.	To investigate any issue relating to and undertake all action (including for the avoidance of doubt the drafting of any relevant documentation) in connection with the enforcement of the terms of any agreement, contract, lease and/or any other legal instrument to which the Council is a party (including any condition, restriction, limitation, obligation or other requirements relating thereto), in such a manner as the Corporate Manager – Legal considers appropriate including, but without prejudice to the generality of the foregoing, the taking of proceedings in any court, tribunal or other body.	
6.	To undertake all action in connection with the terms, preparation and issuing of any:  (a) licence, lease, transfer, conveyance concerned with the acquisition and/or disposal of any interest in land or property (including without prejudice to the generality of the foregoing rental levels and fees); and/or (b) easement and/or wayleave,  together with any other associated documentation that the Corporate Manager – Legal considers appropriate in relation to the same.	



7.	<p>To undertake all action in connection with determining the terms/content, preparation and issuing of any contract, notice, order, permit, certificate, requisition or other document including without prejudice to the generality of the foregoing any:</p> <ul style="list-style-type: none"> <li>(a) byelaw;</li> <li>(b) contract relating to the supply of any good and/or service;</li> <li>(c) order for the control of drinking in public places and/or a public spaces protection order;</li> <li>(d) notices and/or order relating to any vehicle;</li> <li>(e) stop notice;</li> <li>(f) temporary stop notice;</li> <li>(g) road closure; and</li> <li>(h) application for late night shopping,</li> </ul> <p>provided that in all cases there has been approval to progress such a matter whether via the exercise of a delegated power pursuant to this Scheme or otherwise.</p>	
8.	<p>To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including but without prejudice to the generality of the foregoing, power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any such determination.</p>	
Page 57	<p>To instruct / appoint and/or authorise any person (including counsel and/ or any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any legal issue (including legal proceedings, tribunals, hearings and inquiries) relating to the Council including, without prejudice to the generality of the foregoing, determining whether to outsource any legal work.</p>	
10.	<p>To determine whether to authorise the release of information or other documentation to the press or any member of the public or external body.</p>	
11.	<p>To:</p> <ul style="list-style-type: none"> <li>(a) attest the Council seal; and/or</li> <li>(b) sign and/or authorise the service of any legal document including any notice and/or contract.</li> </ul>	
12.	<p>To authorise in writing any Officer:</p> <ul style="list-style-type: none"> <li>(a) to act as a witness; and/or</li> </ul>	

	<p>(b) to represent / appear on behalf of the Council whether pursuant to section 223 Local Government Act 1972 and/or any other relevant enabling legislation,</p> <p>in any actual or potential legal proceedings (including any tribunal, hearing and inquiry or similar forum) whether or not instigated by or on behalf of the Council and whether or not the Council is involved in the same.</p>	
13.	<p>In connection with any actual or perceived proceeds of crime and whether pursuant to the Proceed of Crime Act 2002 or otherwise:</p> <p>(a) subject to such consultation with a Senior Member as s/he considers appropriate, to determine whether or not to pursue any application on behalf of the Council relating to same; and</p> <p>(b) power to undertake all action including such preliminary and subsequent action as s/he considers necessary in order to secure and then progress the outcome of any such determination.</p>	
14.	<p>In consultation with such Head of Service and/or Corporate Manager as s/he considers appropriate (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any Town and Country Planning Legislation if a decision is required before the next normal meeting of the relevant Committee.</p>	
Page 58	<p>To undertake all action in connection with the Council's functions relating to land charges and any search relating to property including in particular but without prejudice to the generality of the foregoing:</p> <p>(a) responding to any enquiry concerning a search relating to any land/property;</p> <p>(b) responding to any enquiry relating to environmental information;</p> <p>(c) issuing any local land charges certificate;</p> <p>(d) providing a reply to any CON29 and/or CON29(O) enquiry (or any document of a similar nature and/or any document replacing any of the same) including any question relating to and/or in addition to such an enquiry; and</p> <p>(e) determining any fee (including whether to waive any fee) in relation to any of the above.</p>	
16.	<p>To consider and determine whether to seek to secure a closure order pursuant to the Scrap Metal Dealers Act 2013.</p>	

### 31. Delegations to the Head of Assets and Infrastructure

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action in respect of any matter relating to administrative arrangements for the seasonal hire, regulation and/or use of any hut /shed (including any beach hut), beach tent and/or concession (including any beach concession) owned and/or operated by the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application and/or the terms of any licence relating thereto; and/or</p> <p>(b) to determine any fee and/or charge relating to the same including for the avoidance of doubt whether to waive any such fee and/or charge.</p>	
2.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) land drainage and/or coastal protection whether pursuant to the Coast Protection Act 1949, the Land Drainage Act 1991 or otherwise; and/or</p> <p>(b) public health arising pursuant to the Public Health Act 1936,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine whether to issue any notice; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose relating thereto,</p> <p>provided that in all cases this does not include power to borrow any money and/or raise any rate.</p>	
3.	<p>To undertake all action in respect of determining any application in connection with a scheme for any village and/or community hall, recreational and sports facility for which a grant has already been approved provided that this power does not include the determination of any statutory consent, approval, permission and/or any other authorisation that may be required from the Council in respect of any scheme.</p>	
4.	<p>To undertake all action in respect of the management and maintenance of the council's offices, furniture and equipment.</p>	

5.	<p>On behalf of the Council to act as the nominated “Engineer” and/or “Contract Administrator” and/or CDM Coordinator, or any equivalent designation in relation to any contract entered into by the Council in connection with any land and/or building together with power to undertake all action arising in relation to such a nomination including, for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to require the undertaking of further work; and/or  (b) to negotiate and agree any variation to any such contract,</p> <p>provided that in all cases,</p> <p>(c) no action that is undertaken results in the amount of money both allocated and still available for use in respect of the contract being exceeded unless the prior approval of the Section 151 Officer has been obtained; and  (d) no action will result in the Council securing substantially less from the contract than was originally agreed without the prior approval of an Officer forming part of the Senior Leadership Team.</p>	
6.	<p>To undertake all action in relation to securing the services /appointing any engineer for the purposes of any Council related work provided that any cost associated with the same can be met from an existing budget available for such purposes and/or the prior approval of the Section 151 Officer has been obtained.</p>	
7.	<p>To undertake all action in respect of the preparation and submission of any grant application on behalf of the Council in connection with any function of the Council relating to flooding, coastal management and/or water including for the avoidance of doubt but without prejudice to the generality of the foregoing any provision of the Coast Protection Act 1949 and/or the Land Drainage Act 1991.</p>	
8.	<p>To undertake all action in connection with the entering into of any agreement for the maintenance of any grave including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any terms.</p>	
9.	<p>In any situation that s/he considers to be an emergency in relation to the safeguarding of any property and/or the public whether pursuant to the section 138 Local Government Act 1972 or otherwise to take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and /or reserves; and/or  (b) to determine whether to acquire / dispose of any land and/or building;</p> <p>provided that:</p>	

	<p>(c) to the extent that any costs associated with the same cannot be met from any relevant budget available for such purposes;</p> <p>(i) no final determination to acquire / dispose of any land and/or property; and /or</p> <p>(ii) no determination that will result in expenditure from working balances and/or reserves, shall be made without the prior approval of the Section 151 Officer; and</p> <p>(d) following the taking of any such emergency action the matter is notified as soon as reasonably practicable thereafter to an Officer forming part of the Senior Leadership Team and/or a Senior Member.</p>	
10.	To undertake all action in relation to the exercise of every power and/or function provided to the Council pursuant to any agency agreement relating to any highway including any parking thereon provided that this does not extend to any power expressly given to any body of the Council to perform whether in any such agency agreement and/or in the Constitution.	
11. Page 61	<p>To undertake all action in respect of determining any application in connection with:</p> <p>(a) any allotment;</p> <p>(b) the use of any car park owned and/or operated by the Council for any other purpose provided that this does not include any use for the sale of food;</p> <p>(c) the erection of any headstone, memorial, and/or monument;</p> <p>(d) any market and/or any adjoining area associated therewith including for the avoidance of doubt a licence to any market operator and/or any licence relating to the use of such land whether as a market or otherwise;</p> <p>(e) the use of open space owned and/or under the control of the Council provided that this does not include power to make any determination arising pursuant to any Town and Country Planning Legislation; and</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(f) to determine any relevant fee and/or charge, and/or</p> <p>(g) to determine the terms;</p>	

	provided that in all cases the terms and/or arrangements associated with any such application and/or licence are in accordance with any relevant criteria, policy and/or scheme agreed by or on behalf of the Council or any relevant body concerned with the same on which the Council is formally represented.	
12.	<p>To undertake all action in connection with the granting, taking and/or renewing of any:</p> <ul style="list-style-type: none"> <li>(a) licence, lease and/or tenancy for a term not exceeding twelve (12) months;</li> <li>(b) covenant;</li> <li>(c) easement;</li> <li>(d) deed of rectification or exchange provided that in his/her opinion the issue to which it relates is of a minor nature; and/or</li> <li>(e) wayleave,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(f) to determine the terms;</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(g) any costs associated with any such transaction can be met from within relevant existing budgets and/or the prior approval of the Section 151 Officer is obtained.</li> </ul>	
12.	<p>To undertake all action in relation to any existing:</p> <ul style="list-style-type: none"> <li>(a) lease, licence and/or tenancy;</li> <li>(b) covenant,</li> <li>(c) easement,</li> <li>(d) deed of rectification or exchange,</li> <li>(e) transfer and/or conveyance of land; and/or</li> <li>(f) wayleave,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(g) to determine whether or not to agree to assign any such matter;</li> <li>(h) to determine whether or not to grant any consent and/or approval under any terms;</li> <li>(i) to determine whether or not to agree to any subletting;</li> <li>(j) to determine whether or not to approve any alteration to any premises leased and/or licenced by the Council;</li> <li>(k) to determine whether or not to agree to modify and/or release any covenant ( including for the avoidance of doubt any</li> </ul>	

	<p>restrictive covenant);</p> <p>(l) to determine whether to agree any rent review, and/or</p> <p>(m) to determine any terms relating to any of the above;</p> <p>provided that in all cases this does not include power:</p> <p>(n) to make a final determination whether or not to renew any such matter;</p> <p>(o) to make any final determination whether or not to agree to assign any lease, licence and/or tenancy for a period where at the date of the assignment the term has more than twelve (12) months left to run;</p> <p>(p) to make a final determination of any rent review for a rent in excess of £50,000 per annum and/or for a review period in excess of ten (10) years; and</p> <p>(q) to make any determination other than in accordance with any relevant policy and/or strategy of the Council adopted in relation to such purposes; and</p> <p>(r) to make any final determination the cost of which cannot be met from within existing relevant budgets and/or for which the prior approval of the Section 151 Officer has been obtained.</p>	
<p>14.</p> <p>Page 63</p>	<p>To undertake all action in connection with:</p> <p>(a) the granting, taking, assigning and/or renewing of any lease, licence and/or tenancy in relation to any land and/or property for a term in excess of twelve (12) months; and/or</p> <p>(b) any other acquisition or disposal of any interest in land and/or property ,</p> <p>whether pursuant to the Local Government Act 1972, the Localism Act 2011 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine the terms provided that in every case:</p> <p>(c) in relation to a disposal (which for the purpose of this delegation shall include any assignment) of any interest in land and/or any building (whether by way of freehold, leasehold, licence or otherwise):</p> <p>(i) the open market disposal and/or assignment value does not exceed £99,999;</p> <p>(ii) it accords with the provisions (if any) relating specifically to the disposal of any land and/or premises set out in the Contract Procedural Rules; and either</p> <p>(iii) any disposal price (including any relevant rent) has been previously recommended by a valuer that s/he considers to be suitably qualified for such a purpose and in the opinion of that valuer that price represents a consideration which is the best that can reasonably be obtained; or</p> <p>(iv) (A) it consists of the grant of a term (including any renewal) not exceeding seven (7) years or is an assignment of a term, that at the date of assignment, has not more than seven (7) years to run;</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 64</p>	<p>(B) in relation to any renewal the new rent does not exceed £50,000 per annum; and</p> <p>(C) in his/her opinion is in the interests of good estate management and/or is consistent with the effective economic and efficient discharge of the Council's property functions, and</p> <p>(d) in relation to an acquisition of any interest in land and/or any building (whether by way of freehold, leasehold, licence or otherwise):</p> <p>(i) (A) the open market acquisition value does not exceed £50,000 and this can be met from an existing budget available for such purposes and/or the prior approval of the Section 151 Officer has been obtained; or</p> <p>(B) a specific budgetary provision has been made by a body of the Council for the purpose of the acquisition; and in either case</p> <p>(ii) in the case of any lease, licence, tenancy or any other non-freehold acquisition the term of years / term of years left to run does not exceed ten (10) years;</p> <p>(iii) any rent, service charge and/or any other periodic payment required pursuant to any such acquisition does not exceed £5,000 in total per annum; and</p> <p>(iv) in his/her opinion the acquisition is in the interests of good estate management and/or is consistent with the effective economic and efficient discharge of the authority's property functions.</p>	
<p>14</p>	<p>To undertake all action in relation to the variation, surrender, termination and/or variation of any lease, licence and/or tenancy including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any terms relating to the same,</p> <p>provided that in all cases any costs associated with any such action can be met from within existing relevant budgets and/or the prior approval of the Section 151 Officer has been obtained.</p>	
<p>16</p>	<p>To undertake all action in connection with the management and maintenance of any public convenience owned and/or operated by the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any arrangement in relation to the maintenance and/or cleaning of any such convenience; and/or</p> <p>(b) to determine any fee and/or charge relating to the same including for the avoidance of doubt whether to waive any such fee and/or charge.</p>	
<p>17.</p>	<p>To undertake all action to maintain a register of all land and buildings owned by the Council.</p>	



18.	To undertake all action associated with the letting of any recreation facility (including any sport pitch) and the use of any park and/or open space for any special event including for the avoidance of doubt to determine the terms of any such letting provided that this power does not include the power to make any determination that at the time of making the determination will result in expenditure that results in existing budget levels being exceeded.	
19..	<p>To undertake all action in respect of any matter in relation to the making and/or varying of any on and/or off street road traffic order within the power of the Council so to do including any order relating to parking whether pursuant to the Road Traffic Regulation Act 1984 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine the content of any draft order; and/or</p> <p>(b) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received in respect of any such consultation;</p> <p>provided that such power does not include:</p> <p>(c) making a final determination as to whether to make / adopt any such order if any written objection has been received by him/her to the making/ adopting of such an order or any part thereof prior to the making / adopting of the order unless that objection is withdrawn; and</p> <p>(d) making a final determination as to the setting of any fee and/or charge payable pursuant to any such order.</p>	
20	<p>To undertake all action in relation to:</p> <p>(a) the operation and/or control of any on and/or off street parking in respect of which the Council has any operational responsibility and/or control; and/or</p> <p>(b) any action whether relating to parking whether pursuant to any road traffic order made/adopted by the Council or for which arrangements are in place for the Council to operate the same,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine any issue arising pursuant to any such order including for the avoidance of doubt any application relating to the same;</p> <p>(d) to determine any maintenance arrangement in relation to the same;</p> <p>(e) to determine whether or not to permit the temporary closure of any car park and/or any part thereof;</p> <p>(f) to determine whether to vary and/or waive any fee and/or charge;</p> <p>(g) to determine whether to issue any notice including for the avoidance of doubt any penalty charge notice;</p> <p>(h) to determine whether to cancel any notice including for the avoidance of doubt any penalty charge notice;</p>	

	<p>(i) to determine whether to institute any proceedings arising in connection with any non-payment of a penalty notice and/or any investigation relating thereto including in the case of non-payment of a penalty notice power to institute proceedings in any civil court;</p> <p>(j) to investigate and determine whether to initiate any proceedings in relation to any actual or perceived breach of any such order; and/or</p> <p>(k) to appoint/authorise any other person for any purpose relating to the above,</p> <p>provided that in all cases any costs associated with such action can be met from an existing budget available for such purposes.</p>	
21.	To act on behalf of the Council in respect of any contract entered into by the Council with any water company and/or any other statutory undertaker including for the avoidance of doubt to undertake all action arising in relation to any matter arising under any such contract.	
22..	To determine whether to write off any debt of up to £500 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	

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## 39 Delegations to the Head of Business Improvement

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with all matters relating to the naming and re-naming of highways and naming / numbering and re-naming / re-numbering of properties.	
2.	<p>Subject to consultation with such Officer as s/he considers appropriate (if any) to undertake all action in connection with a request for the release of information pursuant to:</p> <p>(a) any freedom of information legislation;</p> <p>(b) any environmental information legislation; and</p>	

	(c) any other legislation.	
3.	Subject to consultation with such Officer as s/he considers appropriate (if any) to undertake all action in connection with any application pursuant to any data protection legislation.	
4.	To determine the amount of any charge including any waiver in respect of any: (a) request for disclosure of information; and/or (b) matter relating to data protection legislation.	
5.	To undertake all action in connection with the design and operation of any procedure for dealing with any complaint relating to the Council whether submitted pursuant to any formal internal procedure, an Ombudsman complaint and/or otherwise.	
6.	To undertake all action in connection with the design and operation of a register for recording and processing information identifying circumstances relating to Officers at risk.	

