

PART 3

Responsibility for Functions
including
Scheme of Delegation

Responsibility for Functions - Committees

A) Strategy Committee

| | |
|-------------------------------------|---|
| Membership | 10 Members |
| Functions | The formulation (in consultation with the Overview and Scrutiny Committees) of the policy framework and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of the Council or any Committee. |
| Onward limits on delegations | See Scheme of Delegation. |

B) Overview and Scrutiny Committees

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|-------------------------------------|---|------------------------|
| Committee Membership | 1. Stewardship 2. Community Services | 9 Members 9 Members |
| Functions | Review and development of policy. Review and/or scrutiny of decisions made or actions taken in connection with the discharge of any of the Council's functions. | |
| Onward limits on delegations | See delegation to officers (below) | |

C) Standards Committee

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| Committee Membership | 10 Members (including 3 Independent Members and 3 Parish/Town representative members) |
| Functions | <p>The promotion and maintenance of high standards of conduct within the Council.</p> <p>To advise the Council on the adoption or revision of its Code of Conduct.</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under Section 80 of the Local Government Act 2000.</p> <p>To ensure that all Members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.</p> <p>To establish Panels for the investigation of complaints about conduct issues.</p> |

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| | <p>Other functions</p> <p>Functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000.</p> <p>Overseeing constitutional arrangements to ensure propriety.</p> <p>All other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act as set out in Article 8 of this Constitution.</p> |
| Onward limits on delegations | See Scheme of Delegation. |

D) Development Committee

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|-------------------|--|
| Membership | 15 Members |
| Functions | <p>The Committee shall have delegated authority to deal with the following matters:</p> <ol style="list-style-type: none"> 1. The exercise of the Council's powers as local planning authority in respect of: <ol style="list-style-type: none"> (a) Development Control (b) Enforcement and Stop Notices (c) Listed Buildings (d) Conservation Areas (e) Control of Advertisements (f) Tree Preservation Orders (g) Building Regulations (h) Procedures relating to dangerous buildings, structures, excavations and trees, ruinous and dilapidated premises and the construction and demolition of buildings. 2. To consider briefs for the development and redevelopment of land. 3. To develop policies for the control of development and for advertisements. 4. To adopt open spaces laid out for that purpose in accordance with an approved development. 5. To enter into agreements pursuant to S106 of the Town and Country Planning Act 1990 (Agreements restricting the use of land.) 6. The diversion, extinguishment and creation of footpaths. 7. Consultations on transportation and highway matters. 8. To consider the making of grants/subscriptions for the following: <ol style="list-style-type: none"> (a) historic buildings (b) projects under the Council's Conservation Strategy 9. The foregoing shall be without prejudice to the exercise of any functions delegated to an Officer under the Council's approved Scheme of Delegation to Officers. |

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|-------------------------------------|---|
| | 10. To recommend to Overview and Scrutiny (Community Services) Committee consideration of any specific issue. |
| Onward limits on delegations | See Scheme of Delegation. |

E) Licensing and Appeals Committee

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|-------------------|--|
| Membership | 12 Members (which may determine relevant applications in Panels or Sub-Committees of up to 5 Members). |
| Functions | <ol style="list-style-type: none"> 1. The Licensing and Appeals Committee shall have full delegated authority for its functions. 2. Its power to issue licences, certificates or consents includes (where legally possible): <ul style="list-style-type: none"> • a power to attach conditions to any licence, certificate or consent • a power to refuse to grant any licence certificate or consent • a power to set general conditions and regulations with respect to all licences of a certain kind • the power to revoke or suspend licences certificates or consent • any function for which the Council may charge them and issue any approval or consent that may be needed under the terms of any licence. 3. The Committee may authorise a prosecution for an offence. 4. The Committee shall decide its own procedures for dealing with applications and disciplinary hearings. It shall have the power to set enforcement policies. 5. The Council has approved delegations to the Licensing Sub-Committee and Head of Natural and Built Environment affecting matters under the Licensing Act 2003 as set out in the Schedule below. 6. The functions of the Committee are matters relating to the following: <p>To hear and determine appeals relating to:</p> <p>(a) <u>Licensing Act 2003</u></p> <ol style="list-style-type: none"> (i) To carry out functions of Licensing Committee pursuant to the Licensing Act 2003. (ii) To advise the Council on Licensing Policies and make recommendations to the Council on their adoption and review. (iii) To appoint Sub-Committees of three Members. (iv) To delegate any of its functions within its terms of reference to its Sub-Committees or officers, subject to the restrictions set out in the Licensing Act 2003. <p>(Schedule of Delegations follows)</p> |

SCHEDULE

DELEGATIONS TO LICENSING SUB-COMMITTEE AND HEAD OF NATURAL AND BUILT ENVIRONMENT AFFECTING MATTERS UNDER THE LICENSING ACT 2003

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|---|-----------------------|-----------------------------------|--|
| Application for personal licence | | If a police objection | If no objection made |
| Application for personal licence with unspent convictions | | All cases | |
| Application for premises licence/club premises certificate | | If a relevant representation made | If no relevant representation made |
| Application for provisional statement | | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/ club premises certificate | | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor | | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | | All cases |
| Application for transfer of premises licence | | If a police objection | All other cases |
| Applications for interim authorities | | If police objection | All other cases |
| Application to review premises licence/ club premises certificate | | All cases | |
| Decision on whether a representation is irrelevant frivolous vexatious etc | | | All cases in consultation with a member of the Licensing Committee |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |
| Determination of a police representation to a temporary event notice | | All cases | |
| Determination of minor variation applications for premises licences and club premises certificates | | | All cases |
| Determination of applications to disapply mandatory conditions at community premises | | If police objection | All other cases |

