

PART C

OFFICER SCHEME OF DELEGATIONS

Officer Scheme of Delegation

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Officer Scheme of Delegation

This section sets out the extent to which the functions of the Councils are delegated to Officers over the longer term.

Part A

Introduction and interpretation

1. This scheme of delegation allows the Chief Executive and the Managers to carry out the functions of the Council as set out in this document. It supersedes and replaces all previous schemes of delegation.
2. For the avoidance of doubt, references in this “Introduction and interpretation” section unless the context otherwise expressly requires apply to both Part A and Part B of this Officer scheme.
3. Full Council and every Committee has the right to resolve for a matter to be considered by the relevant councillor decision making body even though it may have been delegated to an Officer; however, for the avoidance of doubt, unless expressly provided for elsewhere in this Constitution, any such request will not invalidate any decision already taken.
4. References in this Officer Scheme of Delegation to:
 - (a) any primary legislation shall be deemed to include any secondary legislation (including regulations, orders and directions) made thereunder; and
 - (b) any legislation shall be deemed to refer to any subsequent legislation which amends or replaces it with or without modification.
5. In relation to all delegated authority given to the Managers by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any Officer of the Council in the interests of effective corporate management as he or she thinks fit.
6. Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, the Assistant Chief Executive or any person nominated / appointed to act on his/ her behalf, is allowed to act.
7. Any Officer may nominate any other Officer(s) to exercise, on their behalf, any power that they may exercise under this scheme.
8. In the event of any apparent conflict or confusion regarding the interpretation of any part of this Officer scheme of delegations including the application of definitions then both the Assistant Chief Executive and the Corporate Manager – Legal independently 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. (a) Unless there is express identification to the contrary, any power set out in either Part A or Part B of this Officer scheme of delegation can be exercised in relation to any of the services/ functions of Weymouth and Portland Borough Council including any of the services/ functions delegated from North Dorset District Council or West Dorset District Council. to Weymouth and Portland Borough Council. In the case of doubt, the power shall be interpreted as being applicable to all functions including those delegated from the other named Councils.
- (b) Reference to “the Council” in Part A of this scheme of delegations shall, unless the context otherwise requires, be construed as including Weymouth and Portland District Council, North Dorset District Council and West Dorset District Council .
10. For the avoidance of doubt:
- (a) where an Officer is delegated a power in this scheme of delegation which in any way overlaps, conflicts with or duplicates any other delegation contained in any part of this scheme then such delegations shall be read independently of each other and the Officer can therefore exercise the powers of any of them in accordance with their own individual terms and free from any limitation, condition or other restriction or requirement that might apply to the alternative delegation(s); and
- (b) notwithstanding any other provision set out in any part of this Constitution in the event of any confusion or conflict between any delegations the principle set out in (a) above for the purposes of interpretation and application shall take priority.
11. In addition to specific powers of Officers identified in this Officer Scheme of Delegations 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 Officer Scheme of delegation. 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 that are specified.
12. In this Officer Scheme of Delegation unless the context otherwise requires the terms below shall have the following meanings attributed to them:
- (a) “Town and Country Planning Legislation”:
- (i) the Town and Country Planning Act 1990;
 - (ii) the Planning (Hazardous Substances) Act 1990;
 - (ii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (iii) the Planning (Control of Advertisement) Regulations 1992;
 - (iv) the Hedgerows Regulations 1997;
 - (v) the Anti-Social Behaviour Act 2004 (in so far as it relates to high hedges);

- (vi) the Planning and Compulsory Purchase Act 2004;
 - (vii) Department of the Environmental Circular 18/84;
 - (viii) Planning Act 2008; and
 - (ix) all the Housing and Planning Acts.
- (b) “undertake all action” includes, without prejudice to the generality of the term, as necessary:
- (i) the undertaking of any inspection;
 - (ii) to enter upon any premises for the purposes of exercising any function;
 - (iii) the giving of authority;
 - (iv) the preparation, signing, issuing and serving of any document (including any notice, license, permission, permit, consent, approval, registration or certificate);
 - (v) the making of any determinations (including for the avoidance of doubt a decision to grant, refuse, transfer, vary, modify, suspect, revoke, withdraw, renew or replace any such documentation as referred to above together with the determination of any conditions, obligations, limitations or any restrictions or requirements considered necessary in respect thereof);
 - (vi) conducting reviews;
 - (vii) the exercise of any relevant powers of sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction;
 - (viii) the recording of information through whatever medium including photographic and digitally; and
 - (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.

- (c) “Managers” means the Assistant Chief Executive, all the Strategic Directors and all third tier posts of the Council;
- (d) “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”; and
- (e) “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”.

13. Reference in any delegation to the need for consultation with any Officer post shall be deemed to include any other Officer(s) with management responsibility for the work that would normally be undertaken by that post and in the event of any other relevant Officer being unavailable or absent any member of the Senior Leadership Team.

General Delegation to Officers

14. (a) The Chief Executive and the Managers have the power to take all operational decisions within agreed service plans, budgets and policies, in relation to the services for which they are responsible.
- (b) The Chief Executive and the Managers have the power to take all necessary decisions in cases of emergency.
- (c) The Chief Executive, Assistant Chief Executive and Strategic Directors can exercise all delegations contained within Part A and Part B of this scheme.
- (d) Every Heads of Service and Corporate Manager can exercise all delegations:
- (i) in Part A of this scheme, of any other Head of Service or Corporate Manager, except the delegations expressly delegated to the Corporate Manager –Legal or the Corporate Manager – Human Resources and Organisational Development; and
 - (ii) in Part B of this scheme, of any Officer post or position except those expressly delegated solely to:
 - (1) the Chief Executive;
 - (2) the Assistant Chief Executive;
 - (3) a Strategic Director;
 - (4) the Monitoring Officer

- (5) the Responsible Financial Officer;
- (6) the Human Resources Manager; or
- (7) the Legal and Commissioned Services Manager,

unless in any such case:

- A. s/he is identified as also holding such a delegation; and /or
- B. s/he is expressly nominated to exercise such a delegation.

(e) Any of:

- (i) the Monitoring Officer, Corporate Manager – Legal, Chief Executive or in all their absence any Strategic Director may attest the Council Seal,
- (ii) the Monitoring Officer, Chief Executive, any Strategic Director, any Head of Service or any Corporate Manager may sign any document on behalf of the Council save those required to institute legal proceedings,
- (iii) the Monitoring Officer or Corporate Manager – Legal may sign any documents required to institute legal proceedings,

provided further that for the avoidance of doubt any of the above may also nominate any other Officer to exercise any of their attesting / signing powers.

(f) For the avoidance of doubt, the:

- (i) Corporate Manager – Legal can exercise all the delegated powers of the Legal and Commissioned Services Manager;
- (ii) Corporate Manager – Human Resources and Organisational Development can exercise all the powers of the Human Resources Manager; and
- (iii) Corporate Manager – Democratic Services and Elections can exercise all the powers of the Democratic and Electoral Services Manager

(g) These delegations shall be interpreted widely to aid the smooth running of the organisation, the effective use of resources and the efficient delivery of services.

15. In deciding whether or not to exercise such delegated powers, the Chief Executive and the Managers shall, if they identify it as desirable, consult the relevant Briefholder/ Portfolio Holder or any Chairman of a Committee and have regard to their views. Where they identify it as desirable, Officers shall inform the relevant Briefholder/Portfolio Holder or any Chairman of a Committee of decisions taken under delegated powers. The Chief Executive and the Managers shall always be allowed to refer matters for decision to the relevant Member body when they consider it best to do so.
16. The Chief Executive and the Managers shall have the power to carry out the following and this will not affect the general delegations set out above:
- (a) to take all lawful action consistent with Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include:
 - (i) procurement of goods and services;
 - (ii) the setting of fees and charges in accordance with the Council's Financial Strategy in consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services);
 - (iii) making bids for funding;
 - (iv) transferring funds from one use to another - 'virement' - within the budget framework;
 - (v) disposal and acquisition of non property assets;
 - (vi) issue, service and placing of any necessary legal or other notices other than those reserved to be carried out by the Management/ Executive Committee or a Regulatory Committee;
 - (vii) in consultation with the Monitoring Officer or the Officer post with responsibility for performing the role of solicitor to the council, agreeing to take or settle any legal action, defence or appearance in criminal or civil proceedings in relation to any law which they are responsible for monitoring, enforcing or otherwise carrying out on behalf of the Council.
 - (b) Agree staffing arrangements within approved budgets in consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services) and within Council policies.
 - (c) Determine recruitment, pay, allowances, expenses and conditions of service.
 - (d) To respond on behalf of the Council to national, regional and sub-regional consultations on matters affecting the Council subject to consultation with the relevant Portfolio Holder / Brief Holder and where appropriate an Overview and Scrutiny Committee.
 - (e) To approve (with or without modification) or refuse draft plans and strategies for public consultation subject to consultation with the relevant Portfolio Holder / Brief Holder and where appropriate an Overview and Scrutiny Committee.

Weymouth and Portland Borough Council only:

- (f) To approve grants and loans up to a value of £1,000. (All grants and loans of £1,000 or more must be approved by Management Committee. In addition, the manager should consult with all political group leaders before making a recommendation to Management Committee).

17. The Chief Executive and the Managers shall have the following powers and responsibilities under the following HR policies.

Sickness absence management and ill health – Policy and Procedure

Chief Executive, Assistant Chief Executive and Strategic Directors:

- (a) Review absence across the organization and take a strategic approach to addressing concerns.

Heads of Service, Corporate Managers and Fourth tier managers:

- (a) Manage attendance issues within their own service / team and take actions under this policy including dismissal.
- (b) Ensure that management responsibilities are applied consistently when managing staff attendance.
- (c) Ensure staff are aware of the sickness absence notification procedures and their responsibilities

Line Managers:

- (a) Manage attendance issues within their own service / team and take actions under this policy excluding dismissal.
- (b) Ensure that management responsibilities are applied consistently when managing staff attendance.
- (c) Ensure staff are aware of the sickness absence notification procedures and their responsibilities

Note: It may be advisable to refer the case to a more senior manager in certain circumstances for example in complex cases.

Capability – Policy and Procedure

Chief Executive, Assistant Chief Executive, Strategic Directors, Heads of Service, Corporate Managers

- (a) Dismiss, hear appeals and take any other actions under the policy deemed appropriate .

Fourth tier managers and line managers:

- (a) Deal with performance issues within their own teams except dismissal of an employee.

Note: It may be advisable to refer the case to a more senior manager in certain circumstances for example in complex cases

Disciplinary – Policy and Procedure

Chief Executive, Assistant Chief Executive, Strategic Directors and Heads of Service, Corporate Managers:

- (a) Suspend, dismiss, hear appeals and take any other actions under the policy deemed appropriate.

Fourth tier managers:

- (a) Deal with misconduct issues within their own teams except dismissal and suspension.

Grievance – Policy and Procedure

Chief Executive:

- (a) Hear appeals under stage 3

Assistant Chief Executive and Strategic Directors:

- (a) Hear appeals under stage 3, or hear stage 2 cases in relation to Heads of Service and Corporate Managers.

Heads of Service and Corporate Managers:

- (a) Hear appeals under stage 3 if earlier stages dealt with at a lower level.
- (b) Hear stage 2 cases and determine.
- (c) Deal with stage 1 cases in relation to fourth tier managers

Fourth tier managers:

- (a) Hear stage 2 cases and determine
- (b) Deal with stage 1 cases

Line managers:

- (a) Deal with stage 1 cases

Legal and Procedural

- 18. The Assistant Chief Executive and the Corporate Manager – Legal have the power to:
 - (a) take any action to carry out any decision taken by or on behalf of the Council (including a decision made pursuant to a delegation in this scheme), including the signature and service of legal and any other notices and any document;
 - (b) undertake, defend, settle or take part in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests;
 - (c) instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council.
 - (d) enter objections to any proposal affecting the Borough of Weymouth & Portland, the district of West Dorset, the Council or the citizens of Weymouth & Portland and West Dorset.
 - (e) To revise land charges fees in line with the Medium Term Financial Strategy

Functions and responsibilities of the Chief Executive (In addition to those stated in the General Delegation to Officers and elsewhere)

- 19. After consultation with the Chair of Management Committee / leader of the Council , the Chief Executive may authorise action and incur expenditure, where urgent action is needed to enable the Council to fulfill its functions.
- 20. Sign official Council documents not otherwise covered by the Scheme of Delegation.
- 21. Responsibility to ensure compliance with UK health and safety legislation including EU Directives.
- 22. Confirm contract termination for all permanent ill health cases, in consultation with the Monitoring Officer and the Council's Medical Advisor.
- 23. Responsibility for the Council's Freedom of Information Publication Scheme (including charges).
- 24. Power to consider and determine whether to proceed with an investigation and the appropriate action to take in respect of any investigation undertaken in relation to any complaint against a district council Member and / or any town and parish councillor.

25. To the extent that it is legally permissible be the qualified person for the purposes of section 36 of the Freedom of Information Act 2000 together with power to nominate any other person for this purpose.
26. To decide to close the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period, in consultation with the Chairman of the Shared Services Joint Committee and Vice Chairman of the Shared Services Joint Committee.
27. To:
 - (a) exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and the section 151 Officer; and, generally
 - (b) carry out the duties of the Head of Paid Service for the purposes of the Local Government and Housing Act 1989.
28. Power to determine whether to grant a dispensation:
 - (a) under the Localism Act 2011 / Member Code of Conduct for the purposes of participating and/or voting at a meeting; or
 - (b) in relation to any actual or perceived conflict of interest.
29. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper Officer for the purpose of any statutory function, will be determined by the Chief Executive.

West Dorset District Council only:

30. In consultation with the Chairman of Strategy Committee authority to approve Member attendance at conferences and the payment of allowances in accordance with the scheme of members' allowances.
31. Arrange compensation payments in respect of findings of maladministration by the Local Government Ombudsman.
32. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.

Weymouth & Portland Borough Council only:

33. (a) Subject to consultation with the Leader (Chairman of Management Committee) and the Section 151 Officer and the Brief Holder responsible for Finance and Assets and such other Brief Holder(s) as the Chief Executive considers appropriate (if any), to make all decisions s/he considers necessary or expedient to acquire land or property on behalf of Weymouth and Portland Borough Council, so long as there are funds available from a budget within the control of the Management Committee.
- (b) In the event of the above power being exercised, the decision be report to the Management Committee at the next available meeting.

Functions and responsibilities of the Assistant Chief Executive and all the Strategic Directors (In addition to those stated in the General Delegation to Officers and elsewhere)

34. To exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and the section 151 Officer.
35. To authorise any Officer or another person considered appropriate:
 - (a) to carry out inspections and/or exercise powers of entry available to the Council;
 - (b) to carry out any further actions relating to such inspections / the exercise of powers of entry;
 - (c) to seek a warrant; and/or
 - (d) to be an inspector, authorised Officer and/or an enforcement Officer in relation to the functions of the Council,such power to include for the avoidance of doubt appointments for the purposes of the Health and Safety at Work etc Act 1974

Functions and responsibilities of the Assistant Chief Executive (in addition to those stated in the General Delegation to Officers and elsewhere)

36. Approve changes in the overall staffing establishment of the Council, (including applications for re-grading) except where the overall establishment of the Council is to be increased (or where existing budgets will be increased).
37. Approve recruitment, pay, allowances, expenses, Superannuation, Conditions of Service.
38. Determine whether to re-engage or reinstate employees.
39. Determine how and the terms on which to regularize the position of staff on fixed term contracts and bring their terms of employment into line with legislative and regulatory provisions.

Joint delegation with the Corporate Manager – Human Resources and Organisational Development

40. To act as persons specified by the district council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes and first instance decisions on pension matters.

West Dorset District Council only:

41. To exercise all formal discretions relating to elected member pensions in consultation with Dorset County Council as pensions administration authority.

Strategic Director (covering Corporate Finance, Revenues & Benefits Partnerships, IT Services, Communications & Customer Services)

42. Act and sign proxies on behalf of the Council in respect of bankruptcies, liquidations and receiverships.

West Dorset District Council only:

43. Make payment to parish and town councils who provide support to customers on all front line district council matters.

44. Write off outstanding debts up to £10,000 and in accordance with Financial and Administrative Regulations.

Strategic Director (Covering Planning – Development Management, Planning Policy, Building Control, Housing & Homelessness, Community Protection & Partnerships, Environmental Health)

45. Make application for planning permission for any Council proposals, which are in accordance with Council policy in order to obviate delays occurring as a result of the relevant committee having to resolve to make such applications.

46. Authority for the purpose of Section 196A of the Town and Country Planning Act 1990 to enter, and authorise any other person to enter, at any reasonable time, any land:

- (a) to ascertain whether there is or has been any breach of planning control on the land or any other land;
- (b) to determine whether any of the powers conferred on a Local Planning Authority by Part VII of the said Act should be exercised in relation to the land or any other land;
- (c) to determine how any such power should be exercised in relation to the land or any other land;
- (d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,
- (e) if there are reasonable grounds for entering for the purpose in question.