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### Delegations to the Head of Community Protection

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with the operation and/or enforcement of any accreditation scheme of the Council, including for the avoidance of doubt but without prejudice to the generality of the foregoing, the determination of: (a) any action in relation to any landlord accreditation scheme; and/or (b) to operate and determine any appeal and/or review including to determine whether a request for an appeal and/or review has been validly made, provided that in any case the scheme provides for an Officer to be able to make any such determination and/or is silent on the issue.	

2.	<p>To undertake all action in connection with securing appropriate provision and checking of any smoke and/or carbon monoxide alarm whether pursuant to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to carry out any inspection;</li> <li>(b) to determine whether to issue any notice including for the avoidance of doubt any remedial notice;</li> <li>(c) to determine whether to issue any penalty charge including for the avoidance of doubt the amount of any such charge;</li> <li>(d) to undertake a review in relation to any remedial notice and/or penalty charge;</li> <li>(e) to the extent that such power exists to determine whether to withdraw any remedial notice and/or penalty charge;</li> <li>(f) to determine whether to carry out any work; and/or</li> <li>(g) to appoint/authorise any other person for any purpose relating to any of the above.</li> </ul>	
3.	<p>To undertake all action in connection with the prevention and/or control of the use of any land and/or premises that are, appear to be or may be being used for the unlawful sale and/or supply of alcohol including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine whether to issue a closure notice whether pursuant to section 19 Criminal Justice and Police Act 2001 or otherwise.</li> </ul>	
4.	<p>To undertake all action in relation to any function of the Council relating to animal health whether pursuant to the Animal Health Act 1981 or otherwise but excluding any power to acquire land.</p>	
5.	<p>To undertake all action in connection with the control of anti-social behaviour whether pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine whether to issue any written warning;</li> <li>(b) to determine whether to issue a Community Protection Notice;</li> <li>(c) to determine whether to issue a Public Spaces Protection Order;</li> <li>(d) to determine whether to issue any notice including for the avoidance of doubt a fixed penalty notice; and/or</li> <li>(e) subject to prior consultation with the Corporate Manager – Legal, to determine whether to seek an injunction and the terms thereof.</li> </ul>	

6.	<p>To undertake all action in respect of any matter concerning air pollution and/or seeking to maintain clean air and/or the free circulation of air whether pursuant to the Clean Air Act 1993, the Building Act 1984 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) any matter relating to any furnace and/or chimney, smoke (including dark smoke), fumes, grit and dust and/or the burning of any cable;</li> <li>(b) all action relating to any proposal for work that might give rise to any issue of atmospheric pollution;</li> <li>(c) to determine any application including for the avoidance of doubt to determine whether to give a consent in relation to the free circulation of air in connection with any entrance to a court and/or yard; and/or</li> <li>(d) to determine whether to issue any notice.</li> </ul>	
7.	<p>To undertake all action in respect of any matter relating to the abatement and/or mitigation of any nuisance, annoyance and/or damage caused by birds in any built up area whether pursuant to the Public Health Act 1961 or otherwise.</p>	
8.	<p>To undertake all action in respect of any matter relating to:</p> <ul style="list-style-type: none"> <li>(a) the state and/or condition of any building (including any hazard identified in relation to it); and/or</li> <li>(b) any structure (including any yard and/or passage) and/or article (including any drain and/or sewer) whether directly and/or indirectly provided and/or associated with the transport, disposal and/or removal of any waste product (including water) which is or may be defective, insufficient and/or in any other way unsuitable and/or detrimental,</li> </ul> <p>whether pursuant to the Public Health Act 1936, the Public Health Act 1961, the Local Government (Miscellaneous Provisions) Act 1976, the Building Act 1984 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <ul style="list-style-type: none"> <li>(a) any action relating to any cesspool, private sewer, drain, pipe (whether a soil pipe, rain water pipe or otherwise), sanitary convenience, spout, sink or other appliance provided for a similar and/or associated purpose and whether in use or otherwise;</li> <li>(b) any action relating to any closet including any water and/or earth closet;</li> <li>(c) any action relating to the alteration, construction, discontinuation, provision, repair and/or sufficiency of the same;</li> <li>(d) to determine whether to issue any notice including for the avoidance of doubt any closure order, demolition order and/or notice to quit;</li> </ul>	

	<ul style="list-style-type: none"> <li>(e) to determine whether to accept and/or cancel any undertaking; and/or</li> <li>(f) to authenticate any document produced in relation to any of the above.</li> </ul>	
Page 70	<p>9. To undertake all action relating to the development and/or maintenance of any process for dealing with and determining any application to the Council for a grant in relation to:</p> <ul style="list-style-type: none"> <li>(a) community safety; and/or</li> <li>(b) sport,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that:</p> <ul style="list-style-type: none"> <li>(c) such power does not extend to approving: <ul style="list-style-type: none"> <li>(i) any mandatory grant in excess of £10,000; and/or</li> <li>(ii) in the event of the approval of any grant in excess of £2,500 there is prior consultation with a Senior Member, and</li> </ul> </li> <li>(d) the procedure for securing any such grant and the determination of any grant is in accordance with any relevant approved Council policy and/or strategy.</li> </ul>	
	<p>10. To undertake all action in respect of:</p> <ul style="list-style-type: none"> <li>(a) any function of the Council as a burial authority;</li> <li>(b) the management, regulation and/or control of any crematorium/cemetery within the area of the Council over which the Council has any operational and/or management control;</li> <li>(c) any issue relating to the determination of burial rights; and/or</li> <li>(d) any matter relating to securing the burial or cremation of the dead where in his/her opinion no suitable arrangements would otherwise be made,</li> </ul> <p>whether pursuant to any Burial Act, Cremation Act, the Local Authorities Cemeteries Order 1977, any Cremation Regulations, the Public Health (Control of Disease) Act 1984 and/or otherwise.</p>	
	<p>11. To undertake all action in respect of any matter relating to any dog including for the avoidance of doubt but without prejudice</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 74</p>	<p>to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any application in connection with: <ul style="list-style-type: none"> <li>(i) any breeding establishment for any dog whether pursuant to the Breeding of Dogs Act 1973 or otherwise; and/or</li> <li>(ii) any guard dog kennel / establishment whether pursuant to the Guard Dog Act 1975 or otherwise;</li> </ul> </li> <li>(b) to investigate and determine whether there has been any offence and/or breach of any legislative provision relating to dog faeces / fouling whether pursuant to any designated land for the purposes of the Dogs (Fouling of Land) Act 1996, any control provision pursuant to the Clean Neighbourhoods and Environment Act 2005, any order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 and/or otherwise;</li> <li>(c) to investigate and determine whether there has been any offence and/or breach of any legislative provision relating to the sale of any dog whether pursuant to the Breeding and Sale of Dogs (Welfare) Act 1999 or otherwise;</li> <li>(d) to determine whether and how to deal with any perceived / actual stray dog whether pursuant to the Environmental Protection Act 1990 or otherwise;</li> <li>(e) any action relating to any actual and/or perceived dangerous dog whether pursuant to the Dangerous Dogs Act 1991 or otherwise;</li> <li>(f) any action relating to the control of any dog;</li> <li>(g) to determine whether to issue any fixed penalty notice (and/or any other notice);</li> <li>(h) to determine any relevant fee and/or charge and/or whether to waive the whole or any part of the same; and/or</li> <li>(i) to determine whether to enter into any arrangement on behalf of the Council for any person and/or body to exercise any such function including the undertaking of any relevant inspection.</li> </ul>	
<p>14</p>	<p>To undertake all action relating to the entering into arrangements with the police in respect of the carrying out of community safety functions for the purposes of any community safety accreditation scheme whether pursuant to the Police Reform Act 2002 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to agree the terms of any such arrangement; and/or</li> <li>(b) to identify any person for the purposes of accreditation including for the avoidance of doubt to the extent that it is necessary authorising any such person for the purposes of such accreditation;</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(c) any expenditure relating to such matters can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer has been obtained; and</li> </ul>	

	(d) to the extent that any such accreditation may impact upon an Officer then there has been consultation with the Corporate Manager – Human Resources and Organisational Development.	
13.	To undertake all action in respect of any matter relating to any activity on a construction site whether pursuant to the Control of Pollution Act 1974 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) any issue relating to actual or potential noise emanating from such a site; and/or (b) to determine whether to issue any notice.	
14.	To undertake all action in respect of any matter arising in relation to food, feed or drink whether originating from the United Kingdom or otherwise and whether imported, to be exported or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) the exercise of all powers under the Food Provisions; (b) the exercise all powers of investigation and/or enforcement; (c) to determine any application; (d) to determine whether to issue any notice; (e) to enter any building, structure (including any moveable structure) and/or on any land including for the avoidance of doubt power to carrying out any inspection, purchase, take any sample, seize, detain and/or destroy any food, feed and/or drink; (f) to seek to recover any cost incurred; (g) to be an inspector, enforcement officer and authorised officer for all such purposes; and/or (h) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.	
15.	To undertake all action in respect of:  (e) any application for a licence, certificate and/or statement; (f) any notice made or given to the Council; (g) any other application; and/or (h) all other matters,	



<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 73</p>	<p>in connection with the Gambling Act 2005 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(i) to determine whether a representation is a relevant representation;</li> <li>(j) to determine whether to cancel, revoke or suspend a licence subject to any decision to cancel, revoke or suspend (as the case may be) being notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made;</li> <li>(k) any decision and/or other action relating to any scheme, detail or other matter submitted pursuant to or for the purposes of any licence, certificate, statement, notice or other document; and/or</li> <li>(l) to prepare and issue a report on behalf of the Licensing Committee (howsoever named) where this is considered necessary to facilitate the exercise of another function of the Council,</li> </ul> <p>provided that the delegation does not include the following:</p> <ul style="list-style-type: none"> <li>(m) the final determination of any matter in respect of which a hearing before Members must be, and is, held;</li> <li>(n) the final determination of any application for a transfer following representations by the Gambling Commission;</li> <li>(o) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;</li> <li>(p) the making of the final determination where discretion exists as to whether or not to hold a hearing and a decision is made not to hold a hearing;</li> <li>(q) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Gambling Act 2005 has been received by another local authority for which the Council is consultee; and</li> <li>(r) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy in the context of this delegation does not include internal procedures operated by the Council).*</li> </ul> <p>* delegations relating to the Licensing Act 2003 rest with the Licensing Committee.</p>	
<p>16.</p>	<p>To undertake all action in respect of any matter relating to any hackney carriage and/or private hire licence which for the avoidance of doubt but without prejudice to the generality of the foregoing includes any application for a licence relating to any driver, vehicle, operator and/or proprietor provided that:</p> <ul style="list-style-type: none"> <li>(a) such power does not extend to refusing any application contrary to any relevant policy of the Council; and</li> </ul>	

	(b) in the case of a decision to revoke or suspend a licence any such decision is notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made.	
17.	To undertake all action relating to the determination as to whether to grant an exemption for displaying a private hire plate.	
18.	<p>To undertake all action in respect of any matter relating to health and safety at any place of work whether pursuant to the Health and Safety at Work etc Act 1974 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) any issue arising in relation to health and/or safety at any fairground;</p> <p>(b) to determine any application;</p> <p>(c) to determine whether to issue any notice (including for the avoidance of doubt any improvement notice and/or prohibition notice);</p> <p>(d) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(e) to undertake all action to render harmless any article and/or substance that s/he considers gives rise to an imminent danger of serious personal injury;</p> <p>(f) in his/her capacity as an inspector to institute any criminal proceedings relating to any such issue;</p> <p>(g) to seek to recover any cost incurred;</p> <p>(h) to be an inspector for all such purposes; and/or</p> <p>(i) to appoint/authorise any other person to be an inspector for any such purpose including determining the content of any written provisions relating thereto.</p>	
19.	To determine whether to endorse and to endorse any assignment or transfer of enforcement responsibility relating to health and safety whether pursuant to the Health and Safety (Enforcing Authority) Regulations 1989, the Health and Safety (Enforcing Authority) Regulations 1998 or otherwise.	
20.	<p>To undertake all action in relation to any matter arising in connection with any building, dwelling house and/or house in multiple occupation (whether those possessing any category 1 and/or category 2 hazard for the purposes of the Housing Act 2004 or otherwise), including for the avoidance of doubt, but without prejudice to the generality of the foregoing:</p> <p>(a) action to secure the execution of any works for whatever purpose including providing amenities and/or remedying neglect of management;</p> <p>(b) action to secure the provision of adequate means of escape in case of fire;</p> <p>(c) action to prevent and/or reduce overcrowding;</p>	

	<p>(d) to issue any notice and/or order including an emergency prohibition order; and/or</p> <p>(e) to determine whether emergency remedial action should be undertaken provided that any cost associated with the same can be met from any existing budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</p>	
21.	<p>To undertake all action in connection with all aspects of any grant relating to house renovation, housing assistance and/or disabled facilities, including for the avoidance of doubt but without prejudice to the generality of the foregoing the determination of any application provided that:</p> <p>(a) such power does not extend to approving:</p> <p>(i) any mandatory grant in excess of any relevant statutory maximum; and</p> <p>(ii) any discretionary grant available for such purposes in excess of £15,000, and</p> <p>(b) the procedure for securing any such grant and the determination of any grant is in accordance with any relevant approved Council policy and/or strategy.</p>	
22.	<p>To undertake all action in connection with the provision of financial assistance for housing improvement, including for the avoidance of doubt without prejudice to the generality of the foregoing, certifying that relevant works have been completed, provided that:</p> <p>(a) the financial assistance given to any one household does not exceed £15,000;</p> <p>(b) the total financial assistance given in any one year does not exceed the budget allocated for such a purpose;</p> <p>(c) any financial assistance is in accordance with any relevant approved Council policy and/or Strategy; and</p> <p>(d) such power does not extend to the determination of any application for an equity mortgage unless prior to any such determination there has been the prior agreement by the Head of Financial Services.</p>	
23.	<p>To undertake all action in respect of any matter relating to the control of infectious disease and/or contamination whether pursuant to the Health Protection (Local Authority) Powers Regulations 2010 or otherwise, including for the avoid of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to issue any notice; and/or</p> <p>(b) to determine whether to disinfect and/or decontaminate any thing including any premises and/or whether to cause any thing and/or premises to be disinfected and/or decontaminated,</p> <p>provided that in relation to any action that would give rise to compensation being payable by the Council then any such compensation can be met from an existing budget available for such purpose and/or the prior approval of the Section 151</p>	