(b) Hackney Carriage and Private Hire Vehicle Licensing

- (i) To determine suspension or revocation of licences for Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire Vehicles, Private Hire Drivers, Private Hire Operators; and
- (ii) To determine applications for licences for Hackney Carriage Vehicles; Hackney Carriage Drivers; Private Hire Vehicles; Private Hire Drivers and Private Hire Operators when the Head of Natural and Built Environment is disposed to recommend suspension or revocation of a licence or refusal to grant or refusal to renew and chooses not to exercise his/her delegated authority but refers the matter to the Licensing and Appeals Committee for consideration in accordance with a protocol approved by the Licensing and Appeals Committee.

(c) General Matters

Any other appeal arrangements as shall arise under any enactment or government regulation.

To determine licences, registrations and consents or to make, revoke or vary closing orders as necessary pursuant to the following statutes (or any subsequent amendment thereto) if the appropriate officer is disposed to recommend revocation, variation, refusal or refusal to renew or does not wish to use his/her delegated authority:

Public Health Act 1936
Pet Animals Act 1951
Animal Boarding Establishments Act 1963
Riding Establishments Act 1964
Riding Establishments Act 1970
Breeding of Dogs Act 1991
Food Act 1984
Food Safety Act 1990
Caravan Sites and Control of Development Act 1960
Control of Pollution Act 1974
Clean Air Acts 1956 and 1968
Slaughterhouses Act 1974
Dangerous Wild Animals Act 1976
Zoo Licensing Act 1981
Late Night Refreshment Houses Act 1969
Local Government (Miscellaneous Provisions) Act 1976 and 1982 (Public Entertainment Licences)
Cinemas Act 1985
Theatres Act 1968
Lotteries Act 1976
Gaming Act 1968
Private Places and Entertainment (Licensing) Act 1967

Environment Protection Act 1990
Environment Act 1995
Town Police Clauses Act 1847 (as amended)

(and/or any amendment or re-enactment of the above-mentioned statutes)

(d) Naming of Streets

To name and rename streets pursuant to the Public Health Act 1925 when any person is aggrieved by a name proposed under Section 17 of the said Act or when the Head of Policy and Information does not wish to use his/her delegated authority.

(e) Housing Allocations Scheme

(ii) To deal with the allocation of tenancies of Council dwellings where the Head of Community Development does not wish to use his/her delegated authority.

(iii) To determine applications for admission to the housing waiting list where the Head of Community Development does not wish to use his/her delegated authority or where he/she considers that the circumstances are exceptional and justify giving consideration to the making of an exception to the normal rules for admission to the list.

(f) Demoted and Introductory Tenancies

To consider and determine appeals.

(g) Access to Personal Files

To determine any requests for a review of the Monitoring Officer's decision regarding access to information or the correction or erasure of information under any relevant legislation.

(h) Rights to Compensation

To determine appeals submitted under the Rights to Compensation for Tenants Improvements Regulations.

(i) Trees

To determine objections to Tree Preservation Orders and to confirm these or otherwise with or without modification.

(j) Staffing Appeals

To consider and determine appeals under all staffing policies and procedures.

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| | <p>(k) <u>Gaming Act 1968 (as amended) – Amusement with Prizes (AWP) Gaming Machine</u></p> <ul style="list-style-type: none"> (i) to carry out functions of Licensing Committee pursuant to the Gaming Act 1968 (as amended). (ii) To advise the Council on Gaming Machine policies and make recommendations to the Council on their adoption and review. (iii) To appoint Sub-Committees of three Members. (iv) To delegate to its Sub-Committees the power to determine AWP gaming machine permit applications in the following circumstances: <ul style="list-style-type: none"> (a) Applications for two or more machines in respect of a licence permit on alcohol on-licensed premises. (b) Applications where the Head of Natural and Built Environment is minded to refuse or restructure the number of machines. (v) To delegate to the Head of Natural and Built Environment (or such other officer as he/she shall so delegate the relevant decision) the power to determine applications for single AWP gaming machines. <p>(l) <u>Gambling Act 2005</u></p> <ul style="list-style-type: none"> (i) To carry out functions of Licensing Committee pursuant to the Gambling Act 2005. (ii) To advise the Council on Gambling policies and make recommendations to the Council on their adoption and review. (iii) To appoint Sub-Committees of three Members. (iv) To delegate any of its functions within its terms of reference to its Sub-Committees or officers, subject to the restrictions set out in the Gambling Act 2005. <p>(Schedule of delegations follows)</p> |
| Onward limits on delegations | See Scheme of Delegation. |

SCHEDULE

DELEGATIONS TO LICENSING SUB-COMMITTEE AND HEAD OF NATURAL AND BUILT ENVIRONMENT AFFECTING MATTERS UNDER THE GAMBLING ACT 2005

| Matter to be dealt with | Full Licensing and Appeals Committee | Sub-Committee of Licensing Committee | Head of Natural and Built Environment (or such other officer as he/she shall so delegate the relevant decision) |
|---|--------------------------------------|--|--|
| Fee setting (when appropriate) | All cases | | |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/club machine permits | | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

X Indicates the lowest level to which decisions can be delegated.