47. Exercise all powers under section 23 of the Local Government Act (Miscellaneous Provisions) 1976.

48. To serve directions under section 77 of the Criminal Justice and Public Order Act 1994 on persons residing on land in vehicles to leave the land and remove vehicles and authority to issue proceedings in the court under section 77 and/or 78 if the direction is not complied with.

49. To consider first stage appeals from the land owner in respect of the listing on the West Dorset and Weymouth and Portland list of Assets of Community Value.

West Dorset District Council only:

50. To decide when to arrange an exceptional local meeting of a development control committee meeting following a request from either the local ward member, the Chairman of the Planning Committee or the Vice Chairman of the Planning Committee.
51. In consultation with the Chairman of the Strategy Committee to review on an annual basis the process of dealing with complaints relating to high hedges, the fee charged and the employment of additional resources to deal with complaints.
52. In consultation with the Chairman of the Planning Committee and local ward member(s), to delegate authority to a neighbouring planning authority the ability to determine a planning application that crosses the administrative boundary. (Section 101 of the Local Government Act 1972).
53. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.
54. To allocate Section 106 funding within the terms of each Section 106 Agreement.
55. To approve neighbourhood forums in consultation with the relevant local ward Members, where:
 - (a) no other competing application has been received;
 - (b) it is set up for the express purposes of promoting or improving the social, economic and environmental well-being of the neighbourhood;
 - (c) the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council; its membership includes a minimum of twenty one (21) individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories;
 - (d) its membership is drawn from different places in the neighbourhood area and represents a good cross-section of the community as a whole;
 - (e) it has a written Constitution agreed by the Corporate Manager – Legal; and
 - (f) There are no significant issues raised as a result of the consultation.

In all other cases the decision on neighbourhood applications will be brought to the next available Strategy Committee.

Strategic Director (Covering Economy, Leisure & Tourism, Assets & Infrastructure)

West Dorset District Council only:

56. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.

57. Grant free parking to honorary townspersons.

Weymouth and Portland Borough Council only:

58. To determine requests in respect of war memorials as to the suitability for content, relevance and siting as well as any further maintenance if appropriate, in consultation with the Chair of the Management Committee and relevant Briefholder.

Section 151 Officer

59. 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 virements from reserves or working balances if necessary for such purposes) subject to:

- (a) the same being reported as soon as reasonably practicable to the next available meeting of such member(s) and/or body as the section 151 Officer considers appropriate; and
- (b) the total amount of any approved overspend across the Council pursuant to this delegation not exceeding £150,000 in any one financial year without there having been prior consultation with the lead member responsible for finance and / or such other member(s) as the section 151 Officer considers appropriate

Monitoring Officer

60. To undertake all action relating to the investigation, reporting and determination of complaints against a member and/or any town and parish councillor including without prejudice to the generality of the foregoing power to determine to adopt any different process to that normally followed.

61. To determine such changes to the Constitution as s/he considers necessary and/or expedient provided that it is for such purpose(s) and accords with such consultation(s) as is set out in the Article of this Constitution relating to Review and Revision to the Constitution

HEAD OF SERVICE / CORPORATE MANAGER SCHEDULE

Delegations to the Head of Financial Services		
Ref	Delegation	In consultation with or subject to:
1	Take decisions relating to Treasury Management subject to the overall borrowing limits given by the annual determinations by the Council under Section 45 of the Local Government and Housing Act 1989.	WPBC only: Subject to consultation with the Briefholder and Treasury Management Group
2	Determine the council tax base for Weymouth and Portland / West Dorset as required by S67 of the Local Government Finance Act 1992	WPBC only: Consultation with Briefholder
3	Authorise the giving of consent by the Council as mortgagee in respect of minor routine matters not affecting the Council's security under the mortgage	WPBC only: Consultation with Briefholder
4	Approve the transfer of the mortgage of a property to the spouse or other member of the family of the current mortgagor.	
5	Sign grant confirmation and grant claim supporting documentation on behalf of the Council	

Delegations to the Head of Revenues & Benefits

Ref	Delegation	In consultation with or subject to:
1	To issue completion notices in respect of new properties	
2	Determine applications for discretionary housing payments	
3	To decide whether to offer an administrative penalty or to prosecute in cases of fraudulent claiming of housing benefit	
4	To prosecute or to appear on behalf of the Council in proceedings before a Magistrates' Court relating to housing benefit, council tax benefit or non payment of council tax or business rates	
5	To authorise any Officer of the Council to appear on behalf of the Council in proceedings before a Magistrates' Court under Section 223 Local Government Act 1972	
6	To determine applications for discretionary rate relief and hardship rate relief	

Delegations to the Corporate Manager – Legal

Ref	Delegation	In consultation with or subject to:
1	Accept or reject (whether or not subject to conditions) any purchase notice served on the Council under the Town and Country Planning Act 1990 if a decision is required before the next normal meeting of the relevant Committee.	WPBC only: Subject to consultation with the Chair of Management Committee and the Briefholder
2	Legal Proceedings Institute or settle [in his/her name where necessary] all legal proceedings authorised by the Council or its duly authorised Officers and to defend (subject to any rights of the Council's insurers) any legal proceedings brought against the Council. Where the power to institute proceedings in the Magistrates' Court is given by statute to the Council or any of its Officers the Corporate Manager - Legal or any person authorised by him/her may institute and progress those proceedings including representation in the Magistrates' Court. Authority to issue formal cautions in circumstances where he/she and relevant service manager jointly agree such action is appropriate	

3	Authorise Officers of the Council to appear on behalf of the Council in proceedings before a Magistrates' Court under Section 223 Local Government Act 1972.	
4	Take appropriate legal action with regard to trespass on Council owned land	Liaison with Head of Assets & Infrastructure
5	Provide signed statements of truth in accordance with the Civil Procedure Rules (Also delegated to any qualified legal Officer, relevant Strategic Director, Assistant Chief Executive, Chief Executive, Head of Service or Corporate Manager with knowledge of the facts contained in the statement)	
6	The determination of applications for "Certificates of Lawfulness of Existing Use or Development".	In consultation with the Head of Planning (Development Management & Building Control)
7	The determination of applications for "Certificates of Lawfulness of Proposed Use or Development".	In consultation with the Head of Planning (Development Management & Building Control)
8	The issue of Building Preservation Notices	In consultation with the Head of Planning (Development Management & Building Control)
9	The issue of Temporary Stop Notices	In consultation with the Head of Planning (Development Management & Building Control)
10	The issue of requisitions for information as to interests in land under planning powers.	In consultation with the Head of Planning (Development Management & Building Control)
11	The issue of Planning Contravention Notices.	In consultation with the Head of Planning (Development Management & Building Control)
12	The issue of Breach of Condition Notices.	In consultation with the Head of Planning (Development Management & Building Control)
13	The issue of Revocation Orders	In consultation with the Head of Planning (Development Management & Building Control)
14	The issue of notices for the removal of fly-posting.	In consultation with the Head of Planning (Development Management & Building Control)

15	The issue of a notice under Section 215 of the Town and Country Planning Act 1990, or other re-enactment thereof, regarding the cleaning up of land or property when its condition adversely affects the amenity of the area.	In consultation with the Head of Planning (Development Management & Building Control)
16	The taking of criminal proceedings where enforcement notices have not been complied with	In consultation with the Head of Planning (Development Management & Building Control)
17	The taking of enforcement action regarding the replacement of trees including issuing of Tree Replacement Notices	In consultation with the Head of Planning (Development Management & Building Control)
18	The taking of default/legal action where a discontinuance order is not complied with.	In consultation with the Head of Planning (Development Management & Building Control)
19	The authorisation of criminal or other legal proceedings, where an offence or a breach of planning control has occurred or is anticipated	In consultation with the Chairman of Planning Committee or Vice Chairman of Planning Committee, (or in the absence of the Chairman of Planning Committee or Vice Chairman of Planning Committee, with the Briefholder / Portfolio Holder acting in substitution for either)
20	Institute proceedings in the Magistrates' Court for any contravention of the Council's Parking Places Orders.	
21	Pursuant to Section 229 and 234 of the Local Government Act 1972, to authenticate documents and to sign on behalf of the council	
22	To nominate any other Officer to exercise any power available to the Corporate Manager – Legal.	
23	To make from time to time, such amendments to the Constitution as in his/her view are minor, such as changes to the titles of Officers and is also authorised in consultation with the Chief Executive to transfer any of the functions contained within the Scheme of Delegations between the Assistant Chief Executive, Strategic Directors, Heads of Service and Corporate Managers (including any other posts reporting to any of these posts). Authority is subject to notifying members by way of an information report within 14 days of the date of the change.	

24	Consider whether Petitions submitted are vexatious, abusive or otherwise inappropriate and therefore excluded from further action under the Petition Scheme.	
25	<p>Serve the following notices and pursue prosecution for non-compliance if necessary:</p> <ul style="list-style-type: none"> (a) Enforcement notices, subject to informing the Chairman of Planning Committee and the ward Member(s) (b) planning contravention notices; (c) breach of condition notices; (d) section 215 notices in respect of untidy land; (e) to secure the removal of fly-posting 	In consultation with the Head of Planning (Development Management & Building Control)
26	To provide Local Land Charges Services.	
27	<p>Issue urgent:</p> <ul style="list-style-type: none"> (i) enforcement notices (ii) stop notices 	In consultation with the Head of Planning (Development Management & Building Control) and the Chairman of the Planning Committee

Delegations to the Corporate Manager –Democratic Services and Elections;

Ref	Delegation	In consultation with or subject to:
1	Administer and authorise councillors remuneration and expenses	
2	Increase councillors travel and subsistence allowances in line with levels set by the scheme of member's allowances	
3	Approve expenditure on civic hospitality	WPBC only: Subject to liaison with the Mayor and to a maximum of £1000
4	Organise and conduct reviews of the Principal Area Internal Ward and Polling District Boundaries and Polling Places and undertake consultation and to formulate draft proposals in respect of parish electoral arrangements made under the Local Government & Rating Act 1997.	WPBC only: Together with a politically balanced working group of members

Delegations to the Corporate Manager – Human Resources and Organisational Development

1	To issue a certificate as to whether a particular employee's duties render his/her post politically sensitive according to the 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.	WPBC only: Provided that any action taken in pursuance of this paragraph shall be reported to Management Committee at its next meeting.
3	To take such 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 principles approved by the Council.	
5	To act as a person specified by the council as a scheme employer under the Local Government Pension Scheme (Amendment) regulations 2004 to consider disputes and first instance decisions on pension matters.	

Delegations to the Head of Business Improvement

Ref	Delegation	In consultation with or subject to:
1	Determine proposals to name a street under the relevant legislation	Subject to consultation with and there being no objections from ward Members, Portland Town Council (if appropriate) (WPBC only) or the Post Office.
2	Allocate numbers to buildings in new streets and in existing streets where a complete renumbering is not required.	

Delegations to the Head of Economy, Leisure and Tourism

Ref	Delegation	In consultation with or subject to:
1	To undertake the management, development, promotion and delivery of the leisure and tourism functions of the borough/district council with particular regard to financial performance, safety, meeting customer needs and the appropriate dual use management agreements in line with agreed strategies and the council's financial plan.	
2	Provide advice to private and voluntary sector organizations or external partnerships in line with council policies and budgets and via service level agreements where appropriate.	
3	Manage major capital contracts including design, budget, negotiating grant aid and reporting changes to the appropriate committee.	
4	Complete consultation forms on behalf of the Council in relation to national lottery (arts council, sports council, heritage lottery funds, millennium commission) or similar applications.	
5	To perform all of the functions of the Council in respect of the following Act: Clean Neighbourhoods and Environment Act 2005 Sections 6, 7,22,45,48, 59,61 (Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Control on Dogs - [powers available once Dog Control Order approved by Council] - Issue FPNs and Power to require name and address)	
6	Preparation of applications for grants and other assistance	In accordance with general guidelines approved by committee
7	Determine grant and rate relief applications for sports, arts, museums and village halls within policy and budgetary criteria	
8	Determination of harbour regulations, fees and charges.	
9	Determine such licence applications for harbour users and associated harbour functions and approve concessions at the Council's harbours.	

10	Power to undertake all action in relation to the operation of any harbour within the district of the Council for which the Council is a harbour authority.	
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Delegations to the Weymouth Harbour Master (Applies to Weymouth harbours only)

Ref	Delegation	In consultation with or subject to:
1	The exercise of all powers granted by statute to the Harbour Master.	
2	The grant of pleasure boat and watermen's' licences, the grant or refusal of mooring licences and the power to secure the removal of wrecks and hulls from the Harbour.	
3	To negotiate variation in charges not exceeding 50% where a charge would normally be made as set out in the Schedule of Charges to improve utilisation of the facilities, subject to this flexibility having no adverse effect on target income budgets and only being applied where the application would be beneficial to the harbour.	
4	The Harbour Master is authorized to act on behalf of the Harbour Management Board in the course of his/her duties to meet the requirements of the Business Plan and the Harbour Budget.	

Delegations to the Head of Community Protection

Ref	Delegation	In consultation with or subject to:
1	<p>To undertake all action in connection with any matter arising in relation to the hackney carriage or private hire licenses (which for the avoidance of doubt includes any application for a licence relating to drivers, vehicles, operators and proprietors) provided that:</p> <p>(a) such power does not extend to refusing any application contrary to any extant policy (if any) expressly adopted by the Council for such purposes (as may be amended from time to time); and</p> <p>(b) in the case of a revocation or suspension of a licence any decision is notified to a committee with power to determine such licences as soon as reasonably practicable following any such decision being made</p>	
2	To grant exemptions from displaying a private hire plate under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.	
3	Approval of all applications under the Licensing Act 2003 except where there are objections for Weymouth & Portland Borough Council and West Dorset District Council.	Subject to statutory consultation.
4	In respect of the licensing function for West Dorset District Council to determine if representations and/or requests for review are irrelevant, frivolous or vexatious.	
5	In respect of the licensing function for both Councils, to make representation/request for review where the where the district/borough council is a responsible authority and not the licensing authority.	
6	In respect of the whole licensing function to enforce legislation and compliance with conditions in respect of the licensing functions	

7	<p>Approval of all applications under the Gambling Act 2005 except where there are objections, or cancellation/revocation of the licence at Weymouth & Portland Borough Council <i>N.B If objections or cancellation/revocation decision by Licensing Sub Committee.</i></p> <p>Approval of all applications under the Gambling Act 2005 (including cancellation/revocation) except where there are objections at West Dorset District Council <i>N.B If objections decision by Licensing Sub Committee.</i></p>	Subject to statutory consultation
8	<p>To set fee levels for applications made under the Gambling Act 2005 for West Dorset District Council <i>N.B. Weymouth & Portland Borough Council Gambling fees decided by Licensing Committee</i></p>	
9	Licence/register motor salvage operators and scrap metal dealers	
10	To issue Fixed Penalty Notices for smoking related offences under the Health Act 2006.	
11	To grant permits for Street Collections and House to House Collections	
12	<p>Exercise of all available powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 necessary to manage and enforce Weymouth & Portland Borough Council's street trading policy <i>N.B. West Dorset District Council do not currently have a street trading policy</i></p>	
13	<p>Determine applications with conditions if applicable for street trading consents in designated streets under Local Government (Miscellaneous Provisions) Act 1982 except where there are objections/appeals that cannot be resolved informally <i>N.B. Objections/appeals to Sub-Committee</i></p>	<p>In accordance with criteria set out in Weymouth & Portland Borough Council's street trading policy for Weymouth & Portland applications <i>N.B. West Dorset District Council do not currently have a street trading policy</i></p>
14	<p>Determine fees for street trading consents at Weymouth & Portland Borough Council. <i>N.B West Dorset District Council street trading fees decided by Licensing Sub-Committee</i></p>	In accordance with criteria set out in Weymouth & Portland Borough Council's street trading policy
15	Determine an application for a collectors licence	Application to refuse made – to Licensing Committee for decision
16	Determine an application for a scrap metal dealer site licence	Application to refuse made – to Licensing Committee for decision

17	Determine a transitional application for a scrap metal licence	Application to refuse made – to Licensing Committee for decision
18	Determine a transitional application for a scrap metal collectors licence	Application to refuse made – to Licensing Committee for decision
19	Determine an application to vary a scrap metal site licence where no representation made	Application to refuse or attach conditions made – to Licensing Committee for decision
20	Determine an application to vary designated personnel on a scrap metal licence	Application to refuse made – to Licensing Committee for decision
21	Determine an application for transfer of a collectors licence to a scrap metal site licence	Application to refuse made or attach conditions – to Licensing Committee for decision
22	Determine an application to transfer a scrap metal site licence to a collectors licence	Application to refuse made – to Licensing Committee for decision
23	Determine an application to review a scrap metal site licence	Application to refuse or attach conditions – to Licensing Committee for decision
24	Provide advice and mediation on scrap metal dealers functions	
A Local Authority must not issues or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. Following a decision there is a right to appeal to the magistrates' court.		