	Officer has been obtained.	
24.	<p>To undertake all action in respect of:</p> <ul style="list-style-type: none"> <li>(a) any application for a licence, certificate and/or statement;</li> <li>(b) any notice made or given to the Council;</li> <li>(c) any other application; and/or</li> <li>(d) all other matters,</li> </ul> <p>in connection with the Licensing Act 2003 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(e) to determine whether a representation is a relevant representation;</li> <li>(f) to determine whether to cancel, revoke or suspend a licence subject to any decision to cancel, revoke or suspend (as the case may be) being notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made;</li> <li>(g) any decision and/or other action relating to any scheme, detail or other matter submitted pursuant to or for the purposes of any licence, certificate, statement, notice or other document; and</li> <li>(h) to prepare and issue a report on behalf of the Licensing Committee (howsoever named) where this is considered necessary to facilitate the exercise of another function of the Council,</li> </ul> <p>provided that the delegation does not include the following:</p> <ul style="list-style-type: none"> <li>(i) the final determination of any matter in respect of which a hearing before Members must be, and is, held;</li> <li>(j) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;</li> <li>(k) the making of the final determination where a decision has been made not to hold a hearing as a result of all parties (as identified in the Licensing Act 2003) being in agreement that a hearing is not required;</li> <li>(l) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Licensing Act 2003 has been received by another local authority for which the Council is consultee; and</li> <li>(m) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy in the context of this delegation does not include internal procedures operated by the Council).*</li> </ul>	

	* delegations relating to the Licensing Act 2003 rest with the Licensing Committee.	
25.	In respect of any part of the licensing functions of the Council to determine if any representation and/or request for review is irrelevant, frivolous and/or vexatious.	
26.	In respect of part of the licensing functions of the Council to determine whether to and the content of any representation and/or request for review where the Council is a responsible authority and not the licensing authority.	
27.	To undertake all action in respect of any licence relating to controlling the use and/or keeping of any moveable dwelling whether pursuant to the Public Health Act 1936 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) to determine any application; (b) to investigate any actual / or perceived breach arising from the failure to have a licence and/or the use and/or keeping of any such moveable dwelling and/or (c) to authenticate any document produced as part of any such action.	
28.	To undertake all action in respect of any matter relating to any actual and/or alleged nuisance whether statutory or otherwise, whether currently occurring or otherwise and whether pursuant to the Environmental Protection Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) to determine any application; (b) to determine whether to issue any notice including for the avoidance of doubt any abatement notice; (c) to enter any building, structure (including any moveable structure) and/or on any land whether pursuant to the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993 and/or otherwise; (d) to determine whether to take any direct action (including where relevant the seizure of equipment) and any action necessary pursuant to any such determination; (e) to seek to recover any cost incurred; and/or (f) to appoint/authorise any other person for any purpose relating to any of the above.	
29.	Subject to such prior consultation with such Senior Member as s/he considers it reasonable and feasible to do, to determine whether to and to submit any representation/objection to:  (a) any application for the grant of a goods vehicle operator's licence provided that there has also been prior consultation with the Head of Planning (Development Management and Building Control); and/or	

	(b) any proposal for the variation to any bus or rail service including any fare.	
Page 78	<p>30. To undertake all action in respect of any matter relating to:</p> <ul style="list-style-type: none"> <li>(a) seeking any order where s/he considers this necessary to protect a person from harm whether pursuant to the Public Health (Control of Disease) Act 1984 or otherwise;</li> <li>(b) any matter which in his/her opinion is noxious;</li> <li>(c) addressing any danger of damage and/or loss to any moveable property by reason of a person's inability to protect and/or deal with it whether pursuant to the National Assistance Act 1948 or otherwise; and/or</li> <li>(d) any verminous and/or filthy and/or unclean person and/or premises (including any court, yard and/or passage) whether pursuant to the Public Health Act 1936, the Public Health Act 1961 and/or otherwise,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(e) to enter any building, structure (including any moveable structure) and/or on any land and/or to require the vacating of the same;</li> <li>(f) to determine whether to issue any notice;</li> <li>(g) to authenticate any document produced as part of any such action;</li> <li>(h) to clean and/or destroy any verminous and/or filthy article including act as the proper officer of the Council for the purpose of issuing any certificate relating to any such an action;</li> <li>(i) to secure the recovery of any cost incurred; and/or</li> <li>(j) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.</li> </ul>	
	<p>31. To undertake all action in respect of any matter relating to any plant protection product including its marketing and use whether pursuant to the Plant Protection Products Regulations 2011, the Plant Protection Products (Sustainable Use) Regulations 2012 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to be an enforcement officer for all such purposes provided that it accords with any requirement that may be imposed by any relevant Secretary of State; and/or</li> </ul>	

	(b) to appoint/authorise any other person to be an enforcement officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.	
32.	<p>To undertake all action in respect of any matter relating to environmental protection and/or pollution prevention and/or control including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) any issue relating to contaminated land whether pursuant to the Environmental Protection Act 1990 or otherwise;</p> <p>(b) any issue relating to any actual and/or possible unauthorised and/or harmful depositing, treatment and/or disposal of waste whether pursuant to the Environmental Protection Act 1990 or otherwise;</p> <p>(c) any issue relating to dealing with any abandoned item including any abandoned shopping and/or luggage trolley whether pursuant to the Refuse Disposal (Amenity) Act 1978, the Environmental Protection Act 1990 and/or otherwise;</p> <p>(d) any issue relating to the removal of rubbish whether pursuant to the Public Health Act 1961 or otherwise including for the avoidance of doubt power to require a person to provide and maintain a suitable receptacle for the storage of house refuse;</p> <p>(e) to undertake all action to render harmless any article and/or substance that s/he considers gives rise to an imminent danger of serious pollution and/or serious harm to health whether pursuant to the Environment Act 1995 or otherwise;</p> <p>(f) to determine any application including for the avoidance of doubt any application for any authorisation and/or permit in relation to any process or installation;</p> <p>(g) to determine whether to issue any notice; and/or</p> <p>(h) to appoint/authorise any other person for any purpose relating to any of the above including for the avoidance of doubt determining how any such function should be exercised and/or performed whether pursuant to the Environment Act 1995, the Environmental Protection Act 1990 or otherwise.</p>	
33.	To undertake all action in respect of any matter relating to any pest including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to issue any notice whether pursuant to the Prevention of Damage by Pests Act 1949 or otherwise.	
34.	To undertake all action in connection with any proposal for a change/modification in any common land and/or public right of way provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.	

35.	To undertake all action in relation to the making of any order for the purpose of controlling the use of any route and/or preventing any obstruction pursuant to section 21 Town Police Clauses Act 1847 including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to make any order in relation to the same.	
36.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any fee relating to the same whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
37.	<p>To undertake all action in respect of any matter relating to scrap metal whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) any action relating to any application to issue, transfer, renew, vary and/or revoke a collectors licence and/or scrap metal licence (including any transitional licence whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise);</li> <li>(b) to determine the review of any such licence;</li> <li>(c) to provide any advice and/or mediation where s/he considers it appropriate; and/or</li> <li>(d) any action relating to any closure notice and/or closure order including whether to issue or cancel the same (as the case may be), whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise,</li> </ul> <p>provided that this delegation does not include power:</p> <ul style="list-style-type: none"> <li>(e) to determine any scrap metal licensing policy and/or statement for the purposes of the Scrap Metal Dealers Act 2013 and/or determine any review thereof;</li> <li>(f) to determine whether to issue and to issue a closure notice unless in his/her opinion the situation is urgent; and</li> <li>(g) to determine to seek to secure a closure order unless in his/her opinion the situation is urgent.</li> </ul>	
38.	To undertake all action in respect of any issue relating to hours and/or days of shop trading whether pursuant to the Sunday Trading Act 1994 or otherwise and/or conditions of employment in any shop but excluding for the avoidance of doubt power to designate an area as a loading control area for the purposes of the Sunday Trading Act 1994.	
39.	To undertake all action in respect of any matter relating to the control of smoking (including all functions of the Council relating to smoke free places and/or vehicles) whether pursuant to the Health Act 2006 or otherwise including for the avoidance of doubt but without prejudice to generality of the foregoing:	



	<ul style="list-style-type: none"> <li>(a) to be an inspector, enforcement officer and/or an authorised officer for the purposes of performing any such action;</li> <li>(b) to determine whether to issue any fixed penalty notice and/or any other notice;</li> <li>(c) to determine whether to approve the use of any equipment and/or attendance by others, to require production of any substance and/or product and/or to take and/or retain any such substance and/or product;</li> <li>(d) to enter into any premises, vehicle and/or onto any land;</li> <li>(e) to require any person to give such information and provide such facilities and assistance as s/he considers necessary for such purposes and/or</li> <li>(f) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorized officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.</li> </ul>	
40.	To undertake all action in relation to any matter arising in connection with the control and/or disposal of any stray animal.	
41.	<p>To undertake all action in respect of any matter relating to street trading whether pursuant to the Local Government (Miscellaneous Provisions) Act 1982 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any application for any consent provided that there has been no objection to the same which has not been withdrawn; and/or</li> <li>(b) to determine any relevant fee and/or charge.</li> </ul>	
42.	To undertake all action in relation to any matter arising in connection with the regulation of sunbeds.	
43.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility (including any fee relating to the same) whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
44.	To undertake all action in respect of any matter relating to securing the restoration of the supply of water, gas and/or electricity whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise including for the avoidance of doubt but without prejudice to the generality of the same to determine the amount of any cost to be recovered in relation to the same.	
45.	<p>To undertake all action in respect of any matter relating to water quality and supply whether pursuant to the Water Industry Act 1988 or otherwise including for the avoidance of doubt but without prejudice to the generality of the same:</p> <ul style="list-style-type: none"> <li>(a) any action relating to the wholesomeness and/or sufficiency of the same and whether in connection with a private supply or otherwise; and/or</li> </ul>	

	(b) to determine whether to issue any notice.	
46.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) any vehicle perceived to be / causing a nuisance (whether by being advertised for sale on a road, repaired on a road, abandonment, illegally parked or otherwise);</p> <p>(b) any actual / perceived littering, graffiti, fly-posting and/or unlawful display of advertisements; and/or</p> <p>(c) any issue relating to any audible intruder alarm and/or any relevant keyholder,</p> <p>whether pursuant to the Clean Neighbourhood and Environment Act 2005, the Environmental Protection Act 1990 and/or otherwise and including for the avoidance of doubt but without prejudice to the generality of the foregoing;</p> <p>(d) to determine whether to issue any fixed penalty notice and/or any other notice;</p> <p>(e) to undertake any investigation;</p> <p>(f) to enter into any premises, vehicle and/or upon any land for any purpose relating to the above including to silence any alarm and/or to secure the removal on anything unlawfully placed /put there on; and/or</p> <p>(g) to appoint/authorise any other person for any purpose relating to any of the above.</p>	
	<p>To undertake all action in respect of any in respect of any matter relating to any of the following:</p> <p>(a) acupuncture, body/skin piercing including ear piercing, electrolysis, skin colouring (including semi permanent skin colouring) and/or tattooing whether pursuant to the Local Government (Miscellaneous Provisions) Act 1982 or otherwise;</p> <p>(b) any allotment including any tenancy issued in respect thereof;</p> <p>(c) any boarding establishment for animals (whether pursuant to the Animal Boarding Establishments Act 1963 or otherwise);</p> <p>(d) any caravan site;</p> <p>(e) any dangerous wild animal (whether pursuant to the Dangerous Wild Animals Act 1976 or otherwise) including for the avoidance of doubt power to determine whether to seize, retain and/or destroy any such animal;</p> <p>(f) any food and/or drink business;</p> <p>(g) any game dealer;</p> <p>(h) any proposed / actual killing of game or any other living organism;</p> <p>(i) any headstone, memorial and/or monument;</p> <p>(j) any house-to-house collection, street collection and/or any other collector;</p> <p>(k) hypnosis;</p> <p>(l) any house in multiple occupation whether for the purposes of the Housing Act 2004 or otherwise;</p>	

	<p>(m) any motor salvage operator and/or operation;  (n) any trade that s/he considers to be of an offensive nature;  (o) any pet shop and/or pet animal whether pursuant to the Pet Animals Act 1951 or otherwise;  (p) any poultry cutting premises and/or wild game store;  (q) any riding establishment whether pursuant to the Riding Establishments Acts of 1964 and 1970 and/or otherwise;  (r) any salvage operation; and/or  (s) any zoo whether pursuant to the Zoo Licensing Act 1981 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(t) to determine any application; and/or  (u) to the extent that the law allows:  (i) to undertake any inspection;  (ii) to enter any building, structure (including any moveable structure) and/or on any land;  (iii) to determine any relevant fee and/or charge, and/or  (iv) to appoint/authorise any other person for any purpose relating to any of the above.</p>	
48. Page 83	<p>Subject so far as s/he considers it appropriate and feasible so to do in consultation with:</p> <p>(a) the Head of Planning: and  (b) any ward Member s/he considers relevant (if any),  to undertake all action in connection with securing the removal of any tree where s/he considers it to be unsafe and /or causing damage.</p>	

### 34. Delegations to the Head of Economy, Leisure and Tourism

Ref	Delegation	If the delegation is not applicable to all the Councils
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1.	<p>To undertake all action relating to the management, development, promotion and delivery of the leisure and tourism functions of the Council in accordance with any relevant approved policy and/or strategy of the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any relevant fee and/or charge.</p>	
2.	<p>To undertake all action in relation to the operation of any harbour within the district of the Council for which the Council is harbour authority and/or arrangements in place for it to operate the same, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any harbour regulation, fee and/or charge including whether to waive any such fee and/or charge;</p> <p>(b) to determine any licence application relating to:</p> <p>(i) any user of the harbour; and/or</p> <p>(ii) any associated function of such a harbour; and/or</p> <p>(c) to determine whether to approve (including any terms relating thereto) any concession at any such harbour.</p>	
Page 84	<p>Provide advice to private and voluntary sector organisations and/or external partnerships provided that:</p> <p>(a) it in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(b) s/he is satisfied as to arrangements in place to facilitate this by way of a relevant agreement and insurance.</p>	
4.	<p>To manage any capital contract of the Council including design, budget and negotiating grant aid relating to the economy, tourism and/or leisure.</p>	
5.	<p>To undertake all action relating to the development and/or maintenance of a process for dealing with and determining any application to the Council for a grant and/or rate relief relating to:</p> <p>(a) art;</p> <p>(b) economic development;</p> <p>(c) any museum;</p> <p>(d) sport; and /or</p> <p>(e) any village hall,</p>	

	<p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that:</p> <p>(f) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(g) no determination will result in any relevant budget being exceeded.</p>	
6.	<p>To undertake all action relating to the development and maintenance of a process for dealing with and determining any application for a grant by any business and/or voluntary organisation including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any application provided that:</p> <p>(a) such power does not extend to approving any grant for a sum in excess of £5,000;</p> <p>(b) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(c) no determination will result in any relevant budget being exceeded.</p>	

Page 85	<b>Delegations to the Head of Financial Services</b>	
Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>Subject to:</p> <p>(a) every action being in accordance with the Financial Regulations and any other relevant policy and/or strategy adopted by the Council; and</p> <p>(b) that no decision will result in the overall borrowing limits approved by the Council (if any) being exceeded;</p> <p>to undertake all action in connection with the Council's treasury management function including, but without prejudice to the generality of the foregoing:</p> <p>(c) determining the interest rate for any loan made by the Council, except those fixed by any employee's contract of</p>	

	<p>service and/or the Government;</p> <p>(d) in the name of the Council, determining the investment and re-investment of Council monies;</p> <p>(e) opening, closing and operating accounts in the name of the Council;</p> <p>(f) ordering, signing, endorsing and managing the general control of every cheque drawn on the Council's accounts;</p> <p>(g) acting as authorised signatory, authorising the transfer and/or giving instructions to transfer money by CHAPS, BACS or other transfer system (whether electronically or otherwise), from, between and/or to any account held by or on behalf of the Council in respect of sum properly payable and/or held by the Council; and</p> <p>(h) acting as the Council's registrar of stocks, bonds and mortgages.</p>	
2.	Subject to prior consultation with a Senior Member to undertake all action in connection with an application for the Council to grant a mortgage provided such action is in accordance with the Financial Regulations and any relevant policy and strategy of the Council.	
3.	Subject to consultation with a Senior Member to determine whether the Council should give consent as mortgagee in respect of any issue arising in relation to a mortgage provided such a determination does not affect the Council's security under the mortgage.	
4.	To determine whether to transfer a mortgage given by the Council to the spouse or other member of the family of a current mortgagor.	
5.	To pay any allowance to a Member (including any person co-opted to sit on a body of the Council) to which that Member (or person as the case may be) is entitled in accordance with any scheme and/or other relevant policy adopted by the Council.	
6.	To undertake all action in connection with the negotiation and agreement of any financing arrangement for any matter in the capital programme that has been approved by the Council.	
7.	To pay any invoice to the Council for work done, goods supplied and/or service rendered.	
8.	To undertake all action in connection with any arrangement for the collection of income.	
9..	To determine whether to write off any debt of up to £10,000 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	
10.	To undertake all action in connection with establishing and securing the recovery of any debt owed to the Council.	