F) Hadleigh and District Swimming Pool Trust Committee

| | |
|-------------------|---|
| Membership | 3 Members who are not ordinary members of the Strategy Committee or Overview and Scrutiny (Community Services) Committee. |
| Functions | <ol style="list-style-type: none"><li data-bbox="469 344 1409 488">1. The Hadleigh and District Swimming Pool Trust Committee shall have delegated authority to carry out the Council's role as sole Trustee of the Hadleigh Swimming Pool, and to exercise all the Council's powers and duties in that regard.<li data-bbox="469 528 1409 589">2. The Committee shall seek independent advice on matters affecting the Hadleigh and District Swimming Pool Trust. |

Scheme Of Delegation And Proper Officer Provisions

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INTRODUCTION

The Scheme of Delegation set out below has been approved and adopted for the purposes of Section 101 of the Local Government Act 1972, and in connection therewith the designated Proper Officers or those authorised to act in their stead are authorised to discharge for the purposes of Section 101 of the Act the powers in respect of which they are designated a Proper Officer.

The following powers and duties are delegated to the officers named within the normal constraints of Council policy but in the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.

For the Chief Executive, the Deputy Chief Executive or in his/her absence either the Director of Corporate Services or the Director of Finance.

For the Deputy Chief Executive, the Chief Executive or in his/her absence either the Director Corporate Services or the Director of Finance.

For a Director either the Deputy Chief Executive or the Chief Executive or the other Director.

For the Solicitor to the Council either the Chief Executive or the Director of Corporate Services.

For a Head of Service the Deputy Chief Executive or either of the Directors.

For the Section 151 Officer, the Corporate Finance Manager.

For the Monitoring Officer, the Deputy Monitoring Officer.

[NB: Where an officer is authorised under the Council's Procedure Rules, Financial Regulations and Procedures and Procurement and Contracts Procedure Rules or any other document approved by the Council, the above provisions in respect of unavailability apply.]

GENERAL PROVISIONS

1. Any delegation to an officer which authorises the incurring of any expenditure will be subject to there being sufficient budgetary provision to cover that expenditure.
2. Any delegation to an officer to take action under a statutory provision shall be deemed to authorise action under any amendment or statutory re-enactment of that provision.
3. Any delegation to an officer shall require that delegation to be exercised in compliance with the Council's Procedure Rules, Financial Regulations and Procedures and Procurement and Contracts Procedure Rules and any other conditions imposed either by the Council or by statute and any Code of Practice relating to specific functions which may be adopted.
4. Where delegated powers or proper officer functions have been granted to a post on the Council's staff and the designation of such post is changed then such delegated powers or proper officer functions shall vest in the postholder of the new post designation.

5. Officers with delegated powers may in writing authorise another officer or officers to exercise those powers in particular circumstances. Such authorisations may be subject to limitations and conditions. The Officer with the delegated power shall keep a Register of all authorisations granted. Copies must be sent to the Democratic Services Manager.
6. All Heads of Service with the exception of the Head of Natural and Built Environment have delegation to seek planning permission under the Town and Country Planning General Regulations 1992 and to give to the local planning authority any written notice required by the Regulations.

GENERAL DELEGATION

To the Chief Executive, Deputy Chief Executive, Director of Corporate Services, Director of Finance and Heads of Services (together referred to as 'the Principal Officers'):

Each Principal Officer is authorised to act on behalf of the Council in relation to any matters (including spending decisions) within the service area(s) for which he/she is responsible (see Schedule below, as may be amended from time to time), subject to any action by the Principal Officer under this delegated power being in accordance with:

1. The overall policies and procedures approved by the Council or the relevant Committee as appropriate;
2. The Council's Rules of Procedure set out in Part 4 of the Constitution (which include the Council's Procedure Rules, Financial Regulations and Procedures and Procurement and Contracts Procedure Rules);
3. Human Resources policies and procedures;
4. Approved capital and revenue budgets where an increase in expenditure or a reduction in income is involved; and
5. The requirement of the relevant legislation.
6. In addition to the constraints referred to above, there are exceptions to officers' delegated powers. In particular, there is no delegation to officers of:-
 - (a) matters specifically reserved to Council or Committee
 - (b) any matter which by law may not be delegated to an officer.