Delegation of Scrap Metal Dealers Functions:

West Dorset District Council only:

Delegations to the Community Protection Manager:

25	Determine an application for a collectors licence	
26	Determine an application for a collectors licence with unspent convictions	
27	Determine an application for a scrap metal dealer site licence	
28	Determine an application for a site licence by a director/s or site manager with unspent convictions	
29	Determine a transitional application for a scrap metal licence	
30	Determine a transitional application for a scrap metal collectors licence	
31	Deal with a representation received from applicant following refusal, revocation or variation of a licence within the specified time	

32	Determine an application to vary a scrap metal site licence	
33	Determine an application to vary designated personnel on a scrap metal licence	
34	Determine an application to attach conditions to a scrap metal site licence	
35	Determine an application for transfer of a collectors licence to a scrap metal site licence	
36	Determine an application to transfer a scrap metal site licence to a collectors licence	
37	Determine an application to review a scrap metal site licence	
38	Determine an application to revoke a scrap metal site licence	
39	Determine an application to revoke a collectors licence	
40	Determination after a police recommendation regarding a licence	
41	Determine an application for a collectors licence	Application to refuse made – to Head of Community Protection for decision
42	Determine an application for a scrap metal dealer site licence	Application to refuse made – to Head of Community Protection for decision
43	Determine a transitional application for a scrap metal licence	Application to refuse made – to Head of Community Protection for decision
44	Determine a transitional application for a scrap metal collectors licence	Application to refuse made – to Head of Community Protection for decision
45	Determine an application to vary a scrap metal site licence	If representations made – to Head of Community Protection for decision
46	Determine an application to vary designated personnel on a scrap metal licence	Application to refuse made – to Head of Community Protection for decision
47	Determine an application for transfer of a collectors licence to a scrap metal site licence	Application to refuse made or attach conditions – to Head of Community Protection for decision
48	Determine an application to transfer a scrap metal site licence to a collectors licence	Application to refuse made – to Head of Community Protection for decision
49	Determine an application to review a scrap metal site licence	Application to refuse or attach conditions – to Head of Community Protection for decision
50	Provide advice and mediation on scrap metal dealers functions	
A Local Authority must not issues or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. Following a decision there is a right to appeal to the magistrates' court.		

Delegations in respect of the Licensing Act 2003 and the Gambling Act 2005 are listed in the Statement of Licensing Policy for Weymouth and Portland Borough Council and West Dorset District Council.

Public Health		
51	Authority to issue fixed penalty notices for depositing litter and failing to remove dogs' faeces from public places	
52	Authority to process notices under the Clean Neighbourhoods and Environment Act 2005	
53	Removal of trees on Council owned land and highway considered to be unsafe or causing damage	Consultation with Ward members

To perform all of the functions of council in respect of the Acts listed below (WDDC and WPBC)		
54	Animal Boarding Establishments Act 1963 Sections 1&2	Licensing of Boarding Establishments Inspection of Boarding Establishments
55	Breeding of Dogs Act 1973 Sections 1&2	Licensing of Breeding Establishments Inspection of Breeding Establishments
56	Breeding and Sale of Dogs (Welfare) Act 1999 Section 8	Illegal sale of dogs
57	Clean Neighbourhoods and Environment Act 2005 Sections 6, 7,22,45,48, 59,61	Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Control on Dogs - [powers available once Dog Control Order approved by Council] - Issue FPNs and Power to require name and address
58	Dangerous Dogs Act 1991 Section 3	Dog control

59	Environmental Protection Act 1990 Sections 88,92,93,149	Litter Notices and stray dogs	
60	Environmental Protection Act 1990 Section 149	To reduce the Reclaim Fee where it is believed serious hardship would result to the owner of the dog or there is no realistic prospect of getting the full fee back from the owner	
61	Guard Dogs Act 1975 Section 3	Licensing of Guard Dog Kennels	
62	Health and Social Care Act 2008 section 129	Application for an Order to protect persons from significant harm	
63	Local Government Act 1972 Section 234	Signing Notices by proper Officer	
64	Local Government (Miscellaneous Provisions) Act 1976 Sections 16,20,33	Obtaining particulars of persons, sanitary facilities at places of entertainment and restoration/continuation of water supply.	
65	National Assistance Act 1948 Sections 47, 48	Power to deal with persons requiring certain care and attention	
66	Pet Animals Act 1951 Sections 1,4,6	Licensing of Pet Shops	
67	Prevention of Damage by Pests Act 1949 Sections 4,22,28	Notices re: works for prevention of damage by pests and powers of entry	
68	Public Health Act 1936 Sections 85,269,284, 287,296	Verminous persons, moveable dwellings	
69	Public Health Act 1961 Section 74	Bird control in build up areas	
70	Public Health (Control of Diseases) Act 1984 Sections 20-23, 31,32,37,41,61,64	Infectious disease control	

71	Road Traffic Act 1988 Section 27	Control of Dogs on Roads	
72	Water Industry Act 1991 Sections 77-80, 84,85	Water quality and supply including private supplies	
73	Building Act 1984 Sections 59,60-63,76,81,84,85,93,95,96,113	Drainage and otherwise defective buildings (not dangerous)	
74	Clean Air Act 1993 Sections 4,6,8,10,12,14,33,35, 36,55,56,58	Approval of chimneys, furnaces and plant and measurement of pollution from same, cable burning.	
75	Clean Neighbourhoods and Environment Act 2005 Sections 3,6,7,22,30,31,45,48,73,76,77,78	Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Graffiti and fly posting - Issue FPN's Removal Notices Audible Intruder Alarms - Issue FPN Power to require name and address Power to enter premises to silence alarm Power to apply for warrant to enter premises by force	
76	Control of Pollution Act 1974 Sections 60,91,92	Notices re: construction sites Powers of entry and inspection	
77	Dangerous Wild Animals Act 1976 Sections 1, 3	Licences Inspection of premises	
78	Environment Act 1995 Sections 108-110	Authorisation of Officers and deal with imminent danger of serious pollution	
79	Environmental Protection Act 1990 Sections 6,10,13,14,34a(2),78,80,81 Sch.3 (2), Sch. 4 (3)	Statutory nuisance, contaminated land, FPNs re waste transfer note etc	

80	Local Government Miscellaneous Provisions Act 1976 Sections 16,35	Requisitions for Information Obtaining particulars of persons' private sewers	
81	Noise and Statutory Nuisance Act 1993 Sch. 3	Powers of entry	
82	Public Health Act 1936 Sections 48,50,78,83, 84,87,284,287,296	Drainage, cleansing of common areas, filthy premises, provision of conveniences	
83	Public Health Act 1961 Sections 17,22,34,37	Drainage, refuse and verminous articles	
84	Refuse Disposal (Amenity) Act 1978 Sections 6,8	Disposal of refuse other than vehicles	
85	Riding Establishments Act 1964 Sections 1,2,5	Licensing of Riding Establishments	
86	Riding Establishments Act 1970 Section 1	Provisional Licences	
87	Zoo Licensing Act 1981 Sections 4-7, 10-12,15,16,19	Licences and closure	

Business Regulation and Support

To perform all of the functions of council in respect of the Acts listed below (both Councils)

88	European Communities Act 1972 and Food Safety Act 1990 Sections of these Acts and any orders, regulations made thereunder or relating to the foregoing and any modification or re-enactment to the foregoing	Food Safety	
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89	Health Act 2006 and Smoke-free (Premises and Enforcement) Regs 2006/Smoke-free (Exemptions and Vehicles) Regs 2007/Smoke-free (Penalties and Discounted Amounts) Regs 2007/Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007/Smoke-free (Signs) Regs 2007 Part 1 and Schedules 1 & 220 Sections 21 22, 25, 38, 39,	Smoke free legislation	
90	Health and Safety at Work Act 1974 sections 19,20,21,22, 25,38,39	Protection of persons at or affected by work activities	
91	Local Government (Miscellaneous Provisions) Act 1982 Sections 14,15,16,17	Control of skin piercing	
92	Sunday Trading Act 1994 Sch. 1&2	Hours of opening	

Delegations to the Head of Housing		
Ref	Delegation	In consultation with or subject to:
1	Determine applications for homelessness and determine the need for temporary accommodation.	
2	Maintain and operate the Housing Register in accordance with the Council's Allocations Scheme and make minor amendments	
3	Determine rent deposit scheme applications including rent in advance loans and deposit bonds in accordance with Council policy	In consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services)
4	Determine reviews of decisions taken under the Housing and Homelessness Acts	
5	Exercise of powers and duties under the Protection from Eviction Act 1977 and Prevent of Harassment Act 1997	
6	Agree leases of no more than 5 years to provide temporary accommodation for homeless households	
7	Offer occupation agreements to homeless households in leased accommodation	
8	Set charges for leased accommodation	

	Act &Section	Summary of Powers	In consultation with or subject to:
9	Housing Act 1985 Sections 260, 265,330,335,336,337,338,340,600	Demolition Orders and Overcrowding	
10	Housing Act 2004All relevant powers under Part 1,2,3,4,6 & 7	Licensing of HMOs and HHSRS	
11	Housing Construction and Regeneration Act 1996 Sections 13, 18, 24, 28, 76	Power to approve Housing Grants	
12	Local Government Act 1972 Section 234	Proper Officer for signing Notices where they are designated to serve	

13	Local Government Miscellaneous Provisions Act 1982 section 29	Boarding up vacant properties	
14	Public Health Act 1936 Sections 50, 83, 84, 85, 269	Cesspools etc, filthy and verminous premises, verminous articles, verminous persons and their clothing, moveable dwellings	
15	Public Health Act 1936 Sections 48, 287,296	Drainage, cleansing of common areas, filthy premises, provision of conveniences	
16	Local Government Miscellaneous Provisions Act 1976 Sections 16,35	Requisitions for Information Obtaining particulars of persons' private sewers	
17	Prevention of Damage by Pests Act 1949 Section 4	works for prevention of damage by pests	
18	Caravan Sites and Control of Development Act 1960 Sections 3, 5 & 8	Issue Site Licences / attachment / alteration of conditions	
19	Building Act 1984 Section 59 Section 60-63 Section 76 Section 81 Section 84 Section 85	inadequate drainage etc drains and water closets defective premises demolition orders Paving and drainage of yards and passages Maintenance of entrances to courtyards	
20	Environmental Protection Act 1990 Section 80 Section 81	Service of Abatement Notices Supplementary Powers re: statutory nuisances	
21	Home Energy Conservation Act 1995 Section 2	Preparation of energy conservation report	

22	Housing and Regeneration Act 2008 Section 110 Section 192		
West Dorset District Council only:			
23	Lay complaint to a Magistrates' Court in respect of offences under Section 10 of the Caravan Sites Act 1968		In consultation with the Chairman of the Strategy Committee

Delegations to the Head of Planning (Development Management & Building Control)

Ref	Delegation	In consultation with or subject to:
1	The determination of whether adequate information is submitted with any planning application. In circumstances where an application is considered to be incomplete by the Head of Service responsible for Development Management and/or to be deficient in respect of the requirements of the Councils Planning Application Requirements Document, to decline to register such applications and to return them to the applicant or agent for completion.	
2	The determination of whether an Environmental Statement and the issuing of a formal 'Screening Opinion' in respect of the need for a Statement or otherwise and also the issuing of a 'Scoping Opinion' setting out the matters to be included and addressed within an Environmental Statement when required.	
3	Where an application is submitted without an Environmental Statement or where the Statement is considered to be inadequate having regard to the Environmental Assessment Regulations and the Scoping Opinion issued by the borough/district Council, to decline to register the planning application or to refuse planning consent as appropriate.	
4	The making of observations on applications submitted to adjoining or other authorities, where the proposal is of a non-contentious nature or where the time limit for response does not allow consideration by the committee. <i>Except applications from either West Dorset District Council or Weymouth and Portland Borough Council which will be submitted to Committee.</i>	

5	Refusal of applications requiring revisions or further information. In circumstances where, during the consideration of an application, the applicant or agent has been requested to supply additional information necessary to enable proper consideration of the proposal or to make amendments to an application, in order to address concerns raised by objectors, statutory consultees or the Head of Service responsible for Development Management and no such information or amendments are forthcoming within 10 working days or such other time as may be agreed..	
6	Consideration and determination of applications for non-material changes to planning permission and variation or relaxation of planning conditions.	
7	Take decisions relating to proposed surgery/felling of trees protected by Tree Preservation Orders or within Conservation Areas except where the applicant is the council, a serving Member of the Council or a senior Officer.	
8	Determination of matters relating to submission of details to comply with planning conditions (for example: materials, landscaping, screen walls/fences etc).	
9	Determination of applications for the removal of hedgerows and high hedges complaints and authority to take enforcement action for non-compliance with remedial notice notices in accordance with Part 8 of the Anti-Social Behaviour Act 2003	
10	To authorise any Officer to enter land in accordance with the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Hazardous Substances) Act 1990 (as amended)	
11	To authorise any Officer to enter land in accordance with Part 8 of the Anti-Social Behaviour Act 2003 (provisions in relation to High Hedges)	
12	Determination of submissions of prior notification of agricultural or telecommunications development or demolitions which would normally qualify as permitted development.	

13	Power to undertake all action relating to making and/or confirming Tree Preservation Orders including (for the avoidance of doubt) power to amend, vary, modify and/or revoke the same subject to the ward member(s) of the ward affected by the Tree Preservation Order being notified as soon as reasonably practicable after any making, confirming, amending, varying, modifying and /or revoking (as the case may be).	
14	Determination of applications for the display of advertisements	
15	Decline to determine repetitive applications for planning permission and advertisement consent	With the agreement of the Corporate Manager - Legal
16	Make objections and representations under Regulation 18 of the Goods Vehicles (Operators Licenses, Qualifications and Fees) Regulations 1984 to the Western Traffic Area to the granting of heavy goods vehicle operators' Licenses	In consultation with the Head of Community Protection
17	<p>To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification or variation to agreements, deeds and any other documents entered into wholly or partly pursuant to any Town and Country Planning Legislation including, without prejudice to the generality of the foregoing:</p> <p>(a) agreements made pursuant to section 52 of the Town and Country Planning Act 1971; and</p> <p>(b) planning obligations pursuant to section 106 of the Town and Country Planning Act 1990;</p> <p>provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation imposed by an express decision of a Committee of the Council where, in the opinion of the Head of Planning (Development Management and Building Control) 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).</p>	

	<p>North Dorset District Council only:</p> <p>The proviso which limits the extent of the power specified in delegation 17 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 Planning Development Manager (and Building Control):</p> <p>(a) facilitate its use, in whatever form, by a registered social landlord, or</p> <p>(b) result in the release of the low cost dwelling(s) from future ties as a low cost market dwelling.</p>	
18	The issue of Building Preservation Notices	
19	The authorisation of works for the preservation of unoccupied listed buildings in cases of emergency	
20	Provision of building control services including but not limited to exercise of all powers and duties necessary for the delivery of the service under the Building Act 1984. The Building Regulations 2000. The Party Wall Act, the sustainable and Secure Building Act 2006, the climate change and Sustainable Energy Act 2006 and The building (Approved Inspectors) Regs 2000	
21	To vary the standard fee scales of the Local Government Association Model Scheme by plus or minus 10 per cent for building control functions	
22	Deal with matters arising from the submission of additional information pursuant to the grant of conditional permission.	
23	Approve non material amendments to approved plans.	
24	<p>Authority to determine 'prior approval' applications in respect of Classes IA, MA and MB of the GPDO subject to the following protocol being applied to the consideration of the applications:</p> <p>(i) That adjoining neighbours and consultees are allowed 21 days to submit their comments to the council.</p>	

	<p>(ii) That Town and Parish Councils are consulted on the 'prior notification' applications in respect of Classes IA, MA and MB relevant to their area and allowed 21 days to comment. Furthermore, that Town and Parish Councils are informed of the outcome of all three types of applications.</p> <p>(iii) That the council serves a written notice on adjoining occupiers where appropriate and erects a site notice where there are no adjoining occupiers.</p> <p>That where neighbour objections are received to 'prior approval' applications under Classes IA, MA and MB, the case Officers will inform the Chairman of the Development Control /Planning and Traffic Committee and the Ward councillors of their provisional recommendations and allow seven days for their comments. The Head of Planning (Development Management & Building Control) will have due regard to any resulting councillor comments before determining the application.</p>	
25	<p>Authority to determine 'prior approval' applications arising from a future amendment to the GPDO subject to the current or any subsequently amended protocol being applied to their determination.</p>	
26	<p>To undertake all action in order to regulate any actual, perceived or potential breaches of any of the Town and Country Planning Legislation, including but without prejudice to the generality of the foregoing:</p> <p>(a) action to regulate breaches of any notices, orders, agreements, obligations or other documents, conditions, restrictions or other limitations issued pursuant to such Town and Country Planning Legislation;</p> <p>(b) the authorising and issuing of requisitions for information;</p> <p>(c) the authorising and issuing of Planning Contravention Notices;</p> <p>(d) the authorising and issuing of Enforcement Notices;</p>	

	<p>(e) the authorising and issuing of Breach of Condition Notices;</p> <p>(f) the authorising and issuing of notices under s215 of the Town and Country Planning Act 1990;</p> <p>(g) determining whether or not to take or to cease action where in the opinion of the Head of Planning (Development Management and Building Control) a breach is trivial, there is insufficient demonstrable harm or, it is not expedient to take / continue to take action; and</p> <p>(h) the authorising and issue of temporary stop notices</p>	
27	To undertake all action in connection with applications for certificates of lawfulness of existing or proposed use or development.	
28	<p>To determine any application (including for the avoidance of doubt but without prejudice to the generality of the foregoing any reserved matter application, applications under section 73 or section 73A of the Town and Country Planning Act 1990 and any, application for listed building consent) submitted pursuant to the Town and Country Planning Legislation (including any necessary determination(s) relating to conditions, obligations, limitations or any other restrictions or requirements necessary in respect thereof) provided that the power to determine does not apply to any application:</p> <p>1. in respect of which:</p> <p>(a) a Written Material Representation has been received by the Head of Planning (Development Management and Building Control) and that Written Material Representation:</p> <p>(i) has been made by a Council Member(s) and received by the Head of Planning (Development Management and Building Control) within the Consultation Period; and/or</p>	

	<p>(ii) (A) 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 Control) within the Consultation Period or other such period in time as the Head of Planning (Development Management and Building Control) might otherwise agree in writing (such extension to the Consultation Period not to be unreasonably refused); and</p> <p>(B) contains a recommendation that is contrary to the proposed decision; and in either case</p> <p>(b) 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>2. 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>(a) would be Contrary to the Development Plan (and the anticipated decision would be to approve); and /or</p> <p>(b) is on land owned by the Council; and/or</p>	
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- (c) from an Identified Member or Identified Staff; and/or
- (d) would conflict with a decision previously made by the Planning Committee of the same description and on the same or largely the same site; and/or
- (e) requires an Environmental Impact Assessment.