11.	To undertake all action in connection with the design and approval of the format of any official order form and/or receipt used by the Council together with any operation associated with the use thereof including for the avoidance of doubt but without prejudice to the generality of the foregoing:  (a) any procedure for its supply and control; (b) any terms and conditions associated therewith; and (c) where payments are made to the Council to determine whether a receipt should be issued.	
12.	To undertake all action in connection with the design and implementation of the accounting systems, forms of accounts and supporting financial records used by the Council.	
13.	To undertake all action in connection with the establishment of arrangements for the audit of the Council's financial affairs.	
14.	To undertake all action in connection with the arrangement and approval of insurance cover for the Council and, in consultation with such other Officer as the Head of Financial Service deems appropriate, to arrange for the negotiation of, and to approve the payment of, and claim.	
15.	To maintain an asset register for all fixed assets.	
16.	To undertake all action in connection with the payment of salaries, wages, honoraria, compensation, professional subscriptions and any other emoluments provided such action is in accordance with national and local agreements and any relevant policy and strategy of the Council.	
17.	To determine any variation to any strategic audit plans and annual audit plan provided that: (a) the prior approval of the Section 151 Officer is obtained for any variation; and (b) the Head of Financial Services takes a report following the variation to the next available meeting of the Council body that approved the strategic or annual audit plan which has been varied.	

## 36. Delegations to the Head of Housing

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action in connection with:</p> <ul style="list-style-type: none"> <li>(a) any banning order; and/or</li> <li>(b) maintaining a database associated with any such order,</li> </ul> <p>whether pursuant to the Housing Act 2004 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(c) to determine whether to make, vary and/or remove any entry on a database;</li> <li>(d) to determine the consequence of any written representation made in relation to any proposed and/or actual banning order and/or database; and/or</li> <li>(e) the requiring of any information in relation to any of the above;</li> </ul> <p>provided that this power does not extend to a final determination as to whether to apply for a banning order without the prior approval of the Corporate Manager - Legal.</p>	
2.	<p>To undertake all action in respect of any matter concerning the free circulation of air whether pursuant to the Building Act 1984 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to give a consent in relation to the free circulation of air in connection with any entrance to a court and/or yard.</p>	
3.	<p>To undertake all action in respect of any matter arising in relation to undertaking any work to any building for the purpose of preventing any unauthorised entry to it and/or preventing to from becoming a danger to the public including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine whether to undertake any work;</li> <li>(b) to determine whether to issue any notice;</li> <li>(c) to enter any building, structure (including any moveable structure) and/or on any land; and/or</li> <li>(d) to appoint/authorise any other person for any such purpose,</li> </ul>	



	provided that any such work will not result in any relevant budget being exceeded.	
4.	<p>To undertake all action in relation to any actual and/or perceived unauthorised camping and/or occupation of any land and/or premises whether pursuant to the Criminal Justice and Public Order Act 1994 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to issue any direction, notice and/or order;</p> <p>(b) to determine whether to seek any injunction;</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose.</p>	
5.	<p>To undertake all action in respect of any matter arising in relation to the licence of any caravan site whether pursuant to the Caravan Sites and Control of Development Act 1960 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application for a licence including for the avoidance of doubt any condition relating to any licence;</p> <p>(b) to determine whether to vary, add and/or cancel any condition imposed on a licence;</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose.</p>	
Page 89	<p>To undertake all action in connection with securing appropriate provision and checking of any smoke and/or carbon monoxide alarm whether pursuant to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to carry out any inspection;</p> <p>(b) to determine whether to issue any notice including for the avoidance of doubt any remedial notice;</p> <p>(c) to determine whether to issue any penalty charge including for the avoidance of doubt the amount of any such charge;</p> <p>(d) to undertake a review in relation to any remedial notice and/or penalty charge;</p> <p>(e) to the extent that such power exists to determine whether to withdraw any remedial notice and/or penalty charge;</p> <p>(f) to determine whether to carry out any work; and/or</p> <p>(g) to appoint/authorise any other person for any purpose relating to any of the above.</p>	

<p>7.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 90</p>	<p>To undertake all action in respect of any matter relating to any structure (including any yard and/or passage) and/or article (including any drain and/or sewer) whether directly and/or indirectly provided and/or associated with the transport, disposal and/or removal of any waste product (including water) which is or may be defective, insufficient and/or in any other way unsuitable and/or detrimental, whether pursuant to the Public Health Act 1936, the Public Health Act 1961, the Local Government (Miscellaneous Provisions) Act 1976, the Building Act 1984 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <ul style="list-style-type: none"> <li>(a) any action relating to any cesspool, private sewer, drain, pipe (whether a soil pipe, rain water pipe or otherwise), sanitary convenience, spout, sink or other appliance provided for a similar and/or associated purpose and whether in use or otherwise;</li> <li>(b) any action relating to any closet including any water and/or earth closet;</li> <li>(c) any action relating to alteration, construction, discontinuation, provision, repair and/or sufficiency of the same;</li> <li>(d) to determine whether to issue any notice including for the avoidance of doubt any closure order, demolition order and/or notice to quit;</li> <li>(e) to determine whether to accept and/or cancel any undertaking; and/or</li> <li>(f) to authenticate any document produced in relation to any of the above.</li> </ul>	
<p>8.</p>	<p>To undertake all action in respect of any matter arising in relation to protection from eviction and/or harassment whether pursuant to the Protection from Eviction Act 1977, Protection from Harassment Act 1997 and/or otherwise.</p>	
<p>9.</p>	<p>To undertake all action in respect of the preparation and/or production of any report setting out energy conservation measures relating to any residential accommodation in the area of the Council whether pursuant to the Home Energy Conservation Act 1995 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing approving the content of any such report.</p>	
<p>10.</p>	<p>Subject to prior consultation with:</p> <ul style="list-style-type: none"> <li>(a) the Corporate Manager – Legal; and</li> <li>(b) the Head of Assets and Infrastructure,</li> </ul> <p>to undertake all action in relation to any property whether by way of a lease for a term of less than seven (7) years and/or any other short term non-secure arrangement for the purpose of securing temporary accommodation in relation to any</p>	

	<p>homeless issue including any situation arising due to an emergency including power without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(c) to agree the terms of any such lease and/or arrangement;</li> <li>(d) to agree arrangements with any other Council in the relation to any such acquisition including any terms relating to future use and/or occupation whether pursuant to the Local Government Act 1972 or otherwise;</li> <li>(e) to determine any relevant fee and/or charge in relation to any such leased property and/or in non-secure arrangement;</li> <li>(f) to enter into any arrangement and/or undertake appropriate activities to ensure the effective management of any property secured for such a purpose; and/or</li> <li>(g) to determine whether to offer any person and/or household an occupation agreement in relation to any such property including for the avoidance of doubt to determine the terms of any such agreement.</li> </ul>	
<p>11.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 91</p>	<p>In relation to any property acquired by the Council on whatever term:</p> <ul style="list-style-type: none"> <li>(a) subject to the prior agreement of the Head of Assets and Infrastructure, to make such property available for the purposes of occupation by any homeless person and/or household and/or in housing need due to an emergency;</li> <li>(b) subject to prior consultation with the Head of Assets and Infrastructure and the Corporate Manager – Legal, to determine arrangements with any person and/or body for the purposes of facilitating and/or securing the availability of any such property for the purpose of occupation by any homeless person and/or household and/or to meet needs arising from an emergency whether acquired specifically for the purposes of providing accommodation for any homeless person/household or made available pursuant to (a) above including for the avoidance of doubt any relevant management arrangement;</li> <li>(c) to determine any relevant fee and/or charge in relation to the use and/or occupation of any such property; and/or</li> <li>(d) to determine whether to offer any person and/or household an occupation agreement in relation to any such property including for the avoidance of doubt to determine the terms of any such agreement.</li> </ul>	
<p>12.</p>	<p>To undertake all action in relation to any matter arising In connection with any building, dwelling house and/or house in multiple occupation (whether those possessing any category 1 and/or category 2 hazard for the purposes of the Housing Act 2004 or otherwise), including for the avoidance of doubt, but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) action to secure the execution of any works for whatever purpose including providing amenities and/or remedying</li> </ul>	

	<p>neglect of management;</p> <p>(b) action to secure the provision of adequate means of escape in case of fire;</p> <p>(c) action to prevent and/or reduce overcrowding;</p> <p>(d) to issue any notice and/or order including an emergency prohibition order and/or</p> <p>(e) to determine whether emergency remedial action should be undertaken provided that any cost associated with the same can be met from any existing budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</p>	
13.	<p>To undertake all action in respect of any matter arising in relation to the licence of any house in multiple occupation and/or housing situated in an area designated by the Council for licensing for the purposes of the Housing Act 2004 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application;</p> <p>(b) to determine whether to issue any notice and/or order including for the avoidance of doubt any management order (whether interim and/or final);</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(d) to determine whether to vary and/or revoke any licence; and/or</p> <p>(e) to appoint/authorise any other person for any such purpose.</p>	
Page#92	<p>To undertake all action in respect of any issue relating to the imposition of a financial penalty where such an option is available pursuant to any housing offence, whether being a housing offence for the purposes of the Housing Act 2004 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether or not the circumstances are such as to justify the imposition of a financial penalty;</p> <p>(b) to determine the appropriate amount of any such financial penalty;</p> <p>(c) to consider and determine the consequence of any written representation made in relation to any proposed or actual financial penalty;</p> <p>(d) to determine whether at any time to vary and/or withdraw a financial penalty;</p> <p>(e) to determine whether to seek recovery of any financial penalty; and/or</p> <p>(f) to issue any notice and/or other documentation in relation to the above,</p> <p>provided that in all cases no final decision shall be taken to impose any such financial penalty and/ or seek the recovery of any such financial penalty without the prior approval of the Corporate Manager – Legal.</p>	

15.	To develop and maintain a process for dealing with and determining any application to the Council for any grant relating to housing including for the purposes of supporting any housing solution in the community whether pursuant to the Housing Construction and Regeneration Act 1996 or otherwise provided any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council and will not result in any relevant budget being exceeded.	
16.	<p>To undertake all action in respect of any matter relating to the allocation of housing accommodation and/or homelessness including threatened homelessness whether pursuant to the Housing Act 1996 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any application for housing accommodation including for the avoidance of doubt to determine the award of points / determination of category/ application of priorities in relation to any person under any relevant scheme of the Council;</li> <li>(b) to determine any allocation including for the avoidance of doubt any nomination of any residential property;</li> <li>(c) to determine any application relating to homelessness;</li> <li>(d) to determine any matter relating to the provision of any temporary accommodation;</li> <li>(e) to determine whether any person should be removed from any waiting list;</li> <li>(f) to provide any relevant advice, assistance and information relating to any of the above;</li> <li>(g) to determine any review;</li> <li>(h) to determine whether to issue any notice;</li> <li>(i) to enter any building, structure (including any moveable structure) and/or on any land;</li> <li>(j) to seek to recover any cost incurred; and/or</li> <li>(k) to appoint/authorise any other person for any such purpose.</li> </ul>	
17.	<p>To undertake all action in respect of maintaining and operating any:</p> <ul style="list-style-type: none"> <li>(a) housing allocation scheme; and/or</li> <li>(b) housing register,</li> </ul> <p>of the Council whether pursuant to the Housing Act 1996 or otherwise provided that this does not include power to determine whether to change the content of any housing allocation scheme save to the extent that s/he considers such change to be minor in nature and/or is necessary to give effect to a change in legislation.</p>	

18.	<p>To undertake all action relating to any nomination and/or determining individual eligibility to the use and/or occupation of any affordable housing controlled by any planning obligation and/or section 52 agreement (whether pursuant to the Town and Country Planning Act 1990, the Town and Country Planning Act 1971 or otherwise) relating to the Council's area including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any nomination and/or eligibility issue; and/or  (b) to determine the terms of any nomination scheme and/or guidance relevant any such matter.</p>	
19.	<p>To undertake all action of the Council in respect of any matter arising in relation to:</p> <p>(a) the making of a demolition order in respect of any property considered to have a category 1 and/or a category 2 hazard for the purposes of the Housing Act 1985; and/or  (b) overcrowding whether pursuant to the Housing Act 1985 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine whether to make an order;  (d) to determine whether to grant any licence;  (e) to determine whether to issue any notice;  (f) to determine whether to require any information;  (g) to enter any building, structure (including any moveable structure) and/or on any land; and/or  (h) to appoint/authorise any other person for any such purpose.</p>	
20.	<p>Power to undertake all action to secure that every relevant person engaging in lettings agency work and/or property management work is a member of an appropriate redress scheme for dealing with complaints whether pursuant to the Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes) (England) Order 2013, the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <p>(a) to determine any issue relating to compliance;  (b) to determine the amount of, and whether to issue, a monetary penalty;  (c) to determine whether to issue any notice, including for the avoidance of doubt, any notice of intent;  (d) to consider any representation against any monetary penalty; and  (e) to the extent that such power exists, to determine whether to withdraw any monetary penalty.</p>	

21.	<p>To undertake all action in respect of any matter relating to any actual and/or alleged nuisance whether statutory or otherwise, whether currently occurring or otherwise and whether pursuant to the Environmental Protection Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any application;</li> <li>(b) to determine whether to issue any notice including for the avoidance of doubt any abatement notice;</li> <li>(c) to enter any building, structure (including any moveable structure) and/or on any land whether pursuant to the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993 and/or otherwise;</li> <li>(d) to determine whether to take any direct action (including where relevant the seizure of equipment) and any action necessary pursuant to any such determination;</li> <li>(e) to seek to recover any cost incurred; and/or</li> <li>(f) to appoint/authorise any other person for any purpose relating to any of the above.</li> </ul>	
22.	<p>To undertake all action in respect of any matter relating to any pest including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to issue any notice whether pursuant to the Prevention of Damage by Pests Act 1949 or otherwise</p>	
23.	<p>To undertake all action in respect of any matter relating to any rent deposit scheme, any rent in advance loan and/or any deposit bond including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any application relating to any such matter provided that:</p> <ul style="list-style-type: none"> <li>(a) the determination of any application will not result in any budget allocated for such purpose being exceeded or the approval of the Head of Financial Services has been obtained; and</li> <li>(b) any such action is in accordance with any relevant policy and/or scheme of the Council.</li> </ul>	
24.	<p>To undertake all action in relation to the obtaining and/or enforcement of any rent repayment order whether pursuant to the Housing Act 2004 or otherwise provided that such power does not extend to making a final determination as to whether to:</p> <ul style="list-style-type: none"> <li>(a) make an application to enforce the order; and/or</li> <li>(b) to enforce such an order,</li> </ul> <p>without the prior approval of the Corporate Manager – Legal.</p>	