GENERAL DELEGATION SCHEDULE

| <u>Post</u> | <u>Function and areas of responsibility</u> |
|--|---|
| <p>Chief Executive (and Head of Paid Service) and in his/her absence the Deputy Chief Executive or a Director</p> | <p>Overall corporate management and operational responsibility (including management responsibility for all officers and staffing matters). Principal advisor to the Council Chairman of the Management Team Returning Officer for Elections and Electoral Registration Officer</p> |
| <p>Deputy Chief Executive and in his/her absence the Chief Executive or a Director</p> | <p>Corporate management and operational responsibility for the overall management of the following divisions:- Natural and Built Environment; Contract and Asset Management; Customer Services; Community Development. Member of the Management Team</p> |
| <p>Director of Corporate Services and in his/her absence the Chief Executive or the Director of Finance</p> | <p>Corporate management and operational responsibility for the overall management of the Corporate Services Division. Member of the Management Team</p> |
| <p>Director of Finance and in his/her absence the Chief Executive or the Director for Corporate Services</p> | <p>Corporate management and operational responsibility for the overall management of the Finance Division. Member of Management Team</p> |
| <p>Section 151 Officer and in his/her absence the Corporate Finance Manager</p> | <p>Principal advisor to the Council on financial matters. Responsible for the overall management of the Council's financial affairs including Internal Audit</p> |
| <p>Monitoring Officer and in his/her absence the Deputy Monitoring Officer</p> | <p>Responsible for ensuring that the Council acts in a lawful manner and that it does not do anything which might cause maladministration or injustice</p> |

| <u>Post</u> | <u>Function and areas of responsibility</u> |
|---|--|
| <p>Head of Community Development and in his/her absence the Deputy Chief Executive or a Director</p> | <p>Housing Strategy Housing Needs Homelessness Tenant Services Affordable Housing Housing Register Leisure Tourism Sports Development Arts Cultural Strategy</p> |

| <u>Post</u> | <u>Function and areas of responsibility</u> |
|---|--|
| <p>Head of Natural and Built Environment and in his/her absence the Deputy Chief Executive or a Director</p> | <p>Community Grants Community Safety and Crime and Disorder Reduction Partnership Economic development and regeneration Public Health Occupational Health and Safety Health and Safety Food Hygiene Nuisances Pollution Control Environmental Protection Licensing Licensing Administration Gambling Private Sector Housing Renovation Grants Infectious Diseases Water supplies monitoring Waste Management Policy Dog Warden services Transport Policy (other than concessionary fares) Development Control (including: planning applications, appeals, enforcement, tree protection) Building Control (including: applications, enforcement and dangerous structures) Planning Policy Conservation Graphic Design</p> |
| <p>Head of Contract and Asset Management and in his/her absence the Deputy Chief Executive or a Director</p> | <p>Corporate Asset Management Central contract advice and preparation Valuations, disposal and rent reviews HQ caretaking, cleaning and catering services Office Services and Equipment Operational procurement/Central purchasing Countryside management Public Rights of Way Land Drainage Transportation matters Refuse Collection Waste Collection Recycling Pest Control Street Cleansing Horticulture/Arboriculture Planned and cyclical maintenance to the housing stock Reactive repairs to the housing stock Maintenance of and services to Council property Architectural, civil, mechanical, electrical engineering and surveying services Car parks Other miscellaneous contracts</p> |

| <u>Post</u> | <u>Function and areas of responsibility</u> |
|---|---|
| <p>Head of Customer Services and in his/her absence the Deputy Chief Executive or a Director</p> | <p>Customer Services Concessionary Travel Council Tax Business Rates Rate relief schemes Council house rents Cashiers Housing and Council Tax benefit Debt recovery</p> |
| <p>Director of Finance and in his/her absence the Deputy Chief Executive or the Director of Corporate Services with the exception of the Section 151 Officer functions, for which the Corporate Finance Manager is authorised to act</p> | <p>Section 151 Officer functions Sundry debtors The Budgets and annual accounts Financial planning Financial management Financial advice Treasury management Insurance and VAT Strategic Procurement Efficiencies and Value for Money Financial and Internal Control Internal Audit and Benefit Fraud Investigations Payroll and Payments Risk Management</p> |
| <p>Director of Corporate Services and in his/her absence the Deputy Chief Executive or the Director of Finance</p> | <p>Central printing, document creation, postal services Legal Services Democratic Services Member Services Elections and electoral registration Right to Buy applications Land Charges Corporate Policy and Business Planning Performance Management Information Management Communications and PR Emergency Planning Corporate Governance Organisational Development and Training Human Resources Occupational Health and Safety ICT Services Public Consultation Exercises</p> |

DELEGATION MATTERS SUBJECT TO CONSULTATION WITH CHAIRMAN (OR VICE-CHAIRMAN IN ABSENCE)

Power to act out of meeting – General Power

Where, in his/her opinion, by reason of limitation of time, or urgency a decision is required on any matter, (other than those specifically excluded from delegation) the Chief Executive shall have power to make a decision on that matter subject to consultation with the Chairman of the appropriate Committee on the action to be taken by the Chief Executive.

This power shall not apply to:-

- (a) Matters reserved to the Council by statute or common law without power of delegation to a Committee.
- (b) The setting of Council taxes.
- (c) Incurring of expenditure for which no allowance has been made in the annual budget unless the approval of the Chairman of the Council, and of the Chairman of the Strategy Committee has been given to such expenditure.
- (d) Any proposal which involves the formulation of a major new policy or a major variation of an existing major policy.
- (e) Any matter on which the Council or the Strategy Committee has given a specific direction.

Note: At the next ordinary meeting of the appropriate Committee a report is to be submitted setting out all relevant information in relation to the action taken and detailing the reasons why it was necessary to deal with the matter out of meeting.

Power to respond to consultation documents on strategic and short term plans and programmes for the Health Service

The Head of Natural and Built Environment in consultation with the Chairman of the Strategy Committee is empowered to respond to the Strategic Health Authority's consultation documents on strategic and short term plans and programmes.