Note as regards the above consultation provision

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.

Definitions relevant to the above

“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 (as defined by section 38 Planning and Compulsory Purchase Act 2004 (as amended)) when assessed as a whole;

“Consultation Period” means the period of 21 days beginning with the date when 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 of any Council Member(s) is commenced (whichever is the earliest);

“Council Member” means an elected member of the Council of the district/ borough in which the site of the application is situated in whole or part;

“Identified Member” means an application that identifies in response to a question on the application form that the application is made by or on behalf of a Council Member and/ or any partner of such Council Member,

	<p><i>“Identified Staff” means an application that identifies in response to a question on the application form that the application is made by or on behalf of an employee of the Council and/ or any partner of such an employee;</i></p> <p><i>Town and Country Planning Legislation has the meaning as set out in the Introduction and Interpretation Section. For the avoidance of any doubt reference to Town and Country Planning Legislation includes:</i></p> <p><i>(a) the Town and Country Planning (General Permitted Development) (England) Order 2015;</i></p> <p><i>(b) The Town and Country Planning (Development Management Procedure) (England) Order 2015/595.</i></p> <p><i>“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 be determined;</i></p>	
Weymouth and Portland Borough Council only:		
30	Authority to determine the 'permitted development' notifications specified in Classes A,J,K and M of the Town and Country Planning (General Permitted Development) (England) Order 2015.	In cases where adjoining neighbour objections are received, such authority shall be exercised following consultation with the relevant ward councillors.
West Dorset District Council only:		
31	Make decisions on individual grants for listed buildings at risk up to a maximum of £5000.	
32	Allocate individual grants towards the repair of chest and table tombs.	
33	Authority to determine 'prior approval' applications under Classes A, J, K and M of the Town and Country Planning (General Permitted Development) (England) Order 2015.	Where objections are received to these 'prior approval' applications, the case Officers will inform the Chairman of the Development Control Committee and the ward councillor when their provisional recommendations are for approval and allow seven days for their comments. The Head of Planning (Development Management & Building Control) will have due regard to any resulting councillor comments before determining the application.

Delegations to the Corporate Manager (Community & Policy Development)

Ref	Delegation	In consultation with or subject to:
1	Decide which bids from registered social landlords to the Homes and Communities Agency are supported	WPBC only: In consultation with relevant Briefholder & Head of Housing
2	Make decisions on applications for the Weymouth and Portland and West Dorset list of assets of community value	WDDC only: Local ward member(s) to be informed of the applications and decisions
West Dorset District Council only:		
3	To allocate monies from the West Bay and Dorchester car boot sales in consultation with a panel of 3 nominated Members	
4	Determine applications for grants under the Countryside and Conservation Grant Scheme (including applications for repairs to walls) within policy and budgetary criteria	
5	Designate nature reserves subject to controversial applications being submitted to the Strategy Committee	
6	Under the Housing Act 1988 approve or refuse social Housing Grant projects in line with Council policies	
7	Approval of neighbourhood areas where: <ul style="list-style-type: none"> i. the boundary follows a parish boundary line, and ii. there is not a significant level of businesses operating in the area (such as a major industrial estate or town centre), and iii. the area does not overlap with an existing neighbourhood area, and iv. the community functions as a relatively self-contained neighbourhood unit, without undue reliance on a much wider population, or facilities in a neighbouring area, and v. any local plan allocations (including defined development boundaries) in the area do not extend beyond the proposed area, and do not include development at a scale that is likely to result in significant impacts on immediately surrounding areas, and vi. there have been no significant issues raised through the consultation process. 	In consultation with the relevant ward councillor

	In all other cases the decision on neighbourhood area applications will be brought to the next available Strategy Committee.	
8	<p>Approve neighbourhood forums in consultation with the relevant local ward councillors, where:</p> <ul style="list-style-type: none"> • No other competing application has been received; • It is set up for the express purposes of promoting or improving the social, economic and environmental well-being of the neighbourhood; • That the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council; its membership includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories; • Its membership is drawn from different places in the neighbourhood area and represents a good cross-section of the community as a whole; • It has a written Constitution agreed by the Corporate Manager - Legal; • There are no significant issues raised as a result of the consultation. <p>In all other cases the decision on neighbourhood applications will be brought to the next available Strategy Committee.</p>	Relevant local ward councillors

Delegations to the Head of Assets & Infrastructure

Ref	Delegation	In consultation with or subject to:
1	Cancel Penalty Charge Notices issued under the Traffic Management Act 2004	
2	To make on and off street Road Traffic Regulation Orders under the relevant road traffic legislation and, if applicable, agency arrangements where no written objections have been received.	
3	Exercise all powers and duties conferred by the agency agreement with Dorset County Council as Highway Authority and not otherwise expressly reserved to the Planning and Traffic Committee / Development Control Committee	WPBC only: Consult with Ward members regarding Traffic Regulation Orders
4	Act as the Council's Engineer to its Contracts, under the terms of the appropriate Conditions of Contract published by the Institution of Civil Engineers.	
5	Act on behalf of the Council in any agreements or contracts with water companies or other such bodies	
6	Act on behalf of the Council in the submission of grant applications under the provisions of the Coast Protection Act 1949 and the Land Drainage Act 1991.	
7	Make application for planning permissions and building regulations approvals, for any Council or Water Company (or other such bodies) proposals for projects.	
8	Serve notices under the following Acts: The Land Drainage Act 1991 The Coast Protection Act 1949 The Public Health Act 1936	
9	Appoint agency/contract engineers as required.	
10	Institute proceedings in the County Court for non-payment of fixed penalty notices for parking offences	
11	Act in any lawful manner to safeguard property and/or the public, in conjunction with other emergency services, in pursuit of the resolution of any peacetime emergencies.	

12	Exercise the powers of the Council under Section 138 of the Local Government Act 1972 in cases of emergency.	
13	As Borough/District Controller/Coordinator the power to take any action as may be necessary in case of hostile attack or peacetime disaster and to draw upon an initial allocation of funds to be determined annually from working balances in respect of each emergency.	
Weymouth and Portland Borough Council only:		
14	Bring proceedings under Borough of Weymouth and Portland (Off Street Parking Places) Orders and On Street Traffic Regulation Orders	
15	Assigning or subletting leases and tenancies	
16	Granting or refusal of the Council's consent under the terms of any lease or licence	
17	Granting approval for alterations to premises leased by the Council, variations in leases including user clauses and acceptance of the surrender of leases	
18	Granting of licences over the Council's land	
19	Granting of easements and wayleaves (including those for public or statutory undertakings)	
20	To agree the terms of leases for sites for electricity sub-stations or other utilities	
21	To agree all rent reviews and lease renewals due under an existing lease where the new rent does not exceed £50,000 per annum and the review/renewal period is not more than 10 years. The rent reviews and lease renewals are to be carried out in accordance with any specific Council policy for the type of property concerned	
22	To grant new leases where the rent does not exceed £20,000 per annum or where the period of the lease does not exceed 5 years, whatever the rent	
23	To approve the freehold or long leasehold disposal of land which has an open market value of up to £99,999 and the terms of disposal	After consultation with relevant ward councillors and Briefholder
24	To approve applications for the modification or release of covenants of a routine nature	
25	To approve and complete minor deeds of rectification or exchange.	
26	To administer arrangements for the seasonal hire, regulation and use of beach huts, beach tents and beach concessions	
27	Management and maintenance of public conveniences	

West Dorset District Council only:		
28	Dispose of freehold property with a market value over £50,000 and grant leases over 21 years where the Strategy Committee has agreed in principle to the disposal or the granting of the lease.	
29	Grant new leases and lease renewals.	
30	Agree rent reviews.	
31	Accept the surrender, terminate or vary leases.	
32	Grant easements.	
33	Release restrictive covenants.	
34	Acquire the freehold acquisition or leasing in of property, where budgetary provision has been made and where the Strategy Committee has agreed in principle.	
35	Grant licences determinable by notice of 12 months or less.	
36	Make planning applications and building regulation applications in the interest of good management of the property portfolio.	
37	Write-off of unpaid debts up to £500, subject to the Head of Assets & Infrastructure being satisfied that all avenues to recover the money have been investigated.	
38	Disposal of freehold property with a market value up to £50,000 and grant leases up to 21 years.	
<i>(Points 1 to 38 all subject to the Head of Assets & Infrastructure being satisfied that the best possible price/rent/terms are achieved)</i>		
39	Grant of licences to rival market operators at an appropriate fee and on the criteria agreed by the Dorchester Markets Informal Joint Panel.	
40	Authority to grant licences for alternative uses of the Thomas Ensor covered market building and adjoining area on the criteria agreed by the Dorchester Markets Informal Joint Panel	
41	Management and maintenance of the council's offices, furniture, equipment and Officer car parks.	
42	Grant licences for alternative uses of car park land excluding the sale of food.	

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 .

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 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:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Assistant Chief Executive
S.88(2)	Arranging a Council meeting to appoint the Mayor	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.89(1)	Notice of casual vacancy in office of councillor	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S. 96(1) and (2)	Receipt of Member information on interests in contracts	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Service
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	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(C)(2)	Written summary of the proceedings at Committees and sub-Committees	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(D)(1)	List of background papers	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(2)	Receipt of money due from Officers	Strategic Director with responsibility for finance function ; Head of Financial Services
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Strategic Director with responsibility for finance function; Head of Financial Services

Legislative Provision	Function	Proper Officer
S.151 - and S.114 Local Government and Finance Act 1988	The Officer responsible for the proper administration of the Council's financial affairs	Section 151 Officer and any nominated deputy
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Assistant Chief Executive
S.204(3)	Receipt of notice of applications for justices' licences	Strategic Director with responsibility for licensing function; Head of Community Protection;
S.210(6) and (7)	Charities	Assistant Chief Executive
S.212	Register of Local Land Charges	Chief Executive
S.224	Custodian of documents	Chief Executive and all the Managers
S.225	Deposit of documents	Chief Executive and all the Managers
S.228(3)	Accounts for inspection by any member of the Council	Assistant Chief Executive; Head of Financial Services
S.229(5)	Certification of photographic copies of documents	Chief Executive and all the Managers
S.234	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 Freemen	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Government Act 1972 Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive; Corporate Manager – Democratic and Electoral Services
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Government Act 1972 Schedule 14		
Para 25	Certification of resolution for legal proceedings.	Assistant Chief Executive; Corporate Manager - Legal
S.30(5)	Giving notice that copies of a report of the Local Government Ombudsman's are available	Assistant Chief Executive; Corporate Manager - Legal

Legislative Provision	Function	Proper Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Authorities Cemeteries Order 1977		
	Sign exclusive rights of burial	Strategic Director with responsibility for burial and/or cremation functions; Head of Service / Corporate Manager responsible for Bereavement Services
S.8	Registration Officer	Chief Executive; Corporate Manager- Democratic and Electoral Services;
S.35	Returning Officer for Local	Chief Executive; Corporate Manager – Democratic and Electoral Services
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer (Chief Executive); Corporate Manager – Democratic and Electoral Services
Local (Principal Area) (England and Wales) Rules 2006		
Rule 54	Retention and public inspection of documents after an election	Returning Officer (Chief Executive); Corporate Manager – Democratic and Electoral Services
Local Government Finance Act 1988		
S.114	Reporting on unlawful expenditure	Strategic Director with responsibility for finance functions
Local Government and Housing Act 1989		
S. 2	Deposit list of politically restricted posts with Proper Officer	Assistant Chief Executive; Corporate Manager – Human Resources and Organisational Development
S. 4	Head of Paid Service	Chief Executive
S. 5	Report on unlawful actions	Monitoring Officer; any Officer nominated as deputy
S. 6	Administration of financial affairs	Section 151 Officer; any Officer nominated as deputy

Legislative Provision	Function	Proper Officer
S.15 to 17	Receipt of notices concerning: <ul style="list-style-type: none"> • Constitution of political groups • Membership of political groups • Wishes of political groups • Review of allocation of seats to political groups Notification to political groups of: <ul style="list-style-type: none"> • Allocation of seats • Vacation of a seat 	Chief Executive; Corporate Manager – Democratic and Electoral Services
S. 37	Statement of accounts from a voluntary body	Strategic Director with responsibility for finance function; Head of Financial Services
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of Committees and nominations to political groups	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Authorities (Standing Orders) (England) Regulations 2001		
	Officer who will give written notice of appointment or dismissal of Officers listed in Schedule 1, Part II, paragraph 3	Chief Executive
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive except as specifically provided in this scheme
Cremation Regulations 2008		
Public Health (Control of Disease) Act 1984		
S.31	Certification by Officer of need for disinfection of premises	Strategic Director with responsibility for environmental health functions; Head of Community Protection
S.32	Certification by Officer of need to remove person from infected house	Strategic Director with responsibility for environmental health functions; Head of Community Protection

Legislative Provision	Function	Proper Officer
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Strategic Director with responsibility for environmental health functions; Head of Community Protection
Public Health Act 1961		
S.37	Control of any verminous article	Strategic Director with responsibility for environmental health functions; Head of Community Protection

Part B

General interpretation and definitions relating to Part B

- i. Unless the context otherwise requires, in this Part B of the officer scheme of delegations the following terms shall mean the following:
 - (a) “Chief Executive” means the Officer holding the post or performing the functions/exercising the delegations given to the Chief Executive or Head of Paid Service, provided that for the avoidance of doubt this includes any person fulfilling the functions of either such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
 - (b) “Council” mean the councils of:
 - 1. North Dorset District Council;
 - 2. West Dorset District Council; and /or
 - 3. Weymouth and Portland Borough Council,(as the case may be) on whose behalf (from time to time and at any time) that part of the Scheme is being applied at the time;
 - (c) “General Manager” means the Officers holding the posts of Strategic Director, Assistant Chief Executive, Monitoring Officer and Responsible Financial Officer;
 - (d) “inspection” shall be construed as including reference to a survey, inspection, investigation or similar activity;
 - (e) “PGN” means any planning guidance note produced by the Council;
 - (f) “premises” shall mean any place (including any building, land, vehicle or other moveable structure) provided that in the case of the exercise of a specific legislative power of entry it shall be construed as meaning such premises as may be authorised by that legislative power, and any reference to “land” shall be similarly interpreted;
 - (g) “Responsible Financial 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 (“Section 151 Officer”) or if absent or unavailable any officer nominated to act as the deputy to the section 151 officer;
 - (h) “Scheme” the whole of Part B of the officer scheme of delegations as set out in this Constitution;
 - (i) “Section Manager” means any Head of Service, Corporate Manager or manager of a business unit or section of the Council and for the avoidance of doubt includes all posts expressly delegated power under part B of the Scheme;
 - (j) “Significant Development” means where the application is for:
 - (i) a residential development comprising over 10 dwellings or a residential site equal to or in excess of 0.5 hectares; or
 - (ii) the erection of a building of more than 10,000 square metres;