25.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility including for the avoidance of doubt but without prejudice to the generality of the foregoing any fee relating to the same whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
26.	<p>To undertake all action for the purposes of:</p> <p>(a) registering the Council as a provider of social housing to the extent that this may be required at any time and from time to time; and/or</p> <p>(b) ensuring compliance with all terms and requirements arising as a consequence of any such registration,</p> <p>whether for the purposes of the Housing and Regeneration Act 2008 or otherwise.</p>	
27.	To undertake all action in respect of securing and/or providing tenancy deposit information to the extent that such information can be secured whether pursuant to the Housing Act 2004 or otherwise.	
28.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) any verminous and/or filthy and/or unclean person and/or premises (including any court, yard and/or passage) whether pursuant to the Public Health Act 1936, the Public Health Act 1961 and/or otherwise;</p> <p>(b) controlling the use and/or keeping of any moveable dwelling whether pursuant to the Public Health Act 1936 or otherwise; and/or</p> <p>(c) any overflowing and/or leaking cesspool whether pursuant to the Public Health Act 1936 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(d) to determine any licence;</p> <p>(e) to enter any building, structure (including any moveable structure) and/or on any land and/or to require the vacating of the same;</p> <p>(f) to determine whether to issue any notice;</p> <p>(g) to undertake any investigation;</p> <p>(h) to clean and/or destroy any verminous and/or filthy article including act as the proper officer of the Council for the purpose of issuing any certificate relating to any such an action;</p> <p>(i) to authenticate any document produced as part of any such action;</p> <p>(j) to secure the recovery of any cost incurred and/or</p> <p>(k) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any</p>	



	purpose relating to any of the above including determining the content of any written provisions relating thereto.	
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### 37. Delegations to the Head of Planning (Development Management and Building Control)

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action relating to any matter arising in respect of any appeal, call-in and/or other inquiry and/or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine any response required in relation to any procedural issue relating to any such matter including for the avoidance of doubt whether any such matter should be dealt with by means of written representation, hearing or public inquiry;</li> <li>(b) to determine any procedural issue relating to any such matter including the venue for the holding on any hearing and/or appeal; and/or</li> <li>(c) to determine whether or not to defend any reason for refusal.</li> </ul>	
2.	<p>To undertake all action relating to any matter arising in respect of any building control function of the Council whether pursuant to the Building Act 1984, the Building Regulations 2010, The Building (Approved Inspectors etc) Regulations 2010 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to enter any building, structure (including any moveable structure) and/or on any land;</li> <li>(b) to determine any application including for the avoidance of doubt whether to pass (whether with or without any condition) and/or refuse any plan and/or other document deposited with the Council for determination;</li> <li>(c) to determine whether to issue any notice;</li> <li>(d) to determine whether to vary and/or revoke any licence;</li> <li>(e) to undertake any investigation; and/or</li> <li>(f) to appoint/authorise any other person for any such purpose.</li> </ul>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 98</p>	<p>3. To undertake all action relating to any matter arising in respect of any actual and/or perceived dangerous, defective, dilapidated neglected and/or ruinous building, structure and/or site whether pursuant to the Building Act 1984 or otherwise including for the avoidance of doubt but without prejudice the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to enter any building, structure (including any moveable structure) and/or on any land;</li> <li>(b) to determine whether to issue any notice;</li> <li>(c) to determine whether to undertake any direct work including for avoidance of doubt whether to demolish any building and/or structure;</li> <li>(d) to seek to recover any cost incurred; and/or</li> <li>(e) to appoint/authorise any other person for any purpose relating to any of the above,</li> </ul> <p>provided that this power does not include the power to make a final determination whether to undertake any direct work and/or demolish any building and/or structure unless:</p> <ul style="list-style-type: none"> <li>(f) in his/her opinion the need for such work and/or action is urgent;</li> <li>(g) there is the prior approval of the Corporate Manager – Legal; and</li> <li>(h) any cost associated with the issue of the stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</li> </ul>	
<p>4</p>	<p>To determine whether or not to vary any fee scale set by the Council in accordance with any Local Government Association model scheme relating to any building control function provided that any such variation does not exceed plus or minus ten (10) per cent.</p>	
<p>5.</p>	<p>Subject to such prior consultation with:</p> <ul style="list-style-type: none"> <li>(a) the Head of Community Protection; and</li> <li>(b) such Senior Member as s/he considers it reasonable and feasible to do,</li> </ul> <p>to determine whether to and to submit any representation / objection to any application for the grant of a goods vehicle operator's licence.</p>	
<p>6.</p>	<p>To undertake all action in order to regulate any actual, perceived or potential breach of any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to enter any building, structure (including any moveable structure) and/or on any land;</li> </ul>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 99</p>	<ul style="list-style-type: none"> <li>(b) any action to seek to regulate any actual or perceived breach of any notice, order, agreement, obligation and/or other document, condition, restriction and/or other limitation issued or provided for pursuant to such Town and Country Planning Legislation;</li> <li>(c) to determine whether to issue any notice including for the avoidance of doubt: <ul style="list-style-type: none"> <li>(i) any requisition for information;</li> <li>(iii) any planning contravention notice;</li> <li>(iv) any enforcement notice;</li> <li>(v) any breach of condition notice;</li> <li>(vi) any notice pursuant to section 215 Town and Country Planning Act 1990;</li> <li>(vii) any temporary stop notice;</li> <li>(viii) any advertisement discontinuance notice; and/or</li> <li>(ix) any replacement tree notice;</li> </ul> </li> <li>(d) to determine whether or not to amend and/or withdraw any notice;</li> <li>(e) to determine whether to seek any injunction and/or pursue any action arising therefrom; and/or</li> <li>(f) to determine whether or not to take and/or to cease action whether because in his/her opinion the breach is trivial, there is insufficient demonstrable harm and/or, it is not expedient to take / continue to take action,</li> </ul> <p>provided that this power does not include the power to make a final determination whether to issue a stop notice which is not a temporary stop notice and/ or to determine whether to seek any injunction and/or any make any application for contempt whether pursuant to the Town and Country Planning Act 1990 or otherwise, unless:</p> <ul style="list-style-type: none"> <li>(g) in his/her opinion the need to issue a stop notice is urgent;</li> <li>(h) there is the prior approval of the Corporate Manager – Legal; and</li> <li>(i) any cost associated with the issue of the stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</li> </ul>	
<p>7.</p>	<p>To undertake all action in respect of any matter arising under any Town and Country Planning Legislation relating to any hedge and/or hedgerow including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine whether or not to uphold a formal complaint regarding a high hedge;</li> <li>(b) to determine whether or not to issue any notice including any Remedial Notice; and/or</li> <li>(c) to determine whether or not to vary and/or revoke any such notice;</li> </ul> <p>provided that where that matter specifically is an application to undertake work to that hedge or hedgerow (as the case may be) then prior to any final determination in relation to that application notification of it has been sent at least</p>	

	<p>seven calendar days before a determination is made to:</p> <p>(a) any Member in whose ward the hedge or hedgerow is situated; and</p> <p>(b) the Parish or Town Council of the area to which the application relates (if any).</p>	
8.	<p>To undertake all action relating to the development and maintenance of a process for dealing with and determining any application to the Council for a grant relating to:</p> <p>(a) any heritage asset including for the avoidance of doubt any listed building that s/he considers to be at risk; and/or</p> <p>(b) the repair of any chest and/or table tomb,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that in all cases:</p> <p>(c) no individual award exceeds £5,000;</p> <p>(d) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(e) the grant will not result in any relevant budget being exceeded.</p>	
9.	<p>To undertake all action for the purposes of preparing and/or submitting any request to the relevant central government department to spot list any building that in his/her opinion is of architectural and/or historic interest and is or may be under threat including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to make such a submission.</p>	
10.	<p>To undertake all action in relation to a grant of a permission in principle for the purposes of determining whether to issue and the content of any direction as to when such permission in principle should take effect.</p>	
11.	<p>To undertake all action in respect of any application (including for the avoidance of doubt any planning application, reserved matters application, application for listed building consent, application for a permission in principle and/or an application for technical details consent) pursuant to any of the Town and Country Planning Legislation that s/he considers can reasonably be regarded as part of any activity required to process and progress the same (including any activity required to progress any such application through to a point where it is ready to be finally determined together with all procedural activity necessary as a result of any such determination) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(b) to determine whether any application has been validly made and/or whether to decline to register and/or determine</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 101</p>	<p>any application for whatever reason including for the avoidance of doubt to decline to determine any application which s/he considers to be a repeat application, relating to an extant enforcement action and/or as a result of the submission of inadequate/insufficient information;</p> <ul style="list-style-type: none"> <li>(c) to determine what, and the extent of, information required in respect of any application, including for the avoidance of doubt any environmental impact assessment and/or any other assessment and/or report;</li> <li>(d) to determine any scoping and/or screening opinion in relation to any environmental impact assessment including for the avoidance of doubt whether any such opinion is required;</li> <li>(e) to make any arrangement for a site visit;</li> <li>(f) to determine whether any matter which would normally be a reserved matter should be required as part of an outline application;</li> <li>(g) to determine whether to allow any amendment / variation to any application and/or any document submitted in relation to any such application;</li> <li>(h) to determine when and where to place any application on any agenda;</li> <li>(i) to determine whether to refer any application to the relevant Secretary of State as a departure from the Development Plan;</li> <li>(j) to determine the method and extent of consultation in respect of the notification and advertisement of any application;</li> <li>(k) to determine whether to seek to secure the withdrawal of any application outstanding for a period in excess of six (6) calendar months and/or to determine whether any such application should be treated as withdrawn;</li> <li>(l) to authorise any change to any register or other record of the Council as a consequence of any matter that is being dealt with including for the avoidance of doubt any addition, deletion and/or other modification;</li> <li>(m) to determine any request for any deferment and/or withdrawal by any party in relation to any application;</li> <li>(n) to determine whether any change constitutes a minor amendment; and/or</li> <li>(o) to appoint/authorise any other person for any purpose relating to the above,</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(p) for the avoidance of doubt this delegation does not include power to make a final determination (whether to approve, refuse or otherwise) in relation to any such application; and</li> <li>(q) there shall be consultation with the Chairman of Planning in relation to the organization of any site visit for the purposes of enabling Members of the Planning Committee to assess an application in advance of its determination.</li> </ul>	
<p>12.</p>	<p>To undertake all action for the purposes of assessing and determining whether any exception, condition, limitation and/or other restriction has been met in connection with any prescribed permitted development whether pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 or otherwise including for the avoidance of</p>	

	<p>doubt but without prejudice to the generality of the foregoing assessing whether any application relating to any such permitted development provision might be outside the scope of any such permitted development provision.</p>	
13.	<p>To undertake all action in respect of any matter relating to any actual and/or perceived fly posting whether currently occurring or otherwise and whether pursuant to the Town and Country Planning Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to determine whether to issue any notice;</li> <li>(b) to enter any building, structure (including any moveable structure) and/or on any land;</li> <li>(c) to determine whether to take any direct action and any action necessary pursuant to any such determination;</li> <li>(d) to seek to recover any cost incurred; and/or</li> <li>(e) to appoint/authorise any other person for any purpose relating to any of the above.</li> </ul>	
14. Page 102	<p>To determine any application submitted pursuant to any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) any application submitted wholly or partly pursuant to section 73 and/or section 73A of the Town and Country Planning Act 1990;</li> <li>(b) any application for listed building consent;</li> <li>(c) any application for permission in principle and/or technical detail consent;</li> <li>(d) any reserved matter application; and/or</li> <li>(e) to determine whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof,</li> </ul> <p>provided that the power to make a final determination of an application does not apply to any application:</p> <ul style="list-style-type: none"> <li>(f) in respect of which: <ul style="list-style-type: none"> <li>(i) a Written Material Representation has been received by the Head of Planning (Development Management and Building Control) and that Written Material Representation: <ul style="list-style-type: none"> <li>(A) has been made by a Member(s) and received by the Head of Planning (Development Management and Building Control) within the Consultation Period; and/or</li> <li>(B) (1) has been made by a town or parish council in whose area the application is situated, and received by the Head of Planning (Development Management and Building</li> </ul> </li> </ul> </li> </ul>	

	<p>Control) within the Consultation Period or such other period as the Head of Planning (Development Management and Building Control) otherwise agrees in writing (such extension to the Consultation Period not to be unreasonably refused); and</p> <p>(2) contains a recommendation that is contrary to the proposed decision; and in either case</p> <p>(ii) the Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination; and/or</p> <p>(g) which the Head of Planning (Development Management and Building Control) considers at any time when assessing the application (prior to any determination) for the purpose of this delegation:</p> <p>(i) would be Contrary to the Development Plan (and the anticipated decision would be to approve);</p> <p>(ii) is on land owned by the Council;</p> <p>(iii) is from an Identified Member;</p> <p>(iv) is from an Identified Employee;</p> <p>(v) would conflict with a decision previously made by the Planning Committee in relation to same type of application which is also of the same description, and on the same or largely the same site; and/or</p> <p>(vi) requires an Environmental Impact Assessment.</p> <p><b>Note as Regards the above consultation provision</b></p> <p>The Chairman, Vice Chairman and Ward Member(s) can all be substituted by the Vice Chairman and both can be substituted by any other Member(s) of the Planning Committee if any are unavailable / absent at the time that the consultation is being undertaken. The Head of Planning (Development Management and Building Control) can be substituted by any planning Officer(s) nominated by the Head of Planning (Development Management and Building Control) for such a purpose.</p>	
15.	<p>To undertake all action in respect of any application relating to any of the following:</p> <p>(a) any certificate of lawfulness of existing use or development and/or any certificate of lawfulness of proposed use or development whether pursuant to the Town and Country Planning Act 1990 or otherwise;</p> <p>(b) any certificate of proposed works to a listed building whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise;</p>	

Page 104	<ul style="list-style-type: none"> <li>(c) any prior notification and/or prior approval relating to any permitted development provision whether pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 or otherwise including for the avoidance of doubt whether any such matter is required;</li> <li>(d) any non-material amendment whether pursuant to the Town and Country Planning Act 1990 or otherwise;</li> <li>(e) any application for confirmation of compliance with any condition;</li> <li>(f) any advertisement whether pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or otherwise including for the avoidance of doubt any banner that is or may be visible from any highway; and/or</li> <li>(g) any street furniture including for the avoidance of doubt the siting of any communication apparatus, police box, bus shelter, post box, fire alarm and/or any similar structure,</li> </ul> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(h) to determine any such application; and/or</li> <li>(i) to appoint/authorise any other person for any purpose relating to any of the above.</li> </ul>	
	<p>To undertake all action in connection with:</p> <ul style="list-style-type: none"> <li>(a) the exercise of any function of the Council as local planning authority pursuant to any Pastoral Measure whether the Pastoral Measure 1983 No 1 or otherwise; and</li> <li>(b) the provision of any response to any consultation to faculty procedure and pastoral measures relating to any alteration to of any ecclesiastical building including any scheme for redundancy.</li> </ul>	
17.	<p>To determine whether and how to respond on behalf of the Council to any application pursuant to any of the Town and Country Planning Legislation submitted to any other local authority provided that:</p> <ul style="list-style-type: none"> <li>(a) in his/her opinion there is not sufficient time and/or it is not appropriate to take such a matter to the next scheduled Planning Committee;</li> <li>(b) so far as s/he considers to feasible so to do there is prior consultation with at least one Lead Member and the Chairman of Planning Committee; and</li> <li>(c) the application is not one falling wholly or partly within the district of any one or more of the Councils.</li> </ul>	
18.	<p>To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification and/or variation to any agreement, deed, undertaking and/or any other document entered into wholly or partly pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality</p>	