SPECIFIC DELEGATION

THE CHIEF EXECUTIVE

The Chief Executive shall have delegated authority:

1. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the district and to exercise the powers, functions and duties of the Council in connection with Emergency Planning.
2. To exercise powers delegated to any Officer when that Officer is unable or unwilling to act.
3. For the numbers and grades of staff required by the Council to discharge its functions and the organisation, appointment and proper management of the Council's staff.

4. To consider and respond to complaints to the Ombudsman subject to any power reserved to the Overview and Scrutiny Committees.
5. To authorise variations in the approved scheme for relocation expenses for newly appointed staff in any individual case.
6. To appoint staff to posts on Performance Grades 2, 3 and 4 in consultation with the Deputy Chief Executive or the Director of the relevant Division and the Human Resources and Operational Development Manager.
7. To act as the Electoral Registration Officer under Section 8 of the Representation of the People Act 1983 and Returning Officer for the election of Councillors of the District and parishes within the District under Section 35 of the Act.
8. To act as Returning Officer for Parish Polls.
9. In consultation with Management Team to employ outside consultants and firms in cases where he/she is satisfied that it is necessary to do so in order to carry out work which cannot be dealt with by in house staff.
10. In consultation with the Chairman of the appropriate Committee, to approve the payment of travelling and subsistence expenses in any case not specifically covered by the Members' Allowances Scheme where he/she is satisfied it is reasonable to do so.

THE DEPUTY CHIEF EXECUTIVE

The Deputy Chief Executive shall have delegated authority:

1. To prepare and submit applications for regeneration funding to the UK Government, the European Commission and other providers of external funding for which the Council may become eligible.
2. With regard to European funding, to sign off public authority certificates.
3. To appoint consultants to carry out projects for the Authority within established Council policies.

THE SOLICITOR TO THE COUNCIL

The Solicitor to the Council shall have delegated authority:

Legal Proceedings

1. To institute, defend, appear and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal on behalf of and in the name of the Council and in particular:
 - (a) To instruct and retain Counsel and obtain advice in relation to any matter whenever this is considered to be in the interest of the Council and
 - (b) To settle proceedings of any description including the payment of damages, compensation etc. and legal costs for claims of less than £15,000 in consultation with the Deputy Chief Executive and the Directors.

- (c) To settle proceedings of any description including the payment of damages, compensation etc. and legal costs for claims in excess of £15,000 and up to a limit of £50,000 in consultation with the Deputy Chief Executive and the Directors, and the Chairman and Vice Chairman of the Council, subject to a report on the action taken being submitted to the next meeting of the Council.
2. To authorise officers to appear in any civil or criminal court or tribunal, and act as 'authorised officers' for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Service of Notices, Confirmation of Orders and Sealing of Documents etc.

3. To authorise, issue and serve all Statutory Notices (including Requisitions for Information) under any enactment. The Solicitor to the Council may exercise the power of another officer to authorise issue and serve such notices when that officer is unable or unwilling to act.
4. To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.
5. To sign and seal documents on behalf of the Council.
6. To issue enforcement notices and/or to serve stop notices (as appropriate) under the Town and Country Planning Act 1990.
7. To determine applications for Lawful Development Certificates pursuant to Sections 191-194 of the Town and Country Planning Act 1990.
8. To accept statutory declarations for any purpose contained in the Housing Acts, 1980, 1985 and 1988 other than those delegated to the Head of Natural and Built Environment.

Indemnities and Undertakings

9. To sign indemnities and provide solicitor's undertakings where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity or undertaking could have considerable financial implications the Director responsible for the administration of the Council's financial affairs shall be required to give his/her approval.

General

10. To enter land and premises and to authorise named employees to enter land and premises for the various purposes specified in the:-
 - Building Act 1984
 - Town and Country Planning 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
11. In consultation with the Head of Natural and Built Environment or Chief Planning Control Officer to enter into agreements pursuant to Section 106 of the Town and County Planning Act 1990 on such terms and conditions as he/she deems appropriate.
12. To enter into agreements under Section 38 of the Highways Act 1980.

13. To remove persons in need of care and attention under Section 47 of National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 in consultation with the proper officer.
14. To sign and seal documents on behalf of the Council.
15. To ensure compliance with the requirements specified in the Data Protection Acts 1984 and 1998 and the Freedom of Information Act 2000.
16. Subject to consultation with the Director of Finance to enter into Deeds of Postponement in cases where it is considered appropriate to do so, in respect of first and further charges relating to properties where the Council house sale discount provisions under the Housing Act 1985 still apply.

THE CHIEF PLANNING CONTROL OFFICER

The Chief Planning Control Officer shall have delegated authority:

1. **GENERAL**

- (a) To act, where urgent action is required following consultation with the Chairman or in his/her absence the Vice-Chairman of the Development Committee;
- (b) To appoint consultants in connection with any matters falling within his/her area of responsibility;
- (c) To authorise other officers within his/her area of responsibility to carry out any of the functions delegated to him/her.