- (k) “SMT Member” means the Officers holding the posts of Strategic Director, Assistant Chief Executive, Monitoring Officer and Responsible Financial Officer, 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;
- (l) “Strategic Director” means any officer appointed to a post of Strategic Director;
- (m) “the Food Provisions” means:
- i Food Safety Act 1990;
 - ii the General Food Regulations 2006;
 - iii the Contaminants in Food (England) Regulations 2009;
 - iv the Food Hygiene (England) Regulations 2004;
 - v the Official Feed and Food Controls (England) Regulations 2009;
 - vi the Official Controls (Animals, Feed and Food) (England) Regulations 2006
 - vii the Trade in Animals and Related Products Regulations 2011
 - viii European Regulation 178/2002 - Principles of Food Law;
 - ix European Regulation 852/2004 - General Requirements;
 - x European Regulation 853/2004 - Products of Animal Origin;
 - xi European Regulation 854/2004 - Official Controls of POAO; and
 - xii European Regulation 882/2004 - Official Controls on Compliance
 - xiii European Regulation 669/2009 - Control of Imports non-animal origin
 - xiv European Regulation 1069/2009 – Animal by-products
 - xv The Transmissible Spongiform Encephalopathies (England) Regulations 2010
 - xvi European Regulation 206/2009 Personal imports of animal origin
 - xvii European Regulation 669/2009 Amendment
 - xviii European Regulation 1152/2009 Safeguarding controls concerning aflatoxins
 - xix The Animal By-Products (Enforcement) (England) Regulations 2011
 - xx European Regulation 1169/2011 Information to consumers
 - xxi European Regulation 272/2012 Imposing Special Import Conditions
 - xxii European Regulation 468/2012 Import of composite products

xxiii European Regulation 1152/2013 Amending 1152/2009 and 669/2009

xxiv The Food Information Regulations 2014

- (n) “neighbourhood planning function” means all matters arising in connection with neighbourhood planning carried out by the Council including in particular all matters directly or indirectly connected with the creation / designation of neighbourhood areas, neighbourhood development orders, community right to build orders and neighbourhood development plans pursuant to the Localism Act 2011 and the Town and Country Planning Legislation
- ii. Unless a delegated power expressly provides otherwise, reference in the Scheme to specific legislation or any other document issued by or on behalf of central government or the European Union (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 (including regulations, direction, directives or orders) or other documents 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.
- iii. Where reference is made in the Scheme to an exercise of a power under specific legislation, the delegation shall continue to apply where the legislation is amended or replaced, provided that the nature of the function remains the same.
- iv. Unless the context otherwise requires, references to the Council in the Scheme includes all joint committees, committees, subcommittees and working parties.
- v.
- (a) Any officer with delegated power under the Scheme may nominate any other suitably qualified officer(s) to exercise any of his or her powers. Any nomination may be cancelled in writing at any time and may be subject to any condition or other restriction as specified in that nomination.
 - (b) The nomination or cancellation will unless otherwise expressly stated, take effect on the date when the nomination or cancellation is made.
 - (c) Details of any nomination or cancellation of a nomination should aim to be registered with the Monitoring Officer within seven working days of the nomination or cancellation being made: however failure to provide such registration will not be deemed to negate the application of that nomination or cancellation (as the case may be).
 - (d) For the avoidance of doubt where an officer nominates any other officer to exercise any of his or her powers, the officer making the nomination retains the capacity to exercise the power(s) so nominated.

- vi. Unless otherwise expressly provided, reference in the Scheme to specific primary legislation shall be deemed to include any secondary legislation (including regulations, orders and directions) made thereunder.
- vii. Where a power is delegated to more than one officer, then all officers to whom that power is delegated shall be able to exercise that power independently unless the delegation otherwise expressly so provides.
- viii. Unless the context otherwise requires, reference in the Scheme to the singular includes the plural and vice versa and references to the masculine shall include the feminine and vice versa.
- ix. For the purposes of the general delegations to SMT Members, Section Managers and team Leaders contained in Section 8 below any reference to a "Section", "unit" and/or "Team" shall in the context of SMT Members be construed as referring to all those business units for which the SMT Manager has responsibility and any reference to "Section Manager" shall be construed as incorporating reference to all SMT Members;
- x. Where in relation to a specific Officer post referred to in the Scheme:
 - a) that post ceases to exist, or
 - b) has its post title changed, or
 - c) the Officer appointed to that post ceases to be employed by the Council,
 then, pending revision to the Scheme, reference in the Scheme to that Officer title shall be construed as referring to the Officer(s) who assume the responsibilities previously attributable to that Officer post.
- xi. Where in the Scheme there is reference to any Member (excluding the defined term SLT Member) or councillor designation then such reference shall be interpreted as meaning a member, or the member, appointed to that councillor designation or reasonable equivalent (as the case may be), of the Council on whose behalf that part of the Scheme is being applied at that time.

DELEGATIONS TO ALL OFFICERS

To act as a witness:

- (a) on behalf of the Council or North Dorset District Council in any proceeding in which the Council is directly involved; or
- (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; or
- (c) in any other circumstance with the prior written approval of the Legal and Commissioned Services Manager.

GENERAL DELEGATION

1. CHIEF EXECUTIVE

- i To exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and Section 151 Officer.
- ii To deal with the appointment, discipline, dismissal of staff at or below the level of Deputy Chief Officers or the termination of such Officers' contracts of employment by any other means. This power can also be carried out by General Managers or the Monitoring Officer or Responsible Financial Officers in respect of staff under their control or otherwise when nominated by the Chief Executive.

- iii To be the Head of Paid Service as specified by section 4 of the Local Government and Housing Act 1989 and in that capacity, to undertake all action in connection with the management of the staff of the Council in accordance with statute and statutory regulations and for the avoidance of doubt, this includes determining changes to staff terms and conditions of employment
- iv. (1) The Chief Executive may decide that the exercise of any function, question or matter within the powers or duties of the Council or any Committee or Sub-Committee is urgent, and :
 - (a) a decision must be made before the next scheduled meeting of the Council; or
 - (b) a recommendation to any Council body, or within the terms of reference of any Council body should be implemented prior to the next scheduled meeting of any of the Council bodies by which it could or should normally be approved;

and, in either case, if the Chief Executive is satisfied that it is not expedient in the circumstances to convene a special meeting of the body in question then sub-paragraph (c) below shall apply.

- (2) The Chief Executive shall have the power (or may designate any SMT Member who will then have the power) to undertake all action in connection with the matter or to implement the recommendation identified in sub-paragraph (1) above (as the case may be) without further reference to any Council body.
- (3) The exercise by the Chief Executive or any SMT Member of any powers identified in sub-paragraphs (i) and (ii) above shall be subject to the following conditions:
 - (a) the Chief Executive or designated SMT Member before making a decision under paragraph iv shall so far as practicable consult with such members as s/he considers appropriate and practicable in the circumstances;;
 - (b) the Chief Executive or designated SMT Member before making a decision under paragraph iv shall so far as practicable consult with the Legal and Commissioned Services Manager or Monitoring Officer and Responsible Financial Officer or their nominated deputies;
 - (c) a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs v(a) and (b) shall be recorded and maintained by the Legal and Commissioned Services Manager; and
 - (d) any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of a Council body where that Council body would otherwise have dealt with the question or matter.
- v. To act as the "Proper Officer" and the officer authorised to carry out any functions (other than where such authorization is a particular named category of Officer) detailed in:
 - (a) the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000;

- (b) any other legislative provision; and /or
 - (c) the Constitution not otherwise specifically delegated to another Officer, including in all cases the power to nominate in writing any other Officer to so act.
- vi. To undertake all action (including any determinations necessary in respect thereof) in connection with the arrangement of civic and ceremonial functions.
 - vii. To undertake all action in connection with Emergency Planning.
 - viii. To undertake all action in connection with requests for radio, television, other coverage or recording of meetings of the Council.
 - ix. To resolve a complaint, including the approval of compensation, which is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in existing budget levels being exceeded.
 - x. To undertake all action in connection with the settlement of any claim or prospective claim made by or against the Council so long as any expenditure incurred is within existing budget levels.
 - xi. To approve extra remuneration to an Officer for the future performance of temporary duties additional to any within the officers job description; such expenditure must be within existing budget levels and the Responsible Financial Officer should be notified of any such arrangement in advance.
 - xii. To summon a meeting of the Council, provided the circumstances necessitating the calling of the meeting are identified on the agenda/summons for that meeting.
 - xiii. For the purposes of activities to which the Regulation of Investigatory Powers Act 2000 apply, the power to authorise such activities, provided that the Chief Executive may not nominate any other Officer to exercise such a power unless that Officer has the responsibility for the management of investigations.
 - xiv. To appoint any Officer to be a Disclosure Officer for the purposes of the Criminal Procedure and Investigations Act 1996.
 - xv. To exercise virement powers where a matter is urgent, subject to consultation, where practicable, with such members as the Chief Executive considers appropriate.
 - xvi.. To undertake all action in connection with dealing with any petition received by the Council including in particular how that petition is best dealt with by the Council, subject to such prior consultation with any member as the Chief Executive considers appropriate.
 - xvii. Power to determine whether to grant a dispensation:
 - a) under the Localism Act for the purposes of participating and/or voting at a meeting; or
 - b) in relation to any conflict of interest.
 - xviii. Power to determine all matters relating to the agreements entered into 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 functions / duties performed by the Monitoring Officer and the section 151 Officer.

2. CHIEF EXECUTIVE AND OTHER SMT MEMBERS

- i. To purchase items necessary for the undertaking of services within their responsibility and within the provision of the annual revenue estimates/capital programme subject to a maximum cost per item of £25,000.
- ii. Subject to prior consultation with the Legal and Commissioned Services Manager, to settle any claim or potential claim made by or against the Council in a sum not exceeding £15,000 including power to approve a payment in to court.
- iii. To determine whether or not to waive the Contract Procedural Rules but only as may be provided for in those rules or subject to the prior agreement of the Responsible Financial Officer.
- iv. To undertake all action in connection with applications for grants in respect of which the determining Officer has been given a budget provided:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00;
 - (b) the grant is determined in accordance with any relevant Council policy; and
 - (c) any expenditure to be incurred by the Council can be met from a relevant budget head within the control of the determining Officer.
- v. To authorise and sign the identity card of any Officer as may be necessary for the proper performance of that Officer's duties.
- vi. To authorise any Officer or any other person that the SMT Member considers appropriate:
 - (a) to carry out inspections and exercise related powers of entry;
 - (b) to carry out of such further actions arising out of any inspection as are considered to be expedient by the person carrying out the inspection (including without prejudice to the generality of the foregoing the exercise of any relevant powers of sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction);
 - (c) to issue fixed penalty notices; and
 - (d) to seek a warrant;for such purposes as the authorising Officer considers appropriate.
- vii. Without prejudice to any other delegations relating to the authorisation of specific roles and/or duties to authorise any Officer or any other person:
 - (a) to be an inspector; and /or
 - (b) to be an authorised officer; and/or
 - (c) to be an enforcement officerin relation to any functions of the Council including in particular but without prejudice to the generality of the foregoing the functions of the Council arising in connection with:

- (i) the Health and Safety at Work etc Act 1974;
 - (ii) the European Communities Act 1972 and any provisions made thereunder;
 - (iii) the Licensing Act 2003;
 - (iv) the Gambling Act 2005;
 - (v) the Public Health (Control of Disease) Act 1984;
 - (vi) any of the Food Provisions; and
 - (vii) any of the Town and Country Planning Legislation.
- viii. To determine whether to authorise the release of information or the documentation to the press, any member of the public or external body.
 - ix. In consultation with such Members as the determining Officer deems appropriate, to consider and determine a response to any document including consultation documents.
 - x. To act as a co-signatory for any cheque drawn on the Council's accounts.
 - xi. To sign amendments to cheques drawn on the Council's accounts.
 - xii. To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules.
 - xiii. To authorise virements of up to £30,000 in any one transaction between budget heads within the control of the overall service for which the SMT Member has responsibility (including between different units within that overall service) but excluding virements from salaries and associated overheads.
 - xiv. To attest the Council seal and sign any document including any contract necessary to give effect to:
 - (a) a resolution of the Council; and /or
 - (b) the exercise of a power delegated by the Council.
 - xv. Power to sign off and/or approve a report or item to go to any Council body relating to a matter delegated to Officers in the Officer Scheme of Delegation for the purposes of empowering that body to make a decision in relation to it.
 - xvi. Power to consider and determine any review arising in connection with the Council's powers and duties in relation to assets of community value pursuant to the Localism Act 2011, provided that this power does not extend to either the Monitoring Officer or the Responsible Financial Officer unless s/he also holds the post of General Manager or Chief Executive (where it is possible so to do).
 - xvii. In consultation with the Finance Manger to determine (and amend at any time and from time to time) the manner, amount and distribution of PGN contributions received including in particular (but without prejudice to the generality of the foregoing):
 - 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;

- b) the total contribution amount to be spent in respect of any such project;
 - c) the amount of contribution to any such project to be taken from any payment received;
 - d) the actual project(s) any payment received should contribute towards; and
 - e) that a decision on whether or not to require an (and the extent of any) indemnity in relation to any expenditure of PGN monies be decided in consultation with such members as the determining officer considers appropriate.
- xviii. Power to undertake all action in relation to Blight Notices including without prejudice to the generality of the foregoing power to determine whether to issue a counter notice.

3. ALL SMT MEMBERS

- i. To exercise all the powers of:
 - (a) the Chief Executive; or
 - (b) any other officer,

where the Chief Executive or other officer is either absent or otherwise unavailable but excluding the statutory powers of the Monitoring Officer and Section 151 Officer.
- ii. Providing any expenditure can be met from within existing budgets (whether as a result of virement powers or otherwise) to undertake all action in connection with the management of the services and employees for whom the SMT Member is responsible (including all related budgets) in accordance with approved policies, practices and procedures. This shall include, without prejudice to the generality of the foregoing, the appointment, discipline, dismissal of staff provided the SMT Member has been so nominated by the Chief Executive.
- iii. To resolve a complaint, including the approval of compensation, which is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in existing budget levels for the services under their control being exceeded.
- iv. Power to undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.
- v. Power 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 :
 - (i) 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 the SMT member considers appropriate;
 - (ii) within 3 months of a receipt of an expression of interest the SMT Manager reports to such appropriate body as officer exercising the powers considers appropriate on the interest received; and
 - (iii) this power does not extend to either the Monitoring Officer or the Responsible Financial Officer unless s/he also holds the post of General Manager.
- vi. To consider and determine any review arising in relation to the Council's duties concerning assets of community value pursuant to the Localism Act 2011.

- vii. To undertake all action in connection with the entering into of a service level agreement with any voluntary agency in circumstances where the Council has or is proposing to offer financial assistance to that voluntary agency provided that no such service level agreement shall commit the Council to the utilisation of any resources that have not previously been authorised for such a purpose.

4. MONITORING OFFICER

- i. To investigate, report and make recommendations on any complaints or the results of any investigations in relation to the code of conduct for Members for which the Monitoring Officer is responsible.

5. THE RESPONSIBLE FINANCIAL OFFICER

- i. To approve the waiving of Financial Regulations in any circumstance that, in the opinion of the Responsible Financial Officer, is sufficiently urgent to justify such a waiver provided that a written record is kept of such a decision.
- ii. To act as a co-signatory for any cheque drawn on the Council's accounts.
- iii. To sign amendments to cheques drawn on the Council's accounts.
- iv. To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules.
- v. To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Finance Portfolio Holder.
- vi. Subject to prior consultation with the Finance Portfolio Holder, to approve virements within the capital programme of up to £10,000 in any one transaction.
- vii. To consider and make recommendations in respect of the strategic and annual audit plans.
- viii. To undertake all action in connection with variation applications under the Data Protection legislation
- ix. To determine whether to waive any inspection charge under the Data Protection legislation
- x. To undertake all action in connection with security standards and procedures under the Data Protection legislation and generally in respect of information held of the central computer network.
- xi. To write off any debt up to £10,000 provided that:
 - (a) in the opinion of the Responsible Financial Officer, the sum is irrecoverable or uneconomic to recover; and
 - (b) details of write-offs are reported quarterly to the Accounts and Audit Committee or such other committee as is considered appropriate.
- xii. To authorise the overspend of a business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) of the approved business unit budget subject to the same being reported as soon as reasonably practicable to the next available meeting of such a body as the Responsible Financial Officer considers appropriate.

- xiii. To authorise any virement:
 - (a) between any one or more budget heads (excluding reserves and working balances) but including those within different services / units of up to £30,000 in any one transaction; and
 - (b) between any one or more budget heads within the same business unit.
- xiv. To authorise the payment of money secured in connection with any permission, consent or other approval granted pursuant to the Town and Country Planning Legislation provided that the same accords with any protocol as may have been adopted by the Council for such purposes (if any)
- xv. The authorisation of payment of monies collected through section 106 agreements (develop contributions) once approved for payment in accordance with the agreed protocol.
- xvi. In consultation with such member(s) as the Responsible Financial Officer considers appropriate to vire up to £10,000 from Working Balances where a matter is considered urgent by the Responsible Financial Officer.
- xvii. Power to determine and undertake all calculations necessary for the purposes of determining the amount which is the Council Tax base for the Council for any year.
- xviii. Power to:
 - (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;
 - (b) determine and undertake all calculations necessary to determine any other amounts which the Responsible Financial Officer 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
 - (c) complete any related forms and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.