<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 105</p>	<p>of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) any agreement made pursuant to section 52 of the Town and Country Planning Act 1971; and /or</li> <li>(b) any planning obligation pursuant to section 106 of the Town and Country Planning Act 1990;</li> </ul> <p>provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation:</p> <ul style="list-style-type: none"> <li>(c) imposed by an express decision of Planning Committee; and</li> <li>(d) where in his/her opinion such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).</li> </ul> <p>North Dorset District Council only:</p> <p>The proviso above does not apply if the modification of the planning agreement / obligation concerns a low cost dwelling(s) and will in the opinion of the in the opinion of the Head of Planning (Development Management and Building Control):</p> <ul style="list-style-type: none"> <li>(a) facilitate its use, in whatever form, by a registered social landlord, or</li> <li>(b) result in the release of the low cost dwelling(s) from future ties as a low cost market dwelling.</li> </ul>	<p>Solely in relation to one aspect of the proviso North Dorset District Council but otherwise applicable to all</p>
<p>105</p>	<p>To undertake all action in respect of the submission of any matter relating to any permission, consent, approval and/or other determination made pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to develop and maintain a process for the submission of any application relation to any money secured pursuant to any planning obligation;</li> <li>(b) the submission of any scheme, detail and/or plan; and/or</li> <li>(c) to make any determination in relation to any such submission including for the avoidance of doubt any such submission to comply with any condition and/or obligation.</li> </ul>	
<p>20.</p>	<p>To undertake all action in respect of:</p>	

	<ul style="list-style-type: none"> <li>(a) determining whether to issue any completion notice pursuant to any Town and Country Planning Legislation including for the avoidance of doubt any further action arising as a consequence of determining to issue such a notice; and/or</li> <li>(b) making any modification to and/or the revocation of any planning permission and/or permission in principle issued pursuant to any Town and Country Planning Legislation provided that this does not include power to modify and/or revoke any such permission: <ul style="list-style-type: none"> <li>(i) that was expressly granted by the Planning Committee unless in his/her opinion the matter is urgent;</li> <li>(ii) without the prior approval of the Corporate Manager – Legal; and</li> <li>(iii) unless any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</li> </ul> </li> </ul>	
21.	To undertake all action in connection with any proposal for a change/modification in any common land and/or public right of way provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.	
22	To undertake all action for the purpose of issuing a refusal of an application submitted pursuant to any Town and Country Planning Legislation where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.	
23	<p>To undertake all action relating to making and/or confirming any type of Tree Preservation Order including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(a) to amend, vary, modify and/or revoke the same,</li> </ul> <p>provided that the ward Member in whose ward the Tree Preservation Order is situated being notified as soon as reasonably practicable after any such making, confirming, amending, varying, modifying and /or revoking (as the case may be).</p>	
24.	<p>To undertake all action pursuant to any Town and Country Planning Legislation in connection with:</p> <ul style="list-style-type: none"> <li>(a) any tree which in his/her opinion are, or may be, dangerous; and/or</li> <li>(b) an application for work to, including the felling of, a tree: <ul style="list-style-type: none"> <li>(i) that is subject to any type of tree preservation order;</li> <li>(ii) within a conservation area; and/or</li> <li>(iii) otherwise requires approval by the Council for work and/or felling to be undertaken,</li> </ul> </li> </ul>	

	<p>provided that:</p> <ul style="list-style-type: none"> <li>(iv) unless in his/her opinion the need to determine such an application is urgent then notice of the application has been sent to any Member in whose ward the tree is situated at least seven (7) calendar days before a determination is made; and</li> <li>(v) the power to make any final determination in respect of any such application does not include an application made by or on behalf the Council, from an Identified Member and/or from Identified Employee .</li> </ul>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 107</p>	<p>25. To undertake all action in respect of any matter arising in relation to:</p> <ul style="list-style-type: none"> <li>(a) the issue of any building preservation notice; and/or</li> <li>(b) any urgent work that may be required in respect of any listed building,</li> </ul> <p>whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> <li>(c) to enter any building, structure (including any moveable structure) and/or on any land;</li> <li>(d) to determine whether to issue any notice;</li> <li>(e) to determine in relation to any such urgent work the extent of any work that may be required and to authorise the undertaking of any such work; and/or</li> <li>(f) to appoint/authorise any other person for any purpose relating to any of the above,</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(g) this power does not extend to making any final determination as to whether to issue a notice unless in his/her opinion the delay in taking the matter through the normal committee cycle of the Council could be materially disadvantageous to any reason for issuing the notice; and</li> <li>(h) any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</li> </ul>	

### 38. Delegations to the Head of Revenues and Benefits

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To issue a completion notice in respect of any new property.	
2.	To determine any application for: (a) any discretionary housing payment; (b) discretionary rate relief; and/or (c) hardship rate relief.	
Page 108	To decide whether to offer an administrative penalty and/or to prosecute in any case of fraudulent claiming of any benefit paid by the Council, including for the avoidance of doubt but without prejudice to the generality of the foregoing, any housing benefit and/or council tax benefit.	
4	To determine whether to prosecute and/or appear on behalf of the Council in any proceedings before a Magistrates' Court relating to housing benefit, council tax benefit and/or non-payment of council tax and/or business rates.	
5.	To authorise any Officer of the Council to appear on behalf of the Council in any proceedings before a Magistrates' Court under Section 223 Local Government Act 1972.	
6.	To determine whether to write off any debt of up to £1,000 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	

### 39. Delegations to the Weymouth Harbour Master

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	The exercise of all powers granted by statute to a harbour master as applicable to Weymouth Harbour.	Weymouth and Portland Borough Council only
2.	<p>To undertake all action in relation to:</p> <p>(a) any application for the grant of any pleasure boat licence;</p> <p>(b) any application for a waterman's licence;</p> <p>(c) any application for a mooring licence; and/or</p> <p>(d) securing the removal of any wreck and/or hull from Weymouth harbour.</p>	Weymouth and Portland Borough Council only
3.	<p>To determine whether to vary any charge relating to Weymouth harbour to the extent that this has been identified in any relevant schedule of charges approved in relation to the same, provided that:</p> <p>(a) any variation does not exceed fifty per cent (50%) of the identified charge;</p> <p>(b) it is reasonable to believe that the variation will not have an adverse effect on meeting any relevant target income budget;</p> <p>(c) it is considered that the variation would be of some benefit to Weymouth harbor; and</p> <p>(d) any such variation is not in conflict with any relevant provision in any local Act and/or Harbour Revision Order relating to Weymouth Harbour.</p>	Weymouth and Portland Borough Council only
4.	To undertake all action necessary to meet the requirements of any relevant business plan and/or budget relating to Weymouth harbour including to such extent as may be required acting on behalf of the Harbour Management Board but subject to such approval of the Head of Economy, Leisure and Tourism as s/he considers practicable and feasible to do and/or that the Head of Economy, Leisure and Tourism may from time to time and/or at any time specify.	Weymouth and Portland Borough Council only

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### Appointment of RIPA Personnel

- (a) The Council (whether solely or in combination with other partners forming the Dorset Councils Partnership) will maintain a RIPA policy (which may be amended at any time and from time to time) that will include identification of Officers employed within the Dorset Councils Partnership appointed to roles

identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and the policies adopted by the Council in relation to RIPA (if any).

- (b) Any Officer employed by any of the partners of the Dorset Council Partnership who is appointed to undertake the role of RIPA Officer on behalf of the Council and/or the Dorset Councils Partnership as a whole shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy.

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## Proper Officer Provisions

The following Officers have been appointed as 'Proper Officers' for the purposes of the legal provisions set out in the table below and any future changes. Where the legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarded as having primary responsibility in the event of the first Officer being unavailable or absent.

The Chief Executive shall be the Proper Officer for all purposes not listed below as provided for in the delegations to the Chief Executive above.

In the event of the exercise of any nomination rights pursuant to this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

Legislative Provision	Function	Proper Officer
<b>Public Health Act 1936</b>		
ATD 669	For all proper officer purposes identified in the legislation	Head of Community Protection; Head of Housing; Strategic Director with responsibility for environmental health functions;
<b>Public Health (Control of Disease) Act 1984</b>		
ATD 11	For all proper officer purposes identified in the legislation	Head of Community Protection; Strategic Director with responsibility for environmental health functions;
<b>Local Government Act 1972</b>		
S13	Parish Meeting	Chief Executive
S.83	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Monitoring Officer; Corporate Manager – Democratic and Electoral Services
S.84	Receipt of notice of resignation of elected member	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services

S.88	Arranging a Council meeting to appoint the Mayor	Chief Executive; Assistant Chief Executive
S.89	Notice of casual vacancy in office of councillor	Chief Executive Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and the Managers
S.100(B)(7)	Supply of copies of documents	Corporate Manager – Democratic and Electoral Services Assistant Chief Executive
S.100(C)	Written summary of the proceedings at Committees and sub-Committees	Corporate Manager – Democratic and Electoral Services Assistant Chief Executive
S.100(D)	Background papers	Chief Executive and the Managers
S.100(F)	Exempt information	Chief Executive and the Managers
S.100(G)(1)	Register of Elected Members	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(2)	List of delegated powers of Officers	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.115)	Receipt of money due from Officers	Strategic Director with responsibility for finance function; Head of Financial Services
S137A	Deposit of accounts	Strategic Director with responsibility for finance function; Head of Financial Services
S.146	Declarations and certificates with regard to transfer of securities	Strategic Director with responsibility for finance function; Head of Financial Services



S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Assistant Chief Executive; Chief Executive
S.210	Charities	Assistant Chief Executive; Chief Executive
S.224	Custodian of documents	Chief Executive and all the Managers
S.225	Deposit of documents	Chief Executive; all the Managers
S.229	Certification of photographic copies of documents	Chief Executive and all the Managers
S.234	Signing /authentication of documents	Chief Executive and all the Managers
S236	Sending of copies of byelaws to the County Council	Assistant Chief Executive; Corporate Manager - Legal
S.238	Certification of byelaws	Assistant Chief Executive; Corporate Manager - Legal
S.248	The Roll of Freeman	Chief Executive; Corporate Manager – Democratic and Electoral Services
Schedule 12	Signing of summons to Council meeting	Chief Executive; Corporate Manager – Democratic and Electoral Services; any other person identified for such purpose in the procedural rule of the Constitution
Schedule 14	Certification of resolution for legal proceedings.	Assistant Chief Executive; Corporate Manager - Legal
<b>Local Government and Housing Act 1989</b>		
S. 2	Deposit list of politically restricted posts with Proper Officer	Assistant Chief Executive; Corporate Manager – Human Resources and Organisational Development
S. 37	Statement of accounts from a voluntary body	Strategic Director with responsibility for finance function; Head of Financial Services
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services; Corporate Manager - Legal

<b>Representation of the People Act 1983</b>		
All	For all proper officer purposes identified in the legislation	Chief Executive; Assistant Chief Executive
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
All	For all proper officer purposes identified in the regulations	Chief Executive; Corporate Manager – Democratic and Electoral Services; Assistant Chief Executive
<b>Local Government Act 2000</b>		
All	For all proper officer purposes identified in the legislation and all subordinate legislation	Chief Executive; Assistant Chief Executive
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		
All	For all proper officer purposes identified in the regulations	Chief Executive; Assistant Chief Executive; Corporate Manager –Human Resources and Organisational Development;
<b>Local (Principal Area) (England and Wales) Rules 2006</b>		
Schedule 2 Rule 54	Retention Officer - public inspection of documents after an election	Chief Executive; Corporate Manager – Democratic and Electoral Services; Assistant Chief Executive
<b>Localism Act 2011</b>		
All	For all proper officer purposes identified in the legislation	Chief Executive; Assistant Chief Executive

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## **Cabinet 23 April 2018 Local Council Tax Support Scheme**

### **For Decision**

#### **Portfolio Holder(s)**

Cllr A Kerby – Community Safety and Wellbeing

#### **Senior Leadership Team Contact:**

J Vaughan, Strategic Director

#### **Report Author:**

S Dawson, Head of Revenues & Benefits

#### **Statutory Authority**

Local Government Finance Act 2012

#### **Purpose of Report**

- 1 To obtain Cabinet's approval to a review of the Local Council Tax Support scheme being undertaken.

#### **Recommendations**

- 2 That Cabinet agrees to a fundamental review of the Local Council Tax Support scheme and that a report be brought back later in the year in respect of a proposed scheme for 2019/20.
- 3 That Cabinet agrees that the scheme for 2018/19 remains unchanged and continues to reflect the characteristics set out at 8 below.

#### **Reason for Decision**

- 4 To ensure that the Council's Local Council Tax Support Scheme continues to take account of policy changes to benefits and to claimants' circumstances.

#### **Background and Reason Decision Needed**

- 5 Cabinet will be aware that as part of its Welfare Reform, government decided that the national Council Tax Benefit scheme would be replaced from 1 April 2013 by local schemes. These new schemes are called Local Council Tax Support (LCTS) schemes and are determined by each billing authority for its area.
- 6 As part of these changes, government decided to reduce the level of grant provided to help fund the cost of awards to 90% of the estimated awards likely to be made in 2012/13. As the reduction is applied to the Council Tax Collection Fund it is shared by Dorset County Council, Fire & Police authorities as well as the Council. Billing authorities have the discretion to "top-up" the gap in funding from the Collection Fund or to set its scheme so that it is self funding.

- 7 Government also decided that pensioner claimants must be protected under the local schemes and be entitled to receive the same level of funding as they would under the existing national scheme.
- 8 Following extensive modelling of the likely financial and customer impact, Council set a scheme with the following characteristics.
- The scheme would be as similar to the old Council Tax Benefit scheme as possible.
  - Everyone of working age, except the most vulnerable, would pay at least 8.5% of their Council Tax.
  - The most vulnerable people would be protected from the changes.
  - Those defined as vulnerable include:
    - I. Pensioners
    - II. People who are in receipt of a Disability Premium, Enhanced Disability Premium, Severe Disability Premium, Disabled Child Premium, Carer Premium or Support Component within in either their Council Tax Support, Housing Benefit, Income Support, income-based Jobseekers Allowance, income-related Employment Support Allowance or Universal Credit.
    - III. People who are in receipt of War Disablement Pension, War Widows Pension or War Widows Disablement Pension.
  - The scheme would include support to a householder who has a second adult on a low income living with them (Second Adult Rebate).
  - The scheme would not include a limit on the lowest amount given to a working age claimant.
- 9 Government commissioned an independent review of LCTS schemes in 2017 and has recently issued its response to the findings. As part of this, government is of the view that it is “best practice” for billing authorities to consider their scheme each year to ensure that it takes account of policy changes to benefits, etc. With this in mind, it is proposed that:
- I. The LCTS scheme for 2018/19 remain unchanged and continue to reflect the characteristics set out a 9 above; and
  - II. A fundamental review of LCTS is undertaken and that a report is brought to Committee later in the year in respect of a proposed scheme for 2019/20.

## Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 4 April 2018

## **Cabinet**

### **23 April 2018**

### **Business Rates Revaluation Support Scheme**

#### **For Decision**

#### **Portfolio Holder(s)**

Cllr A Kerby – Community Safety & Wellbeing

#### **Senior Leadership Team Contact:**

J Vaughan, Strategic Director

#### **Report Author:**

S Dawson, Head of Revenues & Benefits

#### **Statutory Authority**

Local Government Finance Act 1988

#### **Purpose of Report**

- 1 For Cabinet to agree a discretionary rate relief scheme for 2018/19, which looks to provide help to those local businesses which have faced with large rate bills as a result of the 2017 revaluation.