2. **BUILDING REGULATIONS**

- (a) To determine all applications for Buildings Regulations approval purposes;
- (b) To take action to deal with dangerous and/or derelict buildings and structures including the bricking up of vacant buildings;
- (c) To serve any document requisite for the enforcement of the Building Regulations;
- (d) To waive plan charges as defined in the Building (Local Authority Charges) Regulations 1998 or any statutory amendment thereof, and to operate the Babergh District Council Building Regulation Charges Scheme 1999 as set out in Paper X369;
- (e) To receive and serve notices under Sections 80-83 of the Building Act 1984 relating to the control of the demolition of buildings;
- (f) To serve Notices under Sections 78 and 79 of the Building Act 1984;
- (g) In the event of non-compliance with a Notice(s) served in accordance with Sections 78 or 79 of the Building Act 1984, to carry out such works as may be described in the Notice(s) and recover all costs from the person(s) upon whom the Notice(s) was/were served.

3. **DEVELOPMENT ORDERS**

- (a) To determine whether details of the method of demolition and/or the restoration of the site notified to the Council under Part 30 of Schedule 2 the Town and Country Planning (General Permitted Development) Order 1995 should be submitted to the Council for its prior approval;
- (b) To determine whether any building or road or other development notified to the Council under Class A of Parts 6 and 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be the subject of further detailed submissions and to determine relevant submissions;
- (c) To determine whether any telecommunication development under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 should be the subject of further detailed submissions and to determine such detailed submissions;
- (d) To make Directions under the provisions of Article 5 of the Town and Country Planning (General Development Procedure Order) 1995 in respect of all applications for planning permission.

4. **PLANNING APPLICATIONS**

- (a) To determine applications for planning permission approval or consent (including submissions of minor amendments) under the relevant provisions of the Town and Country Planning Acts and Regulations, the Planning (Listed Building and Conservation Areas) Act 1990 and Planning (Hazardous Substances) Act 1990 except those where:
 - (i) the application does not concern an existing householder development or the erection of a single dwelling or other development of the same scale and observations substantially at variance with the decision he/she proposes to take have been made which he/she considers contain material planning considerations which should be overruled;
 - (ii) the decision he/she proposes to make would be prejudicial to the Council's policies or contrary to the Development Plan;
 - (iii) a Member of the Council requests that an application is determined by the Development Committee;
 - (iv) the application is for the Council's own development in accordance with the Town and Country Planning General Regulations 1992;
 - (v) the application is for the erection of a telecommunication mast.
- (b) To determine applications for consent to display advertisements under the relevant provisions of the Town and Country Planning Acts and Regulations;
- (c) To determine applications for Certificates of Appropriate Alternative Development;
- (d) To determine applications for certificates of lawfulness of proposed or existing development pursuant to Section 191 and 192 Town and Country Planning Act 1990;
- (e) To make observations on planning applications referred to the Council by neighbouring planning authorities;
- (f) To make representations to the Suffolk County Council on applications for the grant of planning permission submitted by the County Council or to be determined by that authority;
- (g) To approve the siting of equipment and appliances by Statutory Undertakers;
- (h) To make observations on consultations by Statutory Undertakers under Section 90 of the Town and Country Planning Act 1990 and by Government Departments under Circular 18/84;
- (i) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 1999.

5. **PLANNING CONTROL CONDITIONS AND OBLIGATIONS**

- (a) To determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Development Committee;
- (b) To determine whether an obligation (including a deed of variation or release) pursuant to Section 106 of the Town and Country Planning Act 1990 is required in respect of any planning application and to authorise the Solicitor to the Council to secure such obligation.

6. **PLANNING CONTROL ENFORCEMENT**

- (a) To enter land and premises and authorise named employees to enter land and premises for purposes under the following legislation (including the seeking of warrants):-
 - (i) Town and Country Planning Act 1990
 - (ii) Planning (Listed Buildings and Conservation Areas) Act 1990
 - (iii) Planning (Hazardous Substances) Act 1990
 - (iv) Building Act 1984

7. **PUBLICITY / CONSULTATION ON PLANNING APPLICATIONS**

- (a) To undertake at his/her discretion neighbour notification in respect of applications for planning permission, having due regard to Governmental advice;
- (b) To determine at his/her discretion the extent to which publicity or notification should be given to amendments to submitted applications for planning permission;
- (c) To consult persons and bodies in respect of planning applications as follows:-
 - (i) Suffolk County Council (in respect of applications which materially conflict with or prejudice the implementation of the policies set out in the Suffolk County Structure Plan)
 - (ii) Parish Councils entitled to be notified of applications
 - (iii) Neighbouring planning authorities in the appropriate cases
 - (iv) Other bodies in accordance with the Council's practice in particular classes of application
 - (v) Consultees in accordance with a statute or statutory instrument.

8. **TREE AND HEDGEROW PRESERVATION**

- (a) To make emergency and provisional Tree Preservation Orders and be authorised to confirm such;
- (b) To determine applications to top, lop, cut down or destroy trees;
- (c) To dispense with conditions relating to replanting of dead, dying and dangerous trees the subject of Tree Preservation Orders;
- (d) To make observations on applications for licences to fell growing trees under the Forestry Act 1967 unless they are of a significant nature or contain controversial elements in which case details shall be submitted to the Development Committee;
- (e) To serve a Hedgerow Retention Notice where he/she is satisfied that the hedge is 'important' under the criteria specified in Hedgerows Regulations 1997.
- (f) To issue High Hedge Remedial Notices under the Anti-social Behaviour Act 2003