6. ALL STRATEGIC DIRECTORS

- i. To undertake all action in connection with the allocation of capital programme grants for social/ affordable housing purposes, provided:
 - (a) such power does not extend to approving any grant in excess of the budget available for such purposes;
 - (b) the determination is in accordance with any Housing Strategy relevant to the grant if in force;
 - (c) prior to any determination to award a grant, there is consultation with the Financial Services Manager;
 - (d) the determination as to whether to award any grant is also in accordance with any other relevant Council policy; and

- (e) 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 the Chief Executive considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or will be paid during that financial year.
- ii. To undertake all action in connection with the entering into of a service level agreement with any voluntary agency in circumstances where the Council has or is proposing to offer financial assistance to that voluntary agency provided that no such service level agreement shall commit the Council to the utilisation of any resources that have not previously been authorised for such a purpose.
- iii. 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.
- iv. To undertake all action in connection with the allocation of capital programme grants for social /affordable housing purposes, provided:
 - (a) such power does not extend to approving any grant in excess of the budget available for such purposes;
 - (b) prior to any determination to award a grant there is consultation with an SMT Member, such member as the determining officer considers appropriate and the Responsible Financial Officer.
 - (c) prior to any determination to award a grant, there is consultation with the Finance Manager;
 - (d) the determination as to whether to award any grant is also in accordance with any other relevant Council policy; and
 - (e) 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 the Chief Executive considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or will be paid during that financial year.
- v. 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.

7. ASSISTANT CHIEF EXECUTIVE

- i. 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.

8. SMT MEMBERS AND SECTION MANAGERS

- i. To undertake all action in connection with the day to day management of their Unit, Section or Team (including all related budgets) including the management of the employees for which they are responsible in accordance with approved policies, practices and procedures provided that this power does not include the following powers:

- (a) to authorise any virement between budget heads of the budget(s) relating to their unit;
 - (1) in excess of £10,000 in any one transaction; or
 - (2) from a budget head relating to Officer salaries and associated overheads, without the prior approval of the Responsible Financial Officer or the Finance Manager;
 - (b) to overspend on the overall approved budget of their unit by more than whichever is the lower of:
 - (1) 10% of that overall approved unit budget calculated as the total allocated to all expenditure budget heads excluding the budget heads relating to Officer salaries, associated overheads and capital charges; or
 - (2) £50,000 (fifty thousand pounds);
 without either:
 - (3) the prior written approval of either the Responsible Finance Officer or the Finance Manager; or
 - (4) a resolution from such a body as the determining officer considers most appropriate;
 - (c) to authorise virements between revenue or capital budgets without the prior approval of either the Responsible Financial Officer or the Finance Manager;
 - (d) to appoint, discipline or dismiss employees unless nominated for such a purpose by the Chief Executive;
 - (e) to negotiate variation(s) to any individual officer's terms and conditions of employment unless there has been prior consultation with the Human Resources and Organisational Development Manager and thereafter such on-going consultation as the Human Resources and Organisational Development Manager identifies as appropriate; and
 - (f) to determine any variation(s) to an individual officer's terms and conditions of employment (provided for the avoidance of doubt that this does not prevent the making of recommendations as to a possible variation);
- ii. To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules..
 - iii. To purchase items necessary for the undertaking of their powers and functions within the provision of the annual revenue estimates/capital programme.
 - iv. To undertake all action in connection with the decision of the Council, or in exercise of the delegated power of an officer, where the subject matter of the said decision or delegated power is within the work undertaken by the Unit, Section or Team concerned or they have otherwise been expressly authorised by the Council or officer possessing relevant authority.

- v. Provided the prior written approval of the Legal and Commissioned Services Manager has been obtained (such approval at the absolute discretion of the Legal and Commissioned Services Manager being either specific to an individual matter or of a more general nature), to authorise, instigate, defend appear in any legal proceedings (including tribunals, hearings and inquiries), including the undertaking of action considered expedient in respect thereof, where the subject matter of the proceedings is within the work undertaken by the section for which the Section Manager is responsible.
- vi. To undertake all action in connection with the enforcement of:
 - (a) any actual, perceived or potential breach of any statutory provision; or
 - (b) any consent, authorisation, permit, registration, certificate, license, notice, order or other document (including any condition, restriction, limitation or any other provision contained therein) given, issued or made by the Council (whether pursuant to a delegated power or otherwise),

where the subject matter of that provision, or document is within the work undertaken by the section for which the Section Manager is responsible.
- vii. 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, where the subject matter of that instrument is within the work undertaken by the section for which the Section Manager is responsible.
- viii. In relation to any function carried out by the section for which the Section Manager is responsible to undertake all action to enter into contracts for works, services and supplies, provided that:
 - (a) it is within budget; and
 - (b) the process and signing of the contract accords with the Contract Procedural Rules.
- ix. Except where the Council nominates a consultant instead of an Officer, to act as nominated officer under any contract for works or services in respect of which the Section or Team concerned is acting as client or to deputise a member of her/his staff to so act.
- x. Subject to prior consultation with the Legal and Commissioned Services Manager, to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings in respect of any function which, in the opinion of the decision making officer, is within their responsibility.
- xi. To undertake any inspection of land and/or buildings and exercise related powers of entry, that in the opinion of the Section Manager is necessary or appropriate for the proper performance of the duties of their section and/or any specific delegation contained within the Scheme, including the power to undertake all action arising as a consequence of the inspection as is considered expedient by the person carrying out the inspection.
- xii. To authorise any Officer within the Section or Team or any other person to:
 - (a) be an inspector; and/or

- (b) undertake such powers as may be authorised in connection with undertaking inspections (including powers of inspection, sampling, sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction);

where in the opinion of the Section Manager such authorization is necessary or appropriate for the proper performance of the duties of their section.

- xiii To undertake all action in connection with fixed penalty notices that in the opinion of the Section Manager is necessary or appropriate for the proper performance of the duties of their section.
- xiv. To sign any document including a contract necessary to give effect to:
 - (a) a resolution of the Council; and/or
 - (b) the exercise of a delegation given by the Council, provided in both cases that such;
 - (c) documents relate to the work undertaken by the Unit, Section or Team;
 - (d) power does not extend to signing a contract the value of which exceeds any level that may be provided for in the Contract Procedural Rules; and
 - (e) power does not extend to the attesting of the Council seal.
- xv. To monitor, store, archive and destroy council documentation held within their Section for which the Section Manager has control provided it accords with Council policies (if any).
- xvi To assess and determine a reasonable fee and / or charge and method of charge for any matter undertaken by the Section for which the Section Manager is responsible, that has not otherwise been formally expressly determined by the Council or for which the amount is expressly set by legislation.
- xvii To authorise and sign identity cards on behalf of any Officer within the section for which the Section Manager is responsible (including inspectors or other persons appointed to undertake work on behalf of the Section or Team), as may be necessary for the proper performance of their duties.
- xviii To authorise and undertake all action in connection with the securing of a warrant where in the opinion of the Section Manager this is necessary in the proper performance of the section for which the Section Manager is responsible.
- xix To instruct and authorise any external person (including consultants) or body to undertake work and/ or act on behalf of the Council in respect of any matter (including at any legal proceedings, tribunals, hearings and inquiries) relating to work undertaken by the section for which the Section Manager is responsible.
- xx To act on behalf of the Council and any other section 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 section or Officer has power, including engaging in correspondence, negotiations and generally to undertake all action that is necessary to fulfill that instruction.

- xxi To undertake all action in relation to the work undertaken by the section for which the Section Manger is responsible concerned so long as:
 - (a) it is not contrary to relevant Council policy;
 - (b) it does not overturn a relevant previous decision by the Council or a Member requiring the decision to be made by the Council or that Member; and
 - (c) at the time of the decision it is not expected that any reduction in public service will result.

- xxii To exercise the power held by any Officer below the level of Strategic Director / Assistant Chief Executive in the event of that Officer being unavailable or absent.

9. ALL STRATEGIC DIRECTORS; ASSISTANT CHIEF EXECUTIVE AND THE CORPORATE PROPERTY OFFICER

- i. To undertake all action in connection with:
- (a) the taking or granting of licences, tenancies and leases relating to land or property for a term in excess of 6 months ; and
 - (b) the acquisition or disposal of any interest in land or property,
- provided that in every case:
- (1) in relation to any disposal it accords with the provisions (if any) relating specifically to the disposal of any premises set out in the Contract Procedural Rules; and
 - (2) any proposed rent, charge, acquisition or disposal price (as the case may be) has been previously recommended by a valuer appointed by the Council and in the opinion of that valuer that price represents a consideration which is the best that can reasonably be obtained; or
 - (3) in the case of a short tenancy (within the meaning of section 123 of the Local Government Act 1972) it:
 - (i) consists of the grant of a term not exceeding seven years or is an assignment of a term, that at the date of assignment, has not more than seven years to run; and
 - (ii) will contain a restriction prohibiting use of the land and any buildings situated thereon so disposed for or in connection with the carrying on of any trade, business, profession or employment (other than community use purposes); and
 - (iii) is, in the opinion of the Corporate Property Officer, in the interests of good estate management, in the interests of the local community and council tax payers, and/or is consistent with the effective economic and efficient discharge of the authority's functions, and
 - (iv) at least seven days prior to the final decision being taken, notification has been given to the Responsible Financial Officer.
- ii. To undertake all action in connection with the entering into of any licence, tenancy or lease, in all cases for a term not exceeding six months.
- iii. To undertake all action in connection with a proposal for the revocation, suspension surrender or forfeiture of any lease, licence, tenancy, permit, certificate, authorisation and/or other document (other than planning permission or listed building consent) in relation to the Council's property function.
- iv. To undertake all action in connection with applications for the approval of schemes for village or community halls, recreational and sports facilities for which a grant has already been approved provided that this power does not include the determination of any statutory consent, approval, permission or any other authorisation that may be required from the Council in respect of any scheme.

- v. To undertake all action associated with the letting of recreation facilities (including sports pitches), and the use of parks and open spaces for special events provided that this power does not include the power to make any determination that, in the opinion of the Corporate Property Officer at the time of making the determination, will result in expenditure that results in existing budget levels being exceeded.
- vi. To maintain a register of all land and buildings owned by the Council including power, subject to the prior approval of the Responsible Financial Officer, to arrange for a rolling programme of valuation of the same.
- vii. To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other property related document.

10. BUSINESS CHANGE COORDINATOR

- i. Subject to prior consultation with such Section Manager or other Officer as the Business Change Coordinator considers appropriate, to undertake all action in connection with a request for the release of information pursuant to:
 - (a) the Freedom Of Information Act 2000;
 - (b) any Environmental Information Regulations; or
 - (c) or any other legislation, but excluding any request pursuant to Data Protection legislation.
- ii. To determine the amount of charge including any waiver in respect of any request for disclosure of information.

11. DATA PROTECTION OFFICER

- i. To undertake all action in connection with an application under the Data Protection legislation.
- ii. To determine the amount of any inspection charge including any waiver of the same under the Data Protection legislation.

12. DEMOCRATIC & ELECTORAL SERVICES MANAGER

- i. Subject to the prior consultation with such Chairman as the Democratic Services Manager considers appropriate (if any), to determine the order of items on a summons or agenda, and the appropriate body or member of the Council to which an item should be taken provided always, for the avoidance of avoid, that this power shall include the determination of the appropriate sub-committee to hear any matter arising pursuant to the Licensing Act 2003 or the Gambling Act 2005.
- ii. To undertake all action in connection with Member attendance at any conference, session and workshop where in the opinion of the Democratic Services Manager such attendance would benefit Members.
- iii. To make arrangements to pay Members' allowances in accordance with any relevant Council policy and relevant legislation.
- iv. Subject to such prior consultation with any Chairman that the Democratic Services Manager considers appropriate, to undertake all action in connection with the arrangements of site visits for members

- v. In circumstances where a meeting of a Committee or Sub-Committee is to be selected from a panel of members, power to undertake all action necessary to identify and select the members sitting at such a meeting.
- vi To undertake all action in connection with making arrangements (including the holding) of a referendum required in relation to the Council's neighbourhood planning function.

13. DEVELOPMENT & ECONOMY MANAGER

- i. To undertake all action in connection any matter under the Town and Country Planning Legislation that, in the opinion of the Development and Economy Manager, can reasonably be regarded as part of a process for dealing with such a matter and issues arising in relation to it, including but without prejudice to the generality of the foregoing:
 - (a) the determination as to whether an environmental impact assessment is required;
 - (b) the determination of any scoping and/or screening opinion in relation to environmental impact assessments;
 - (c) what, and the extent of, information required in respect of an application;
 - (d) the arrangement of site visits, subject to prior consultation with the Chairman of the Planning Committee;
 - (e) whether any matters which would normally be a reserved matter should be required as part of an outline application;
 - (f) the determination as to when to place an application on any agenda;
 - (g) the determination as to whether to refer an application to the Secretary of State as a departure from the Development Plan;
 - (h) the determination as to whether or not to decline to determine an application;
 - (i) the method and extent of consultation in respect of the notification and advertisement of applications
 - (j) to seek to secure the withdrawal of applications outstanding for a period in excess of six calendar months;
 - (k) authorising changes (including additions, deletions or other modifications) to any registers or other records of the Council as a consequence of any matter that is being dealt with;
 - (l) the determination of requests for deferment or withdrawal by any party in relation to any application; and
 - (m) the determination as to whether any change constitutes a minor amendment.
- ii. To undertake all action in connection with the submission of any scheme, details or any other matter pursuant to any permission, consent, approval, or other determination .

- iii. Where, in the opinion of the Development and Economy Manager it is an emergency and, subject to the agreement of the Legal and Commissioned Services Manager, to authorise the issue of a stop notice (excluding temporary stop notices) and / or an application for an injunction and undertaking all action in connection therewith.
 - iv. To decide and respond to requests as whether or not planning appeals or call-ins should be dealt with by means of written statements, hearings or public inquiries.
 - v. To undertake all action (including any determinations necessary in respect thereof) that the Development and Economy Manager considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation.
 - vi. Subject to the agreement of the Legal and Commissioned Services Manager to authorize the taking of all necessary legal proceedings to secure the removal of and/or prosecute in respect of any advertisements, free standing stalls and display racks.
 - vii. To undertake all action in connection with:
 - (a) applications for the siting of telephone kiosks, police boxes, bus shelters, post boxes, fire alarms, hydrants and other similar street furniture;
 - (b) applications for the display of street banners; and
 - (c) applications (including prior notification applications and determining whether prior notification is required) under the Town and Country Planning General Permitted Development Order 2015.
 - viii. To issue a refusal of an application 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.
 - ix. To undertake all action in connection with completion notices pursuant to relevant Town and Country Planning Legislation.
 - x. To determine the nature of and provide consultation responses on planning applications concerning neighbouring authorities.
 - xi. To undertake all action in connection with any proposal for a change/modification in commons and/or public rights of way (except maintained roads) provided that this power does not extend to confirming any such change unless in the opinion of the Development and Economy Manager no objection that was submitted during any relevant consultation period remains.
- 14. ENVIRONMENTAL PROTECTION & PRIVATE SECTOR HOUSING & BUILDING CONTROL MANAGER AND FOOD, SAFETY AND LICENSING MANAGER (Both identified herein as "EH< LEADER")**
- i. To undertake all action in connection with all aspects of grants relating to house renovation, housing assistance and disabled facilities, provided that:
 - (a) such power does not extend to approving:
 - (i) any mandatory grant in excess of any relevant statutory maximum;
 - and

- (ii) any discretionary grant available for such purposes in excess of £15,000, and
 - (b) the procedure for securing grants and the determination of any grant is dealt with in accordance with any relevant Council policy.
- ii To undertake all action in connection with the provision of financial assistance for housing improvement, including in particular but without prejudice to the generality of the foregoing, certifying that relevant works have been completed, provided that:
 - (a) the financial assistance given to any one household does not exceed £15,000;
 - (b) the total financial assistance given in any one year does not exceed the budget allocated for such a purpose;
 - (c) any financial assistance is in accordance with any relevant Council policy; and
 - (d) such power does not extend to the determination of any application for an equity mortgage unless prior to any such determination the Finance Manager has been advised of the proposed mortgage and provided with such details as s/he may specify.
- iii. To undertake all action in connection with :
 - (a) the state and/or condition of any dwelling or other building including any hazards identified in relation to it;
 - (b) issues relating to actual or alleged nuisance (whether statutory or otherwise); and
 - (c) requiring the owner or occupier of any building to provide and maintain a suitable receptacle for the storage of house refuse.
- iv. To undertake all action in connection with demolition or closing orders including without prejudice to the generality of the foregoing:
 - (a) the substitution of one for the other;
 - (b) the cancellation of undertakings; and
 - (c) issuing of notices to quit.
- v. To undertake all action in connection with insanitary buildings including in particular, but without prejudice to the generality of the foregoing:
 - (a) the issue of notices requiring action to be taken arising from the demolition of insanitary buildings; and
 - (b) the acceptance of undertakings in respect of work to be carried out on insanitary buildings.
- vi. In connection with buildings, dwelling houses and houses in multiple occupation (whether those as defined in the Housing Act 2004 that possess category 1 and category 2 hazards under the Housing Health and Safety Rating System as defined under the Housing Act 2004 or otherwise), to undertake all action including in particular, but without prejudice to the generality of the foregoing:

- (a) securing the execution of works, having regard to the number of individuals or households accommodated for whatever purpose, including providing amenities or remedying neglect of management;
 - (b) providing adequate means of escape in case of fire; and
 - (c) preventing or reducing overcrowding.
- vii. To undertake all action in connection with the burial or cremation of the dead where in the opinion of an EH< Leader no suitable arrangements would otherwise be made.
- viii. To undertake all action in connection with hours and days of trading and conditions of employment in shops.
- ix. On receipt of medical advice to do so, to undertake all action for the removal to suitable premises of persons in need of care and attention.
- x. To undertake all action in connection with any proposals for work that might give rise to issues relating to the prevention of atmospheric pollution.
- xi. To undertake all action in connection with applications arising from environmental protection and pollution, prevention and control legislation for an authorisation or permit in relation to processes and installations prescribed therein and the appointment of Officers to undertake enforcement functions in respect thereof.
- xii. To undertake all action in connection with applications for approvals, authorisations, certificates, licences, permits, consents, registrations or any other matter (including applications to transfer, vary, cancel or renew) in respect of:-
- (a) acupuncture, tattooing, skin piercing, semi-permanent skin colouring and electrolysis;
 - (b) allotments, including tenancies issued in respect thereof;
 - (c) caravan sites;
 - (d) food businesses;
 - (e) game dealers;
 - (f) game, killing of;
 - (g) headstones, memorials, and monuments in cemeteries;
 - (h) house-to-house and street collections;
 - (i) hypnosis;
 - (j) houses in multiple occupation for the purposes of the Housing Act 2004;
 - (k) offensive trades;
 - (l) pet animals, dog breeders, animal boarding establishments, riding establishments, guard dogs, dangerous wild animals and zoos (with power to take veterinary advice in connection therewith); and
 - (m) poultry cutting premises and wild game stores; and
 - (n) salvage operations.