#### **Recommendations**

- 2 That Cabinet agrees to adopt the Business Rates Revaluation Support Scheme set out at Appendix 1.
- 3 That Cabinet agrees that any under spend in 2018/19 be used to provide additional support for struggling businesses and that approval of such cases be delegated to the Head of the Stour Valley and Poole Partnership in consultation with the Community Safety & Wellbeing Portfolio Holder.
- 4 That Cabinet agrees that a further report is submitted later in the year recommending a scheme for 2019/20.

#### **Reason for Decision**

- 5 To ensure proper administration arrangements for the awarding of Rates Relief.

#### **Background and Reason Decision Needed**

- 6 Government has provided funding of £300m to enable councils to support those businesses which have been faced with significant rates increases as a result of the 2017 revaluation. The Council's share of this funding is £158,000 in 2017/18; £77,000 in 2018/19; £32,000 in 2019/20 and £5,000

in 2020/21. Government has announced that any underspend in funding in a year would not be allowed to be carried forward to a following year.

- 7 At its meeting on 18 September 2017, Cabinet agreed a Rate Relief Scheme for 2017/18 and requested that a report be brought later in the year recommending a scheme for 2018/19.
- 8 In developing the proposed scheme for this Council, officers have had regard to the following principles established by the Federation of Small Businesses (FSB).
  - I. Committing to focusing the funding on micro and small businesses, particularly those hardest hit by the revaluation.
  - II. Committing to ensuring that funds are distributed as soon as possible and automatically refunding any firm which overpays their business rates
  - III. Committing to a communications campaign to make sure that all affected firms know how they can benefit from the discretionary funds you provide, and proactively approach businesses most in need
  - IV. Committing to making any application process for funds as simple and straightforward as possible, so it is inclusive for the smallest firms in our area, and attaches no conditions aside from the size of a firm and how that firm is disadvantaged by the revaluation.
- 9 The scheme agreed for 2017/18 looked to limit the maximum rates increase to 8.0% for those local businesses which have a rateable value of less than £200,000. Committee also agreed that any under spend in 2017/18 should be used to provide additional support for struggling businesses and that approval of such cases be delegated to the Head of the Stour Valley and Poole Partnership in consultation with the Community Safety & Wellbeing Portfolio Holder.
- 10 It was originally estimated that most of the 2017/18 grant would be allocated under the scheme agreed. However, it subsequently became clear that a number of businesses would not qualify for the relief originally estimated, due to a reduction in their base line rate liability (e.g. a subsequent rateable value reduction or the business moving, etc). In view of this, The Community Safety & Wellbeing Portfolio Holder agreed to further relief being awarded which looked to limit the maximum rates increase to 1.5% for those local businesses which have a rateable value of less than £200,000.
- 11 The amount of relief awarded in 2017/18 totaled £146,281 and benefited 221 businesses by an average of £661.90. The proposed scheme for 2018/19 would look to award the same businesses with 50% of the relief they received in 2017/18, providing they still occupy the qualifying property. This would potentially use £73,141 of the grant allocated for 2018/19 and benefit 221 businesses by an average of £330.95. It is also proposed that the remaining £3,859 funding be held in reserve as a contingency for any other ratepayers coming forward and mitigate against the risk of a potential overspend.



- 12 Relief awarded under the scheme will be subject to State Aid rules. Recipients will be made aware of their responsibility to notify the Council if their business has received State Aid of more than €200,000 over the last three years.
- 13 There is a possibility that there will be an under spend of grant due to recipient businesses relocating during the year. With this in mind it is proposed that the situation be monitored regularly and that any identified underspend of grant be used to provide additional support to those businesses which are struggling to meet their increased rates liability. This additional support would be considered on a case by case basis and determined by the Head of the Stour Valley and Poole Partnership in consultation with the Community Safety & Wellbeing Portfolio Holder.
- 14 As it is not possible to accurately predict future years' spend on this relief, it is also proposed that a review be undertaken later in 2018/19 and a report be brought to Council proposing a scheme for 2019/20, which would look to fully utilise the funding awarded in that year.
- 15 The proposed 2018/19 scheme is due to be considered by Overview and Scrutiny Committee at its meeting on 18 April 2018. Cabinet will receive a verbal update on the comments and decisions made by Committee.

## **Implications**

## **Appendices**

Appendix 1: Business Rates Relief Scheme 2018/19

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 6 April 2018

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## **Cabinet**

### **Monday 23<sup>rd</sup> April 2018**

### **Licensing of Houses in Multiple Occupation**

#### **For Decision**

#### **Portfolio Holder(s)/ Briefholder**

Cllr G Carr-Jones

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

#### **Report Author:**

G Joy, Housing Improvement Manager

#### **Statutory Authority**

Housing Act 2004.

#### **Purpose of Report**

- 1 To adopt a common fees policy across the DCP for the licensing of Houses in Multiple Occupation (HMOs). The government has recently confirmed details of revised criteria for the mandatory licensing of HMOs which will be effective from 1<sup>st</sup> April 2018. The revised fees proposed will meet the cost of the licensing service.

#### **Recommendations**

- 2 a) The committee approve the adoption of the proposed fee structure for the mandatory licensing of HMOs contained within paras 13–15 of this report.  
  
b) The committee resolve to continue the existing fees policy for the licensing of Mobile Home Parks for 2018-19, and to engage in a county wide review as part of any LGR process.

#### **Reason for Decision**

- 3 The South West Audit Partnership (SWAP) produced a report in May 2015 regarding the HMO licensing service provided by the West Dorset Weymouth Partnership (WDWP). NDDC were one of the seventeen councils used in the benchmarking exercise. In response to the SWAP audit report, a working party was formed to consider the policies and procedures adopted to meet the obligations of the Housing Act 2004, Part 2 - Licensing of houses in multiple occupation – and to review the fees charged for licenses. Although the audit report addressed the service for both WDDC and WPBC, the working party included officers together with elected members from WPBC only, where the majority of HMOs are found. The working party recommended that a revised, simplified and

unambiguous licensing fee should be introduced that fully met the cost of the service.

4. Responsibility for the licensing of HMOs across the DCP area rests with the Housing department's, Housing Improvement Team. Given that all applications for licensing of HMOs are considered by one team, a single fee structure should be adopted across the Partnership.
5. Before the recommendations from the audit report could be fully considered, the government commenced a review of the criteria for the mandatory licensing of HMOs. Following a prolonged period of consultation, the government extended the criteria to include one and two storey properties with effect from 1<sup>st</sup> April 2018. The revisions could significantly increase the number of buildings requiring licensing. The number of new licenses anticipated in 2018 / 2019 increases the need for any simplified unambiguous fee structure to be introduced now across the DCP.
6. The original SWAP report was extended to consider the licensing of Mobile Home Parks, including the setting of fees. However, given the planned local government review (LGR) in Dorset for 2019, and the limited number of such licenses, it would seem appropriate to retain the current fees for an additional year (2018-19) to enable any new authority to agree a fees policy for future years.

## **Background and Reason Decision Needed**

- 7 The Housing Act 2004 introduced the mandatory licensing of HMOs which:
  - a) Comprise three storeys or more
  - b) Are occupied by five or more persons
  - c) Are occupied by persons living in two or more households, With the sharing of amenities.

The act introduced the charging of a fee by the council to cover costs incurred in carrying out the function of licensing HMOs, including the cost of promoting and effectively implementing the scheme.

8. The purpose of the mandatory licensing regime is to ensure that those HMOs likely to present the most significant health and safety risks are known to the local authority, with evidence provided that appropriate management arrangements have been made for the property.

Upon receipt of an application there is a duty to approve if:-

- a) The proposed licence holder is a 'fit and proper' person and is the most appropriate person to be granted a licence.
- b) The proposed manager of the house is the person having control and is also 'fit and proper'
- c) The proposed management arrangements are satisfactory
- d) The house is suitable for occupation by a certain number of 'persons' or 'households', or can be made suitable by the imposition of licence conditions.

9. An audit of WDWP licensing of Houses in Multiple Occupation in 2015 involved a benchmarking exercise comparing fees charged by seventeen authorities. NDDC were one of the seventeen benchmarked councils and reported a fee for a first licence of £332, with a renewal costing £221. WDDC were found to be the cheapest, charging a flat rate of just £100 for all applications including renewals, while WPBC were the most expensive, based on the cost of a new licence for a five person HMO, charging £525 + £84 / bedspace for three years. There are currently twelve licensed HMOs in NDDC, six in WDDC, and fifty in WPBC.
10. The average cost for a five person HMO across the benchmarked councils was calculated to be £666 (five year licence).
11. The audit report recommended that:
  - a) Fees and charges for HMO licenses should be reviewed by committee
  - b) The HMO budget and fee setting process should be reviewed
12. A working party was formed to consider the audit report and review fees for licensing HMOs. As the work of the working party approached its conclusion the government announced that it intended to widen the criteria for mandatory licensing. Following an exhaustive consultation process and numerous delays in confirming the preferred options the government announced in December 2017 that a Parliamentary Order would be laid to:
  - Extend mandatory licensing to all HMOs (other than section 257 HMOs and flats in larger purpose built blocks) that are occupied by 5 or more persons in two or more separate households;
  - Introduce mandatory conditions in all licensed HMOs concerning minimum sleeping room sizes and maximum number of occupants;
  - Introduce a mandatory condition in all licensed HMOs concerning the provision of refuse storage facilities.

The inclusion of HMOs below three storeys and flats that are in multiple occupation above commercial premises has potential to considerably increase the number of properties needing to be licensed increasing the importance of ensuring that the licensing fee adequately covers the cost of the function. Initial work would suggest that the new criteria for licensing may increase the number of licensable HMOs by some 100 - 130%, although given the fluidity of this particular tenure type it is extremely difficult to accurately predict numbers. There will be a need to ensure that all landlords are made aware of the licensing requirements and resource allocated to ensuring that license applications are forthcoming. Landlords have until October to submit their applications. The council has the ability to either impose a civil penalty of up to £30k for noncompliance with licensing requirements, or to prosecute in the courts.

13. The original recommendations from the working party were to;
  - Introduce a new licence fee based on the cost of the service.
  - Introduce a set fee for all sizes of HMO

- Approve licenses for a period of five years unless there are specific property related concerns that justify a shorter licence period being stipulated.
  - Introduce a discount for landlords joining the LLAP or being accredited by one of the three nationally recognised landlord organisations.
  - To permit a discretionary 75% discount on the licence fee for charitable organisations.
- 14 Those recommendations continue to be appropriate. However a recommendation to charge the same amount for a renewal as for a new licence has been affected by legislative changes simplifying the renewal application process. The administrative process for a renewal should incur reduced resource implications enabling a lower fee to be set.
- 15 The cost of the HMO licensing service has been calculated to be £650 for a new application and £ 550 for a renewal. A 10% discount is proposed for landlords committing to the standards required by the Council's landlord Forum (The Landlords' Local Authority Partnership) or one of the three national landlord associations. Fees for members would therefore reduce to £585 for a new licence and £495 for a renewal. Reports to the Strategy Committee at WDDC and the Management Committee at WPBC proposing the introduction of these fees as a single fee structure across the DCP area have been approved.
16. Members will be aware that the function of licensing Mobile Homes Parks (MHP) was introduced in 2013. Councils are required to have a published fees policy which must be kept under review. The fees for the licensing of MHPs is set for the current year. Given the proposals for LGR in 2019 it is proposed to extend the current fees structures for the three councils for a further twelve months to enable a review by the new council.

## **Implications**

### **Corporate Plan**

- 17 Empower Thriving and Inclusive Communities  
Improve quality of life

### **Financial**

18. The extension of the mandatory licensing criteria will increase the number of properties required to be licensed and by charging a fee meeting costs a small income will be generated to meet the cost of the service.

### **Equalities**

19. The purpose of licensing is to improve housing conditions and the management of rented accommodation. Vulnerable households invariably rely on the PRS for accommodation.

### **Environmental**

20. Conditions attached to any licence issued will include requirements relating to refuse storage and collection, and maintenance of the property.

## **Economic Development**

21. N/A

## **Risk Management (including Health & Safety)**

22. N/A

## **Human Resources**

23. Increased numbers of properties requiring licensing may lead to additional resource being required. However, initial estimations of the likely number of new applications suggests that the workload will be manageable by the current Housing Improvement Team. The licensing fee is calculated to cover the cost of the service.

## **Consultation and Engagement**

24. A member working party considered the recommendations of an audit report on behalf of WDWP, which included benchmarking with NDDC..

## **Appendices**

25. None

## **Background Papers**

26. SWAP audit report 2015.  
Notes from working party meetings

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 27<sup>th</sup> March 2018

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## **Cabinet**

### **23 April 2018**

## **Modern Slavery Protocol and Guidance**

### **For Decision**

#### **Portfolio holder**

Cllr Andrew Kerby

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

#### **Report Author:**

Mr P Davies, Licensing and Community Safety Manager

#### **Statutory Authority**

Modern Slavery Act 2015

#### **Purpose of Report**

- 1 To ensure that the Council meets its statutory requirements under Section 52 of the Modern Slavery Act 2015.

#### **Recommendations**

- 2 That the Modern Slavery Protocol and Guidance be adopted.

#### **Reason for Decision**

- 3 To ensure the Local Authority meets its statutory duty to notify central Government of any potential victims of modern slavery.

#### **Background and Reason Decision Needed**

- 4 Section 52 of The Modern Slavery Act 2015, places a duty on all local authorities and the police to notify the government if they believe a person may be a victim of human trafficking or slavery.
- 5 The duty to notify is mandatory even if the victim wishes to remain anonymous and does not want to access specialist support.
- 6 Officers from Dorset councils and agencies have produced a Modern Slavery Protocol and Guidance document for use in the Dorset County area (see appendix A).

- 7 The document provides guidance for staff on how to fulfil the statutory duty to notify central Government if they encounter a potential victim of modern slavery. It also sets out how partners will organise themselves in the event of a modern slavery operation.
- 8 The intention is that the Protocol and Guidance will be adopted by all the local authorities in the Dorset County area.
- 9 As the Protocol and Guidance is a working document, it will need to be updated regularly by officers to incorporate any changes in legislation or guidance and in light of any practical experience gained whilst using it. Regular updates will also be required to the contacts and services listed in the document.
- 10 The Modern Slavery Protocol and Guidance is based on central Government requirements, including notification and referral processes.
- 11 The Protocol and Guidance has been compiled with the help of relevant partners, including Dorset councils, Dorset Police, Dorset Clinical Commissioning Group and organisations from the Voluntary and Community Sector.
- 12 The Protocol and Guidance has been approved by Dorset County Council Safeguarding Overview and Scrutiny Committee, and the County Council is now asking district and borough councils approval across rural Dorset to provide a consistent approach.

## **Implications**

### **Financial**

- 12 Once the Protocol and Guidance has been adopted, it will be important for the council to raise awareness amongst staff of the statutory duty to notify and provide appropriate training.
- 13 The aim is to provide training jointly across the Dorset local authorities and in conjunction with other relevant partners to minimise costs.

### **Equalities**

- 14 An EqIA screening assessment was undertaken by DCC on the Protocol and Guidance using evidence from the following publications:
  - A Typology of Modern Slavery Offences in the UK – Research Report 93’ (Home Office, October 2017)
  - Modern Slavery and Public Health’ (Public Health England, December 2017)
- 15 The screening highlighted the Protocol and Guidance had a positive impact in the following categories:
  - Age – Younger people
  - Disability
  - Sex
  - Other socially excluded groups

- 16 In addition to the EqIA screening, members of the DCC Corporate Inequalities Group were consulted on the draft Protocol and Guidance

## **Consultation and Engagement**

- 17 Consultation has taken place with other relevant partners, including the district, borough and County councils, Dorset Police, Dorset Clinical Commissioning Group and organisations from the Voluntary and Community Sector.