9. **MISCELLANEOUS**

- (a) To act as 'Appointing Officer' for the purpose of Section 10(8) of the Party Wall Act 1996 and to appoint surveyors in accordance with Section 10 of the Act;
- (b) To serve Building Preservation Notices;
- (c) In consultation with the Director of Finance to determine the rate of contribution and the financing of commuted payments, in the light of the particular circumstances of individual cases, and after applying the approved guidelines;
- (d) To keep the Planning Register under Section 69 of the Town and Country Planning Act 1990;
- (e) To lodge objections on applications for goods vehicle operators' licences and operating centres to the Eastern Traffic Area of the Licensing Authority where he/she considers such objections are warranted in any particular case;
- (f) To determine claims under regulation 14 of the Planning (Hazardous Substances) Regulations 1992

PROPER OFFICER PROVISIONS

The Council has approved "Proper Officer" appointments in accordance with the relevant provisions of the Local Government Act, 1972, as amended and as set out hereunder:-

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|-----------------------|--|---------------------------------------|
| 13(3) | Chairman of Parish Meeting and Proper Officer shall become a body corporate where there is no separate parish council. | Chief Executive |
| 83(1) | Receipt of Declaration of Acceptance of Office. | Chief Executive |
| 84 | The Officer to whom a person elected to any office under the Council may give written notice of resignation. | Chief Executive |
| 88(2) | The Officer who may convene a meeting of the council for the election to fill a vacancy. | Director of Corporate Services |
| 89(1)(b) | The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors. | Chief Executive |
| 96(1) | Receipt of notices of pecuniary interest. | Solicitor to Council |
| 96(2) | The Officer who shall keep the record of disclosures of interest under Section 94 and of notices under Section 96(1) and of Section 19 of the Local Government and Housing Act 1989. | Solicitor to Council |
| 115(2) | The Officer who shall receive all money due from every officer employed by the Council. | Director of Finance |
| 146(1)(a) and (b) | The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status. | Director of Finance |
| 151 | The Officer responsible for the proper administration of financial affairs. | Director of Finance |
| 191 | The Officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent. | Head of Contract and Asset Management |
| 204(3) | The Officer to whom notice of application for a Justices Licence under Schedule 1 to the Licensing Act 1964 should be given. | Head of Natural and Built Environment |
| 210(6) and (7) | Charities | Director of Corporate Services |
| 225(1) | Deposit of Documents with the Proper Officer and making of notes or endorsements and receipts | Solicitor to the Council |

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|--------------------------------|--|---------------------------------------|
| 229(5) | The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council. | Solicitor to the Council |
| 234 | The Officer who may authenticate documents. | Solicitor to the Council |
| 236(9) and (10) | The Officer who is responsible for sending certified copies of byelaws to appropriate bodies. | Solicitor to the Council |
| 238 | The Officer who shall certify copies of Byelaws as true copies. | Solicitor to the Council |
| 248 | The Officer who shall keep the roll of Freemen of Sudbury. | Director of Corporate Services |
| Sch 12 Para 4(2)(b) | The Officer who may sign a summons to Council meetings. | Director of Corporate Services |
| Sch 12 Para 4(3) | The Officer who may receive notice from a Member of the address to which a summons to a meeting is to be sent. | Director of Corporate Services |
| Sch 14 Para 25(7) | The Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings. | Solicitor to the Council |
| Sch 16 Para 28 | Receipt on deposit of List of Protected Buildings. | Head of Natural and Built Environment |
| Sch 29 Para 4(1)(a) and (c) | The Officer referred to as the Clerk of the Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions. | Director of Corporate Services |
| Sch 29 Para 4(1)(a) and (c) | The Officer referred to as the Director of Finance of any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions. | Director of Finance |
| Sch 29 Para 4(1)(a) and (c) | The Officer referred to as the Surveyor in any enactment passed before or during the 1971/1972 Session of Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions. | Head of Contract and Asset Management |

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|-----------------------------------|---|--|
| Sch 29 Para 4(1)(a) and (c) | The Officer referred to as the Public Health Inspector or Sanitary Inspector in any enactment passed before or during the 1971/1972 Session of Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions. | Head of Natural and Built Environment |
| 100B(2) | Exclusion from reports open to inspection any parts relating to items during which the meeting is likely not to be open to the public. | Director of Corporate Services |
| 100B(7)(C) | The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed. | Director of Corporate Services |
| 100C(2) | Preparation of written summary of those parts of the proceedings of a Committee which disclose exempt information. | Director of Corporate Services |
| 100D(1)(a) and (5)(a) | Identification of background papers and compilation of lists of such documents. | The officer responsible for the report (in the case of joint reports, the first named officer) |
| 100F(2)(b) | Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council. | Solicitor to the Council |

Local Elections (Principal Areas) Rules 1986

All references to the Proper Officer in these rules relate to the:-

Local Government Act 1974

S30(5) Publication in newspapers of reports of Local Commissioner. Chief Executive

Local Government (Miscellaneous Provisions) Act 1976

S41 Certification of copies of resolutions, minutes and other documents. Solicitor to the Council

Note: Infectious disease legislation for which Babergh is the enforcing Authority is co-ordinated to a large extent by the joint approaches of the Head of Natural and Built Environment and the Consultant in Communicable Diseases Control (CCDC). The CCDC is appointed to act as a Proper Officer on behalf of Babergh District Council.