- xiii. To undertake all action in connection with any application for a licence, certificate or statement, any notice made or given to the Council, any other application (including applications to review, transfer, vary (whether a minor variation or otherwise), remove, cancel or renew), and all other matters arising in respect of the Licensing Act 2003 including, without prejudice to the generality of the foregoing, power to determine whether a representation is a "relevant representation" for the purposes of the Act, provided that power to take such action shall not include the following:-
- (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;
 - (b) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;
 - (c) 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;
 - (d) 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
 - (e) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy does not include internal procedures operated by the Council).*
- xiv. To undertake all action in connection with the submission of any scheme, details or other matters pursuant to any licence, notice, permission, consent, approval or other determination issued by, or on behalf of the Licensing Authority pursuant to the Licensing Act 2003 or the Gambling Act 2005. *
- xv. To prepare and issue reports on behalf on the Licensing and Orders Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*

* Delegations to officers in relation to the Licensing Act and the Gambling Act rest with the Licensing Committee (Licensing and Orders Committee)

- xvi. To undertake all action in connection with any application for a licence, permit, certificate or statement, any notice made or given to the Council, any other applications (including applications for registration and to review, transfer, vary (including minor variations), remove, cancel or renew), and all other matters arising in respect of the Gambling Act 2005 (including, without prejudice to the generality of the foregoing, power to determine whether a representation is a "relevant representation" for the purposes of the Act) provided that power to take such action shall not include the power to make an actual final determination only where any one or more of the following apply:-
- (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;
 - (b) the final determination of any application for a transfer following representations by the Gambling Commission;
 - (c) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;

- (d) 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;
 - (e) the determination as to whether the Council should make a representation, and if so, the content of the representation under the Gambling Act 2005 has been received by another local authority and for which the Council is a consultee; and
 - (f) the final determination in relation to the approval of any policy.*
- xvii. To undertake all action for the purposes of the Health Act 2006 in connection with the control of smoking including in particular but without prejudice to generality of the foregoing:
- (a) the issuing of penalty notices;
 - (b) the obtaining and exercising of warrants;
 - (c) approving the use of any relevant equipment and/or attendance by others; the power to enter premises and vehicles, undertake inspections and examinations, require production of substances and/or products; take and retain samples and / or extracts and retain substances and /or other products; and
 - (d) require any other person to give such information and provide such facilities and assistance as are considered necessary for that purpose.
- xviii. To undertake all action in connection with any land which, in the opinion of the EH< Leader, is or may be contaminated for the purposes of the Environmental Protection Act 1990.
- xix. To undertake all action in connection with the investigation and enforcement of any possible or actual statutory nuisance (whether currently occurring or otherwise) pursuant to the Environmental Protection Act 1990 (as amended) including, without prejudice to the generality of the foregoing:
- (a) the issuing and service of any abatement notice; and
 - (b) the taking of direct action (including where relevant the seizure of equipment) and any actions necessary in order to facilitate such action.
- viii. To undertake all action in connection with the control of disease, including in particular, but without prejudice to the generality of the foregoing the exercise of any power arising under the Public Health (Control of Disease Act) 1984 provided that the prior approval of the Finance Manager shall be secured if such action may result in any compensation being paid.
- xxi. To undertake all action to secure the removal of matter which in the opinion of an EH< Leader is noxious.
- xxii. To undertake all action:
- (a) to prevent the sale of verminous articles, and arrange for their disinfection or destruction;

- (b) in connection with the cleansing of filthy or verminous premises, including without prejudice to the generality of the foregoing requiring articles to be cleansed, purified, disinfected or destroyed, as appropriate, or removed from premises; and
 - (c) in connection with the removal of verminous persons to cleansing stations.
- xxiii. To undertake all action in connection with any functions of the Council arising pursuant to the Animal Health Act 1981 but excluding any power to acquire land.
- xxiv. To undertake all action in connection with any functions of the Council arising in relation to food, feed or drink whether originating from the United Kingdom, imported, or to be exported, including without prejudice to the generality of the foregoing:
- (a) the exercise of all powers including the investigation and enforcement of all duties arising pursuant to the European Communities Act 1972 in relation to food, feed and drink;
 - (b) the exercise of all powers under the Food Provisions;
 - (c) the consideration and determination of any applications arising pursuant to any legislative provisions relating to food, feed and drink; and
 - (d) power to enter land and premises, carrying out inspections, purchase, take samples, seize, detain or destroy any food, feed or drink.
- xxv. To examine and test drains or any structure or article associated with the transport, disposal or removal of any waste product (including water) that is believed may be defective, or in any way insufficient and to undertake all action (including any determinations necessary in respect thereof) to secure that any defect or insufficiency is remedied.
- xxvi. To require the provision of adequate drainage or repairs to existing drainage.
- xxvii. To require the provision of sanitary appliances at relevant places and to deal with other matters relevant to any such requirement.
- xxviii. To endorse any assignments or transfer of enforcement responsibility under sections 5 and 6 of the Health and Safety (Enforcing Authority) Regulations, 1989.
- xxix. Without prejudice to any general powers available to a Section Manager, to authorise any Officer within the team of the EH< Leader or any other person:
- (a) to be an inspector, enforcement officer and /or other authorised officer; and
 - (b) to have the power to undertake all action but subject to any restriction, condition or limitation as may be specified in any authorisation,
- in both cases in connection with:
- (c) the Health and Safety at Work etc Act 1974;
 - (d) the European Communities Act 1972 and any statutory provisions made thereunder;
 - (e) the Public Health (Control of Disease) Act 1984; and

- (f) the Health Act 2006.
- xxx. To undertake all action in connection with the exercise of any powers of Council (including power to act as an inspector, enforcement officer and / or other authorised officer) and enter any place (including land or premises of whatever nature) in connection with:
- (a) the Health and Safety at Work etc Act 1974;
 - (b) the European Communities Act 1972 and any statutory provisions made thereunder;
 - (c) the Public Health (Control of Diseases) Act 1984;
 - d) the Health Act 2006; and
 - e) the Health Protection (Local Authority Powers) Regulations 2010.
- xxxi. To undertake all action relating to the control and disposal of stray animals.
- xxxii. To undertake all action in relation to inspection, monitoring, sampling, classification and enforcement of water supplies.
- xxxiii. To undertake all action in connection with fairground safety.
- xxxiv. To undertake all action in connection with the receipt by the Council for requests pursuant to section 21 of the Town Police Clauses Act 1847.
- xxxv. To determine whether to and to submit holding objections to the granting of Goods Vehicle Operators Licences.
- xxxvi. To determine whether to and to submit holding objections to proposals for variation in bus or rail services, including fares, pending a Member decision.
- xxxvii. Without prejudice to the general powers available to a Section Manager under the Scheme, the power to undertake all action in connection with the exercise of sections 77 to 79 (inclusive) of the Clean Neighbourhoods and Environment Act 2005 including, for the avoid of doubt (but without prejudice to the generality of the foregoing) power :
- (a) to exercise a power of entry / enter premises including the power to carry out any action available to an Officer of the Council following such entry; and
 - (b) to seek a warrant.
- xxxviii. To undertake all action in connection with the operation and enforcement of any accreditation scheme of the Council, including any landlord accreditation scheme and also including but without prejudice to the generality of the foregoing, the determination of:
- (a) any appeal or review arising in respect thereof; and
 - (b) whether a request for an appeal or a review has been validly made, provided that in either case the scheme provides for an Officer to be able to make such determinations.
- xxxix. To appoint any person to undertake all action for the purposes of dealing with stray dogs.

- xl. Subject to prior consultation with such Section Manager or other senior Officer as the EH< Leader considers appropriate to undertake all action in connection with a request for the release of information pursuant to any Environmental Information Regulations.
- xli. To determine the amount of charge including any waiver in respect of any request for disclosure of information pursuant to any Environmental Information Regulations.
- xlii. To undertake all actions in connection with preventing or controlling the use of any land or premises that are, appear to be or may be being used for the sale or supply of alcohol including in particular but without prejudice to the generality of the foregoing:
 - (a) the issue of a closure notice pursuant to section 19 Criminal Justice and Police Act 2001.
- xlili. To undertake all action in connection with the regulation of sunbeds
- xliv. To undertake all action in connection with applications for community safety grants provided that:-
 - (a) such power does not extend to approving any grant for a sum in excess of £10,000.00;
 - (b) in the event of the approval of any grant in excess of £2,500, a report is taken to the next available meeting of Cabinet following approval of the grant providing details of the grant; and
 - (c) the grant is determined in accordance with any relevant Council policy.
- xlv. To undertake all action in connection with Anti-Social Behaviour Orders, Acceptable Behaviour Contracts, and any other measure relating to the control of anti-social behaviour.
- xlvi. To undertake all action in connection with the investigation and enforcement of all matters relating to the use of pesticides that are plant protection products including their marketing and use, including in particular, but without prejudice to the generality of the foregoing, pursuant to:
 - (a) the Plant Protection Products Regulations 2011; and
 - (b) the Plant Protection Products (sustainable Use) Regulations 2012.
- xlvii. Subject as provided for below, to undertake all action in connection with any matter arising in relation to the Scrap Metal Dealers Act 2013, including in particular, but without prejudice to the following, all matters:
 - (a) relating to any application to issue, renew, vary or revoke a collectors licence and/or scrap metal licence (including any transitional licence pursuant to the Scrap Metal Dealers Act 2013; and
 - (b) relating to closure notices and closure orders including whether to issue or cancel the same (as the case may be), pursuant to the Scrap Metal Dealers Act 2013

Notwithstanding the generality of the above, the power does not include the following:

- (c) power to determine any Statement or Scrap Metal Licensing Policy or any review thereof;

- (d) power to issue a closure notice unless, in the opinion of the Officer exercising the power, the situation is urgent; and
 - (e) power to determine to seek to secure a closure order.
- xlvi. To undertake all action in connection with the exercise of any powers of the Council (including power to act as an inspector, enforcement officer and / or other authorised officer) relating to smoke free places (including premises, land or vehicles) including, for the avoidance of doubt, the power to determine whether to issue, and issue, a fixed penalty notice as an alternative to prosecution of any offence arising in relation to the above pursuant to the Health Act 2006 where such an option exists.
- xlvii. Power to undertake all action in relation to all matters arising in connection with designated land for the purposes of the Dogs (Fouling of Land) Act 1996 including in particular but without prejudice to the generality of the foregoing, power to:
- (a) investigate possible offences in relation to designated land;
 - (b) determine whether to issue fixed penalty notices; and
 - (c) enter into arrangements on behalf of the Council for any other person to exercise enforcement functions relating to the said 1996 Act.

15. ENVIRONMENTAL PROTECTION AND PRIVATE SECTOR HOUSING AND BUILDING CONTROL MANAGER (ONLY)

- i. To undertake all action that in the opinion of the Environmental Protection and Private Sector Housing and Building Control Manager is necessary in the interests of the safety of the public in connection with dangerous or dilapidated buildings or structures including, without prejudice the generality of the foregoing:
 - (a) the issue of any notice in respect thereof; and
 - (b) arrangements for the demolition of such structures or buildings.
- ii. To undertake all action in connection with the Building Act 1984 and all Building Regulations including, without prejudice to the generality of the foregoing, any applications submitted in respect thereof.
- iii. To undertake all action in connection with applications for community safety grants and sports grants provided that:
 - a) in respect of community safety grants:
 - i. such power does not extend to approving any grant for a sum in excess of £10,000.00; and
 - ii. in the event of the approval of any grant in excess of £2,500, a report is taken to the next available meeting of the North Dorset District Council Cabinet following approval of the grant providing details of the grant; and
 - b) in respect of sports grants such power does not extend to approving any grant for a sum in excess of £2500; and in either case,
 - c) the grant is determined in accordance with any relevant Council policy.

- vi. To undertake all action in connection with the control of Anti-Social Behaviour, including in particular, but without prejudice to the generality of the foregoing:
 - (a) the issue of written warnings;
 - (b) the issue of a Community Protection Notice;
 - (c) the issue of a Public Spaces Protection Order;
 - (d) the issue of a fixed penalty notice as an alternative to prosecution in relation to an anti-social behaviour related issue: and
 - (e) subject to prior consultation with the Legal and Commissioned Services Manager, seeking an injunction in relation to an anti-social behaviour order.

- v. Power to undertake all action in connection with securing appropriate provision and checking by landlords of smoke and carbon monoxide alarms including in particular, but without prejudice to the generality of the foregoing, power:
 - (a) to carry out any inspection;
 - (b) to determine whether there are reasonable grounds to suggest a breach of any relevant legislation has occurred;
 - (c) to issue a remedial notice;
 - (d) to authorise any person to carry out works relating to securing such provision;
 - (e) to determine the amount of, and whether to issue, any penalty charge;
 - (f) subject to prior consultation with the Legal and Commissioned Services Manager, to undertake a review in relation to any remedial notice and/or penalty charge; and
 - (g) to the extent that such power exists, to determine whether to withdraw any remedial notice or penalty charge.

- vi. 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, including in particular but without prejudice to the generality of foregoing, power:
 - (a) to determine whether on balance there are reasonable grounds to believe that a person has failed to comply with any legislative requirement to belong to any such redress scheme;
 - (b) to determine the amount of, and whether to issue, a monetary penalty;
 - (c) to issue a notice of intent;
 - (d) subject to prior consultation with the Legal and Commissioned Services Manager, to consider representations against any monetary penalty; and
 - (e) to the extent that such power exists, to determine whether to withdraw any monetary penalty.

16. FOOD SAFETY & LICENSING MANAGER (ONLY)

- i. To undertake all action in connection with emergency planning.