## **Appendices**

- A - Modern Slavery Protocol and Guidance  
B – Modern Slavery Protocol Chart

## **Background Papers**

Government Guidance and Leaflets:

How to Report –

<https://www.gov.uk/government/publications/how-to-report-modern-slavery/how-to-report-modern-slavery>

Support for Victims of Modern Slavery –

<https://www.gov.uk/government/publications/support-for-victims-of-human-trafficking>

Dorset County Council Safeguarding and Overview Scrutiny Committee, 30 January 2018, Agenda Item 6 and minutes

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 22/2/2018

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## Modern Slavery Protocol and Guidance – Dorset County Area

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Statutory Duty to Notify	page 1
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Appendix 3 – Dorset Police Partner Information Flow Chart	Page 7

### What is Modern Slavery?

Modern slavery encompasses slavery, servitude, forced and compulsory labour and human trafficking. There is no typical victim of slavery. Victims can be men, women or children of all ages and nationalities.

The following definitions are encompassed within the term 'modern slavery' for the purposes of the Modern Slavery Act 2015:

- 'slavery' is where ownership is exercised over a person
- 'servitude' involves the obligation to provide services imposed by coercion
- 'forced or compulsory labour' involves work or service extracted from any person under the menace of a penalty and for which the person has not offered themselves voluntarily
- 'human trafficking' concerns arranging or facilitating the travel of another with a view to exploiting them. It is irrelevant whether the person consents to the travel.

Both modern slavery and human trafficking are crimes. Links to the offences, set out in Section 1, 2 and 3 of the Act, can be found below:

[www.legislation.gov.uk/ukpga/2015/30/section/1/enacted](http://www.legislation.gov.uk/ukpga/2015/30/section/1/enacted)

[www.legislation.gov.uk/ukpga/2015/30/section/2/enacted](http://www.legislation.gov.uk/ukpga/2015/30/section/2/enacted)

[www.legislation.gov.uk/ukpga/2015/30/section/3/enacted](http://www.legislation.gov.uk/ukpga/2015/30/section/3/enacted)

### Statutory Duty to Notify

Section 52 of The Modern Slavery Act 2015, places a duty on all local authorities and the police to notify the government if they believe a person may be a victim of human trafficking or slavery.

The duty to notify is mandatory even if the victim wishes to remain anonymous and does not want to access specialist support.

Children who are recognised as under 18 years old do not have the option of anonymity and must be referred to the National Referral Mechanism (NRM).

Adults who are considered potential victims can access specialist support and advice by being referred to the NRM. Support can include:

- Temporary safe accommodation
- Medical treatment
- Emotional Support
- Interpreters / translators
- Protection
- Legal advice
- Financial support
- Outreach support

The duty to notify does not act as a safeguard to people at risk and existing safeguarding processes should be followed in tandem with any notification. In the case of a potential adult victim, any notification form (both MS1 and NRM) should be copied to the Adult Safeguarding Triage team.

Any child under the age of 18, transported for exploitative reasons is considered to be a trafficking victim, whether or not they have been forced or deceived. This is partly because it is not considered possible for children in this situation to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. It is important that these children are protected.

Any child identified as at risk of being trafficked should be referred to the Multi-Agency Safeguarding Hub (MASH) through the normal mechanisms. Information will be gathered and a manager will make a 24 hour decision as to how this might be progressed.

A flow chart detailing the modern slavery and human trafficking notification process is provided at appendix 1. Members of staff should liaise with their organisation's Safeguarding Slavery Leads (SSLs) when following the process and completing the notification forms (contact details are provided at appendix 2).

Completed forms should be sent to the National Crime Agency (NCA) Modern Slavery & Human Trafficking Unit (for NRM forms) and the duty to notify email address (for MS1 forms) and copied to your organisation's SSL, Dorset Police's Force Intelligence Bureaux (FIB) and either the Adult Safeguarding Triage Team (in the case of an adult victim) or Children's MASH (for children under the age of 18) (see contact list at appendix 2). It is important to ensure potential victims are aware who their information will be shared with.

## **Operations**

Modern slavery and human trafficking are crimes and any immediate or urgent concerns should be reported to the Police by calling 999.

Less urgent issues can be reported to Dorset Police via their 101 number and intelligence and information shared with the Police by contacting the Force Intelligence Bureaux (FIB) (see appendix 2).

Any operation relating to modern slavery or human trafficking will be led by Dorset Police.

In planning and executing the operation the Police may require the co-operation and support of services within partner agencies. The type of services and support will depend on the nature and scale of the operation.

As a minimum, in the event of a planned operation, the Police will liaise with the SSL in the County Council and relevant district / borough council to ensure they are sighted and the correct interventions and support are in place.

A list of partners' contacts and services is provided at appendix 2.

SSLs will act as the Single Point of Contact (SPOC) within their organisation in the event of any planned operation.

In the event of an unplanned operation, the Police should contact the County Council's Duty Emergency Planning Officer who is available 24/7 via their pager - 07623 544346.

The Emergency Planning team will liaise with colleagues to:

- Identify suitable reception centre premises
- Activate the staffing of premises by social care staff trained in reception centre management (in conjunction with a designated Local Office Incident Manager or Post Trauma Response Coordinator)
- Coordinate emergency transport provision via Dorset Travel and contact transport providers
- Provide documentation at reception centres (if required)
- Co-ordinate voluntary agency support (e.g. practical and emotional support, administrative assistance, first aid, pastoral care, catering and welfare provision)

In the event of an unplanned operation, the Duty Emergency Planning Officer will be responsible for liaising with the district / borough councils' emergency response teams and the County and relevant district / borough council's SSL.

### **Information for Safeguarding Slavery Leads (SSLs)**

Dorset has been part of a South West Pilot where SSLs were able to receive NRM referrals, make a reasonable grounds decision regarding the status of a potential victim and access support for them via the Salvation Army (who deliver the Government's contract to manage support services for adult victims of modern slavery).

The pilot has been on hold since 1st January 2017 and will continue to be on hold for the foreseeable future. Whilst on hold it is not possible for SSLs to make reasonable grounds decisions. All NRM forms must be sent to the National Crime Agency (NCA) who will be responsible for taking both a reasonable and conclusive grounds decision regarding any case.

The NCA endeavour to make a reasonable grounds decision as soon as possible but it can take up to 10 working days. In the interim period, as long as the NRM form has been signed by the potential victim and submitted to the NCA, it should be possible to access support for them through the Salvation Army.

Support is available to potential victims even if they have 'no recourse to public funds'.

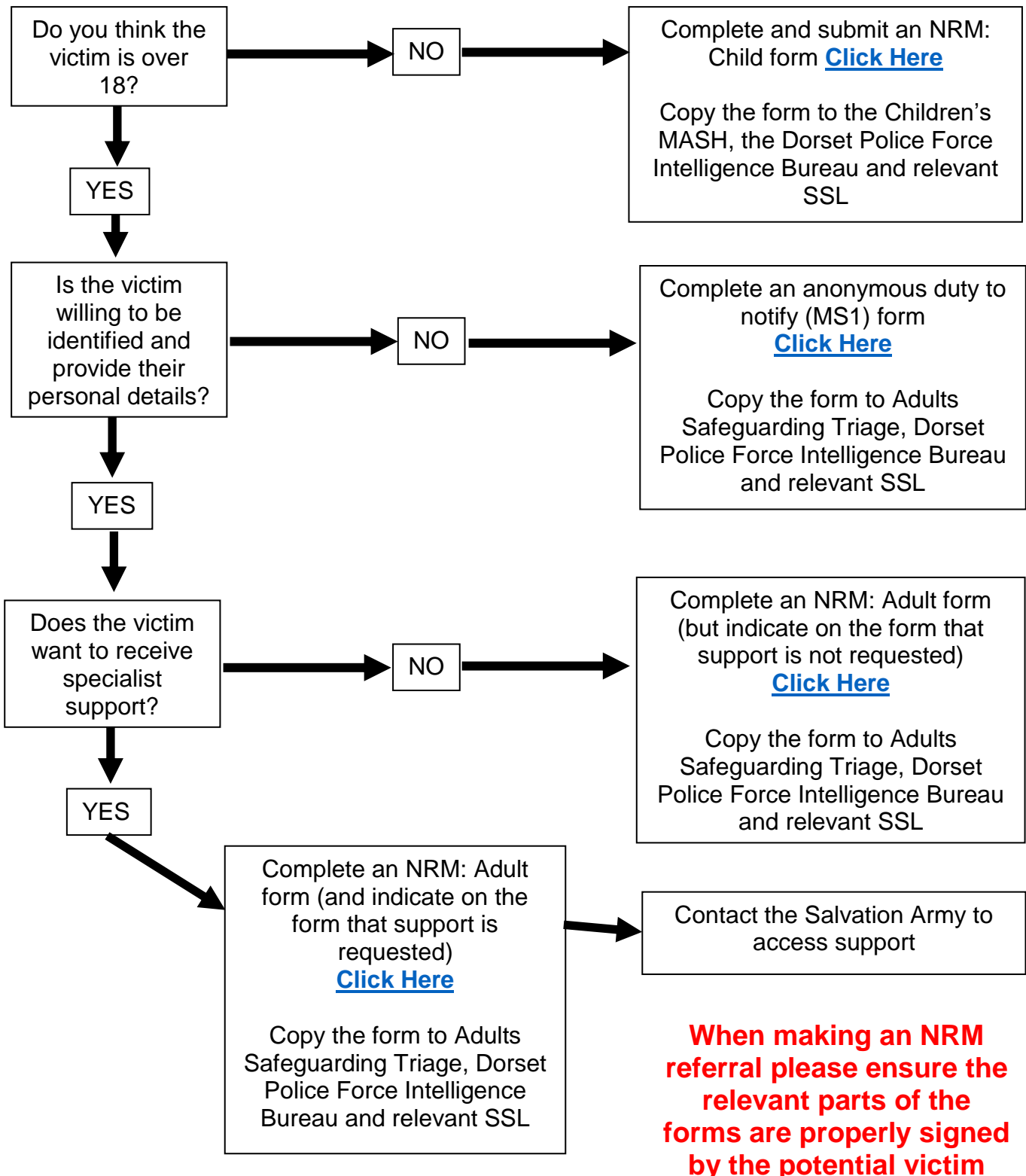
The Salvation Army can be contacted on 0300 303 8151.

SSLs should act as a point of advice and information for staff from their organisation and should help them with the completion of MS1 and NRM forms. SSLs have a role to play in ensuring links are made to safeguarding and the Police regarding any notifications and should act as the SPOC for their organisation in the event of a planned operation.



**Notification Process**

If you think someone may be a victim of modern slavery please liaise with your organisation’s Safeguarding Slavery Leads (SSLs) and follow the steps below.



**When making an NRM referral please ensure the relevant parts of the forms are properly signed by the potential victim**

**It is important to ensure potential victims are aware who their information will be shared with.**

### Contacts and Services

If there's a crime, emergency or someone is in immediate danger call 999.

Operations relating to modern slavery or human trafficking should be led by Dorset Police. In the event of an **unplanned event or operation** the Police should contact the County Council's Duty Emergency Planning Officer on 07623 544346.

For a **planned event or operation** the Police should contact the appropriate Safeguarding Slavery Lead (SSL) in the County Council and relevant district / borough council.

### Contacts

Duty Emergency Planning Officer (Dorset County Council)	07623 544346
Children's MASH	01202 228866 <a href="mailto:MASH@dorsetcc.gov.uk">MASH@dorsetcc.gov.uk</a>
Adult Safeguarding Triage	01929 557712 <a href="mailto:dorsetadultsafeguarding@dorsetcc.gov.uk">dorsetadultsafeguarding@dorsetcc.gov.uk</a>
Dorset Police SPOC	DS Gavin House - <a href="mailto:Gavin.House@Dorset.PNN.Police.uk">Gavin.House@Dorset.PNN.Police.uk</a>
Dorset County Council SSLs / SPOC -	Adults - Sally Wernick - 01305 216634 <a href="mailto:s.a.wernick@dorsetcc.gov.uk">s.a.wernick@dorsetcc.gov.uk</a>  Children's - Mike Hall - 01305 228375 <a href="mailto:michael.hall@dorsetcc.gov.uk">michael.hall@dorsetcc.gov.uk</a>
Dorset Councils Partnership SSL / SPOC (North Dorset, West Dorset, Weymouth & Portland)	Graham Duggan – 01305 252285 <a href="mailto:G.DugganProtected@westdorset-dc.gcsx.gov.uk">G.DugganProtected@westdorset-dc.gcsx.gov.uk</a>
Christchurch & East Dorset Councils SSL / SPOC	Julia Howlett – 01205 795198 <a href="mailto:j.howlett.secure@christchurch.gcsx.gov.uk">j.howlett.secure@christchurch.gcsx.gov.uk</a>  Sean Witney – 01202 795387 <a href="mailto:swhitney.secure@christchurch.gcsx.gov.uk">swhitney.secure@christchurch.gcsx.gov.uk</a>
Purbeck District Council SSL / SPOC	Rebecca Kirk – 01929 557208 <a href="mailto:RebeccaKirk@purbeck-dc.gov.uk">RebeccaKirk@purbeck-dc.gov.uk</a>  Karen Graham – 01929 557387 <a href="mailto:karen.graham@purbeck-dc.gov.uk">karen.graham@purbeck-dc.gov.uk</a>

Salvation Army	NRM Referral 0300 303 8151
Health Services – Clinical Commissioning Group	Verena Cooper – 01305 213515 <a href="mailto:Verena.cooper@dorsetccg.nhs.uk">Verena.cooper@dorsetccg.nhs.uk</a>
Health Services – Foundation Trust	Keith Fleming – 01202 277131 <a href="mailto:keith.fleming@dhuft.nhs.uk">keith.fleming@dhuft.nhs.uk</a>
Immigration& Enforcement	Command and Control Room (24/7 response) – 03000 134 999 Portcullis House, Poole (9:30 – 17:00) – 01202 634535 or 01202 634530 <a href="mailto:immigrationenforcementdorset@homeoffice.gov.uk">immigrationenforcementdorset@homeoffice.gov.uk</a>
Dorset and Wiltshire Fire and Rescue	Stuart Grainger - Force Fire Safety Officer – 01722 691317
Health and Safety Executive	Local Office (Bristol) – 01179 886000

### Available Services

Dorset County Council	<ul style="list-style-type: none"> <li>- Trauma Response</li> <li>- Adults Safeguarding</li> <li>- Children’s Safeguarding</li> <li>- Emergency Planning</li> <li>- Trading Standards</li> <li>- Communications support</li> </ul>
District / Borough Councils	<ul style="list-style-type: none"> <li>- Housing</li> <li>- Revenue &amp; Benefits</li> <li>- Environmental Health</li> </ul>
Health – Clinical Commissioning Group	Co-ordinate healthcare services for any pre-planned Modern Day Slavery or Human Trafficking activity
Fire & Rescue	Can arrange inspections of business premises or multi-occupancy homes
Health & Safety Executive	Responsible for inspecting correct storage of chemicals, e.g. at a hand car wash

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# Partner agency information Workflow for Modern Day Slavery.

Dorset Police



Does the information contain immediate risk to the victim or public?

**NO**

Information can be emailed direct to Dorset Police Intelligence at [FIB@Dorset.pnn.police.uk](mailto:FIB@Dorset.pnn.police.uk).

Dorset Police Intelligence will research and risk assess the information and deploy resources if required.

Your information will be sent to the adults at risk desk within the Dorset Multi Agency Safeguarding Hub for assessment.

Partner agencies will receive an update following review of the information and consideration will be given to allocating an investigating officer if appropriate.

**YES**

Call Police on 999 / 101 as appropriate.

Give the call handler your details / the details of the person at risk and any other useful information.

Dorset Police control room will grade the response and despatch staff if necessary.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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