The Head of Natural and Built Environment and the Consultant in Communicable Diseases Control are the Proper Officers as follows:-

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|-------------------------------|--|-----------------------|
| Public Health Act 1936 | | |
| Section 84 | Cleansing of verminous persons and their clothing. | CCDC |

Public Health (Control of Diseases) Act 1984

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|-------------------|---|---------------------------------------|
| Section 11 (1) | Notifiable disease/food poisoning | Head of Natural and Built Environment |
| Section 11 (3) | Notifiable disease/food poisoning | CCDC |
| Section 18 | Information to be furnished with regard to notifiable diseases/food poisoning | Head of Natural and Built Environment |
| Section 20 (1) | Preventing someone working to stop spread of disease | CCDC |
| Section 21 | Exclusion from school of a child liable to convey a notifiable disease | CCDC |
| Section 22 | List of day pupils at school having a case of notifiable diseases | CCDC |
| Section 24 (1)(a) | Infected articles not to be taken or sent to be washed or cleaned | CCDC |
| Section 29 | Letting of house or room after recent case concerning a notifiable disease | CCDC |
| Section 31 | Certification in respect of disinfection of premises | CCDC |
| Section 31 (2)(b) | Disinfection of premises to the satisfaction of the Proper Officer | CCDC |
| Section 32 | Certification in respect of removal of persons from infected houses | CCDC |
| Section 35 | Power of Justice to order a medical examination | CCDC |
| Section 36 | Certification in respect of justice to order medical examination of group of persons believed to comprise carrier of notifiable disease | CCDC |
| Section 40 | Power of Justice to order medical examination of inmates of common lodging house | CCDC |

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|----------------|--|-----------------------|
| Section 41 | Power of local authority to remove temporarily inmates of infected house | CCDC |
| Section 43 | Removal of body of person suffering from notifiable disease | CCDC |
| Section 48 | Removal of body to mortuary or for immediate burial | CCDC |

National Assistance Act 1948 (as amended) and Section 61 of the National Assistance Act 1951

| | | |
|------------|---|---|
| Section 47 | Removal to suitable premises of persons in need of care and attention | Head of Natural and Built Environment to appoint consultant(s) as necessary to act as the Medical Officer of Health |
|------------|---|---|

Statutory Instruments (as amended)

Public Health (Infectious Diseases) Regulations 1998

| | |
|--|------|
| In all cases where a Proper Officer designation is given, except for authorisation under Schedule 4 – Regulation 3 | CCDC |
|--|------|

Public Health (Prevention of Tuberculosis) Regulations 1925

| | |
|--------------|------|
| Regulation 5 | CCDC |
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Public Health (Aircraft) Regulations 1979

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|--|------|
| Regulation 5 and including all subsequent references to Medical Officers | CCDC |
|--|------|

Public Health (Ships) Regulations 1979

| | |
|--|------|
| Regulation 5 and including all subsequent references to Medical Officers | CCDC |
|--|------|

Canal Boat Regulations 1878 - 1931

| | |
|---------------|------|
| Regulation 13 | CCDC |
|---------------|------|

The CCDC is appointed to act on behalf of the Local Authority in respect of Sections 23, 24(3), 37, 38 and 41 of the Public Health (Control of Diseases) Act 1984.

The CCDC shall have the power on behalf of the Local Authority to ask a registered medical practitioner that they undertake an examination for the purposes of Sections 35 and 36 of the Public Health (Control of disease) Act 1984.

The Head of Natural and Built Environment is appointed to act on behalf of the 'local authority' for all other sections of the Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988 where the local authority is referenced.

Powers of entry and authorisation of officers

The Head of Natural and Built Environment is appointed to authorise officers to exercise powers of entry given under Section 61 of the Public Health (Control of Diseases) Act 1984 and Section 55 of the National Assistance Act 1948.

| <u>Section</u> | <u>Description</u> | <u>Proper Officer</u> |
|--|---|---------------------------------------|
| Food Safety Act 1990 | | |
| S49 | Proper Officer of the Authority as regards documents relating to matters within his province. | Head of Natural and Built Environment |
| Housing Act 1985 | | |
| S606(1) and (2) | Reports on unfitness and clearance. | Head of Natural and Built Environment |
| Local Government Finance Act 1988 | | |
| S114 | Financial Report to the Authority | Section 151 Officer |
| Local Government and Housing Act 1989 | | |
| S4 | Head of Paid Service | Chief Executive |
| S5 | Monitoring Officer | Solicitor to the Council |
| S19 | Receipt of information about Members' interests | Solicitor to the Council |

DEPUTY PROPER OFFICER PROVISIONS

In respect of the purposes for which the Chief Executive is the Proper Officer of the Council, the Director of Corporate Services for the time being be authorised to act as such Proper Officer and as Deputy Returning Officer for Elections when the Chief Executive is unable to act.

In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:-

For any Head of Service, the Deputy Chief Executive or a Director.

For a Director, the Chief Executive or the other Director.

For the Section 151 Officer, the Corporate Finance Manager.

For the Solicitor to the Council, the Chief Executive or the Director of Corporate Services.

For the Monitoring Officer, the Deputy Monitoring Officer.

For the Consultant in Communicable Diseases (CCDC), the deputies or alternates as appointed by the Health Protection Agency.