17. FINANCE MANAGER

- i. To undertake all action required by or identified in the relevant Financial Regulations and/or the relevant Contract Procedural Rules.
- ii. To apply for any grants or subsidies to which the Council is, or may be, entitled excluding those expressly requiring the approval of the Responsible Financial Officer
- iii. To pay allowances to Councillors and co-opted Members of Committees and Sub-Committees.
- iv. To undertake all action in connection with the negotiation and agreement of financing arrangements for items in the capital programme authorised by Cabinet of North Dorset District Council.
- v. To pay invoices for work done, goods supplied or services rendered.
- vi. To undertake all action in connection with arrangements for the collection of income.
- vii. To undertake all action in connection with the Council's Treasury Management Function in accordance with all Financial Procedure Regulations and such policies and strategy as the relevant Council may adopt from time to time, including, but without prejudice to the generality of the foregoing:
 - (a) fixing interest rates for all loans made by the Council, except those fixed by any employees' contracts of service and the Government;
 - (b) in the name of the Council, the investment and re-investment of Council monies;
 - (c) the opening and operating accounts in the name of the Council;
 - (d) the ordering, signing, endorsing and general control of all cheques drawn on the Council's accounts;
 - (e) 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 sums properly payable and / or held by the Council; and
 - (f) to act as the Council's registrar of stocks, bonds and mortgages.
- viii. To write off any debt up to £10,000 provided that:
 - (a) in the opinion of the Finance Manager, the sum is irrecoverable or uneconomic to recover; and
 - (b) details of write-offs are reported to members in accordance with the requirements of the Financial Regulations (if any).
- ix. To undertake all action in connection with establishing and securing the recovery of debts owed to the Council.
- x. To undertake all action in connection with the making of payments from the Council's funds provided that at all time any such action shall be accordance with the Financial Procedure Rules and any adopted policies or procedures of the Council

- xi. To undertake all action in connection with the design and approval of the format of official order forms and receipts used by the Council including procedures for their supply and control including:
 - (a) any terms and conditions associated therewith; and
 - (b) where payments are made to the Council to determine whether a receipt should be issued.
- xii.. 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.
- xiii. To undertake all action in connection with the establishment of arrangements for the audit of the Council's financial affairs.
- xiv. To undertake all action in connection with the arrangement and approval of insurance cover for the Council and, in consultation with such other officers as the Finance Manager deems appropriate, to arrange for the negotiation of, and to approve the payment of, claims.
- xv. To maintain an asset register for all fixed assets.
- xvi. To undertake all action in connection with the payment of salaries, wages, honoraria, compensation, professional subscriptions and any other emoluments in accordance with national and local agreements and the policies of the Council.
- xvii. To authorise the overspend of a business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) of the approved business unit budget subject to the same being reported as soon as reasonably practicable to the next available meeting of the Cabinet of North Dorset District Council.
- xviii. To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Finance Portfolio Holder of North Dorset District Council.
- xix. To approve the variation to any strategic audit plans and annual audit plans provided that:
 - (a) the prior approval of the Responsible Financial Officer is obtained to any variation; and
 - (b) the Finance Manager 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.

18. HOUSING MANAGER

- i. To undertake all action in connection with applications for inclusion on the housing waiting lists of the Council.
- ii. To undertake all action arising under Part VI and Part VII of the Housing Act 1996(as amended) including, but without prejudice to the generality of the foregoing, the determination:
 - (a) as to whether a person is a qualifying tenant;

- (b) of any application for allocation of housing (including the allocation of any points that may need to be awarded under any scheme adopted by the Council);
 - (c) as to whether a person should be removed from the housing waiting list;
 - (d) of allocations (including nominations) of residential properties; and of homelessness applications.
- iii. Subject to the prior approval of both the Legal and Commissioned Services Manager and the Corporate Property Officer or any Strategic Director, to agree terms, to take on leases of properties and enter into other short term non-secure arrangements on behalf of the Council to secure accommodation for the homeless and any others evacuated in an emergency.
 - iv. To determine what information shall be regarded as 'accessible' in accordance with the Access to Personal Files (Housing) Regulations, 1989.
 - v. To undertake all action arising out of issues relating to protection from eviction and harassment.
 - vi. To undertake all action in connection with applications for grants supporting housing solutions in the community provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00; and
 - (b) the grant is determined in accordance with any relevant Council policy.
 - vii. Power to consider and determine nominations and individual eligibility to the use and/or occupation of affordable housing (including exception housing) controlled by planning obligations relating to the Council's area, including power to issue guidance relating to the same.

19. HUMAN RESOURCES MANAGER

- i. to interpret employment legislation, policies, custom and practice and to undertake all action in connection with the implementation of processes based on the same.
- ii. To develop employment policies in relation to employees / staff of the Council and negotiate with trade unions recognised by the Council in relation to such policies.
- iii. To consult and negotiate on behalf of the Council with trade unions recognised by the Council and / or individual employees or other appointed bodies (as the case may be) in relation to employee / staff 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.
- iv. To undertake all action in relation to the training and development of Officers.
- v. To appoint and instruct any external advisor or body on employment issues (including the provision of training) providing the anticipated costs can be met from existing budgets within the control of the Human Resources Manager.

20. ENVIRONMENT, COMMUNITY & COMMISSIONED SERVICES MANAGER

- i. To undertake all action in connection with applications for:
 - (a) historic buildings repair grants;
 - (b) arts grants; and
 - (c) grants relating to environmental initiatives,provided that in all cases:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- ii. To undertake all action in connection with applications for:
 - (a) the letting of allotments and recreational facilities, sports pitches and the use of parks and open spaces for special events
 - (b) any consent required under the terms of an allotment tenancy; and
 - (c) the erection of headstones, memorials, and monuments in cemeteries.
- iii. To prepare and submit requests to the relevant central government department to spot list buildings which in the opinion of the Environment, Community & Commissioned Services Manager are of architectural or historic interest, and are under threat.
- iv. To undertake all action pursuant to any Town and Country Planning Legislation in connection with:
 - (a) the issuing of a building preservation notice provided that in the opinion of the Environment, Community & Commissioned Services Manager the circumstances constitutes an emergency;
 - (b) trees which in the opinion of the Environment, Community & Commissioned Services Manager are, or may be, dangerous; and
 - (c) an application for work to, including the felling of, a tree that is subject to a tree (including groups of trees and woodland) preservation order, within a conservation area or otherwise requires approval by the Council for works to be undertaken provided that unless in the opinion of the Environment, Community & Commissioned Services Manager the need to determine such an application is urgent notice of the application has been sent to any Member in whose ward the tree is situated, at least seven calendar days before a determination is made.
- v. To undertake all action in connection with the entering into of agreements for grave maintenance.
- vi. To undertake all action in connection with any matter arising under any Town and Country Planning Legislation relating to any hedge and / or hedgerow, provided that where that matter specifically is an application to undertake works to that hedge or hedgerow (as the case may be), then prior to any determination in relation to the same, notification of the application has been sent at least seven calendar days before a determination is made to:

- (a) any Member in whose ward the hedge or hedgerow is situated; and
 - (b) the Parish or Town Council of the area to which the application relates (if any).
- vii. To undertake all action that the Environment, Community & Commissioned Services Manager considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation.
- viii. To undertake all action (that the Environment, Community & Commissioned Services Manager considers appropriate in connection with Urgent Works Notices pursuant to the Town and Country Planning Legislation.
- ix. To undertake all action in order to regulate any actual, potential or perceived breaches of any Town and Country Planning Legislation including, but without prejudice to the generality of the foregoing:
- (a) action to regulate breaches of any notices, orders, agreements, obligations or other documents, conditions, restrictions or other limitations issued pursuant to such Town and Country Planning Legislation;
 - (b) the authorising and issuing of requisitions for information;
 - (c) the authorising and issuing of Enforcement Notices;
 - (d) the authorising and issuing of notices relating to Hedgerows; and
 - (e) determining whether or not to cease action where in the opinion of the Environment, Community & Commissioned Services Manager a breach is trivial, there is no demonstrable harm or it is not expedient to take / continue to take enforcement action.
- x. To undertake all action in connection with the submission of any scheme, details or any other matter pursuant to any permission, consent, approval, other determination and/ or planning obligation.
- xi. To undertake all action in connection with:
- (a) the exercise of the functions of the Council as local planning authority under the Pastoral Measure 1983 (as amended); and
 - (b) the provision of responses to consultations to faculty procedure and pastoral measures relating to alterations to ecclesiastical buildings to schemes for redundancy.
- xii. To undertake all action in connection with the granting of licenses and/or permissions on land within the ownership or control of the Council that is used for the parking of vehicles provided that this power does not include power to make any determination arising pursuant to any Town and Country Planning Legislation.
- xiii. To undertake all action in connection with the temporary closure of any car parks or part thereof within the Council's ownership or control.

- xiv. To undertake all action in connection with applications for grants to community partnerships provided that:
 - (a) the grant relates to the funding of running costs of the community partnership;
 - (b) the total amount of grant awarded to any one community partnership pursuant to this delegated power does not exceed £16,000 per financial year; and
 - (c) the grant is determined in accordance with any relevant Council policy.
- xv. To undertake all action in connection with applications for grants associated with economic development provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £5,000; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- xvi. To undertake all action in connection with applications for match funding grants to individual businesses provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £2,500; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- xvii. Power to undertake all action in connection with assets of community value pursuant to the Localism Act 2011, such power to include without prejudice to the generality of the foregoing, power to maintain all relevant registers and determine whether an asset should be registered and/or removed, provided that:
 - (i) such power does not include determining any review arising in relation to the same; and
 - (ii) in the case of any decision relating to a claim for compensation, there shall have been prior consultation with the Finance Manager.

21. PLANNING POLICY MANAGER

- i. To undertake all action in connection with the setting and review of the prices for the sale of low cost housing.
- ii. To determine whether or not a 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 of reasons in respect thereof.
- iii. To undertake all action in connection with the entering into of service level agreements or contracts for the purpose of matters arising in connection with the preparation and development of the Local Development Framework including any document relating thereto pursuant to the Town and Country Planning Legislation.
- i.v To undertake all action in connection with the Council's neighbourhood planning function ,excluding only :
 - 1. the final determination as to whether to designate a neighbourhood area and make such an area a business area;

2. 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;
3. the final determination as to whether to make a neighbourhood development plan; and
4. the power to make arrangements in relation to a referendum arising pursuant to the exercise of the neighbourhood planning function.

22. PRINCIPAL TECHNICAL OFFICER

- i. In consultation with such members of North Dorset District Council as the Principal Technical Officer deems appropriate, to determine applications relating to the use of open space in the ownership or under the control of the Council provided that this power does not include power to make any determination arising pursuant to any Town and Country Planning Legislation.
- ii. 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 contracts entered into by the Council in connection with land and / or buildings including power to take all action arising in relation to such a nomination including, but without prejudice to the generality of the foregoing, power to:
 - (a) require the undertaking of further work under the contract; and
 - (b) negotiating and agreeing variations to any such contract, provided that in all cases:
 - (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; and
 - (d) no action will result in the Council securing substantially less from the contract than was originally agreed without the prior approval of the Chief Executive or a General Manager being obtained.

23. BUSINESS IMPROVEMENT AND SCRUTINY MANAGER

- i. To undertake all action in connection with applications for community grants provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500; and
 - (b) the grant is determined in accordance with any relevant Council policy
- ii. To undertake all action in connection with the writing and release of information or documentation to the press, any member of the public or external body, provided that no information or documentation may be released pursuant to this power unless there has been prior approval by the Chief Executive, a General Manager or the Legal and Commissioned Services Manager.
- iii. To undertake all action in connection with the preparation and issuing of responses to complaints against the Council made pursuant to the Council's formal complaints procedure or an Ombudsman complaint, provided that such power shall not extend to the issuing of any response that provides for any expenditure by the Council unless:

- (a) the prior approval of the Chief Executive, a General Manager, the Monitoring Officer or the Finance Manager has been obtained;
- (b) any expenditure that is to be incurred will not result in existing budget levels being exceeded; and
- (c) if any expenditure is proposed to be taken from a relevant budget head outside of the control of the Business Improvement and Scrutiny Manager then the prior approval of that budget holder and the Responsible Financial Officer has been obtained.

24. LEGAL & COMMISSIONED SERVICES MANAGER

- i. To exercise all the powers of:
 - (a) the Chief Executive; and
 - (b) General Managers,
 where the Chief Executive and all General Managers are either absent or otherwise unavailable.

- ii. To authorise, institute, prosecute, defend and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council together with the undertaking of such preliminary or further work in relation to the same as is deemed appropriate, including in particular, but without prejudice to the generality of the foregoing:
 - (a) action in respect of any caravan, tent or other structure (whether of a permanent or temporary nature) that in the opinion of the Legal and Commissioned Services Manager is unlawfully placed on any land;
 - (b) the enforcement of any order or byelaw made or confirmed by or on behalf of the Council;
 - (c) action in respect of securing anti-social behaviour orders and/or anti-social behaviour injunctions;
 - (d) the obtaining of warrants; and
 - (e) the securing and enforcement of injunctions including the giving of appropriate undertakings.

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, such determination is subject to such consultation with the Leader of North Dorset District Council or any other Member of the Cabinet of North Dorset District Council as the Legal and Commissioned Services Manager at her/his discretion considers appropriate.

- iii. To investigate issues relating to, and undertake all action in connection with the enforcement of any 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 the Council or any Officer in such a manner as is deemed appropriate (including, without prejudice to the generality of the foregoing, proceedings in any court, tribunal or other body).

- iv. To investigate issues relating to and undertake all action in connection with the enforcement of the terms of any agreement, contract, lease or any other legal instrument to which the Council is a party (including any conditions, restrictions, limitations or other requirements relating thereto), in such a manner as is deemed appropriate including, without prejudice to the generality of the foregoing, proceedings in any court, tribunal or other body.

- v. To approve terms, prepare, and issue contracts and all other associated documentation concerned with the acquisition and/or disposal or any interest in land or property (including without prejudice to the generality of the foregoing rental levels and fees), provided that there has been previous approval for such acquisition and/or disposal.
- vi. To instruct and authorise any person (including counsel and/ or consultants) or body to undertake work and/ or act 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, the outsourcing of legal work
- vii. To determine whether to authorise the release of information or other documentation to the press or any member of the public or external body.
- viii. To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including in particular, but without prejudice to the generality of the foregoing, power to determine whether or not to issue any certificate or other document for the purposes of, or where he considers it appropriate in relation to, the provisions of any planning obligation, including where appropriate, power to carry out all actions to give effect to and as a consequence of any such determination
- ix. To consider, and undertake all action that the Legal and Commissioned Services Manager considers appropriate in relation to resolving an appropriate process for dealing with the provisions of any planning obligation, provided that where such obligations expressly relate to re-sale provisions of low cost market housing then this power is subject, at the discretion of the Legal and Commissioned Services Manager, to prior consultation with the Leader.¹
- x. To approve terms, prepare and issue documentation for agreements, easements and wayleaves provided that there has been previous approval for the entering into of the same and generally to undertake all action that the Legal and Commissioned Services Manager considers necessary in connection with the same.
- xi. To attest the Council seal and sign any document including a contract necessary to give effect to:
 - (a) a resolution of the Council; and / or
 - (b) the exercise of a delegated power.
- xii. To undertake all action in connection with the making and/or determination as to whether to confirm (with or without modification):
 - (a) byelaws, and
 - (b) orders for the control of drinking in public places, provided that in all cases:
 - (c) there has been a prior decision of the Council or an officer (with power so to do) to proceed with the obtaining of the same; and
 - (a) in the opinion of the Legal and Commissioned Services Manager there has been no representation received within any relevant specified time period constituting an objection to the same.

- xiii. To undertake all action required by or identified in Financial Regulations and/or the Contract Procedural Rules.
- xiv. To undertake all action including, without prejudice to the generality of the foregoing, the determination as to whether to issue a caution of whatever nature.
- xv. To undertake all action in connection with the terms, preparation and issuing of any contract, notice, order, permit, certificate, requisition or other document (including power to withdraw, vary and/or revoke the same) pursuant to the exercise of any decision of the Council or an officer (with power so to do), including without prejudice to the generality of the foregoing:
 - (a) Notices and orders relating to vehicles;
 - (b) stop notices;
 - (c) temporary stop notices;
 - (d) road closures; and
 - (e) applications for late night shopping.
- xvi. To authorise in writing any officer:
 - (a) to act as a witness; or
 - (b) to represent the Council,

in any actual or potential legal proceedings (including tribunals, hearings and inquiries) whether instigated by or on behalf of the Council or otherwise, whether or not the Council is involved in the same.

- xvii. To determine 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, provided that in the case of any claim in excess of £10,000 this subject to such consultation with the Leader or any other Member of North Dorset District Council's Cabinet as the Legal and Commissioned Services Manager at her/his discretion considers appropriate.
- xviii. In connection with the Proceeds of Crime Act 2002:
 - (a) subject to such consultation with the Leader of North Dorset District Council other relevant Portfolio Holder of North Dorset District Council as s/he considers appropriate, power to determine whether or not to pursue an application on behalf of the Council pursuant to the Proceeds of Crime Act; and
 - (b) power to undertake all action including such preliminary and subsequent action as s/he considers necessary in order to secure and then progress any such determination.

- xix. To undertake all action in connection with the Council's functions relating to land charges including in particular but without prejudice to the generality of the foregoing:
 - (1) Responding to any enquiries concerning property searches;
 - (2) issuing land charges certificates; and
 - (3) providing replies to CON29 and CON29(O) enquiries or any questions relating to, in addition to or replacing such documents.
- xx. To consider and determine whether to seek to secure a closure order pursuant to the Scrap Metal Dealers Act 2013.
- xxi. 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.

In the case of a process that expressly relates to the future re-sale of low cost market housing, the Legal and Commissioned Services Manager will have regard to the following principles in the exercise of this power; (a) any right for the Council to appoint a nominee will be retained; (b) where the agreement so recognises, a potential disposal to a registered social landlord would be identified / encouraged; and (c) not to seek to prevent the release of properties from future ties to re-sale where the planning obligations contain such provisions.