

**Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ**



**TO EACH MEMBER OF THE CENTRAL BEDFORDSHIRE COUNCIL**

15 June 2009

Dear Councillor

**CENTRAL BEDFORDSHIRE COUNCIL - Thursday 18 June 2009**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional report(s) which the Chairman has agreed to take as an urgent item of business:-

**12. Scheme of Council Delegations to Officers**

Please find attached the report and relevant appendices.

Should you have any queries regarding the above please contact Democratic Services on Tel: 01234 228857.

Yours sincerely

Devina Lester,  
Senior Democratic Services Officer  
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**Agenda Item: 12**

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**Meeting:** Council

**Date:** 18 June 2009

**Subject:** Scheme of Council Delegation to Officers

**Report of:** Assistant Director, Legal and Democratic

**Summary:** The report updates the Council on recent minor amendments to the Scheme of Delegation and other miscellaneous changes.

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Contact Officer: Rob Mills, Committee Services Manager

Public/Exempt: Public

Wards Affected: All

Function of: Council

**RECOMMENDATIONS:**

**1. That the minor amendments set out in Appendix A and Appendix B be noted and confirmed.**

1. Agenda item 12 asks the Council to confirm the Scheme of Delegation to officers as set out in Part H3 of the Constitution.
2. Members may wish to note that a few minor amendments to that Scheme of Delegation were agreed in May by the Constitution Advisory Group, but have not yet appeared in the printed version of the Constitution that has been circulated to Members. As Monitoring Officer I formally agreed those amendments, acting under provisions of the Shadow Constitution then in force.
3. The amendments are set out in Appendix B attached and, for the sake of completeness, are submitted to this Council meeting for confirmation as part of the Scheme of Delegation.
4. At the same time the Constitution Advisory Group agreed a few other miscellaneous changes to the Constitution, as set out in Appendix A which is attached for Members' information.
5. The relevant pages will be reprinted and circulated to Members shortly.

**Appendices:**

Appendix A – Miscellaneous Changes to the Constitution

Appendix B – Amendments to H3 (Scheme of Functions Delegated to Officers)

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**APPENDIX A - Miscellaneous Changes to the Constitution**

<b>Part</b>	<b>Page No.</b>	<b>Para No</b>	<b>Existing provision</b>	<b>Amendment required</b>	<b>Reason for Amendment</b>
A4 Citizens and the Council Annex 3 Procedure for Public Participation in Development Management Committee Meetings	12	1	Any person (meeting the qualifications above) who wishes to speak must notify the Director of Sustainable Communities by letter, telephone or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered	Insert "email" after "telephone".	To correct an omission. Emails are accepted under the current procedure.
B2 The Budget and Policy Framework	1	1.1.2.1	Annual Library Plan included as a statutory plan	Delete (and re-number below)	While included originally as it is still listed in regulations as a joint Council/ Executive function, DCMS withdrew the requirement to produce the Plan as from 2002/03. It will no longer be a separate policy document.

B5 Full Council Procedure Rules	14	16.1.1	Except for motions which can be moved without notice under Rule 17, written notice of every motion, signed by the member of the Council, must be delivered to the Monitoring Officer not later than 7 working days before the date of the meeting. These will be entered into a book open to public inspection.	Insert "clear" between "7" and "working".	To correct an omission and provide for consistency throughout the Procedure Rules.
E2 Committee Terms of Reference	10	7.2.1	The approval of any proposal to change the name of the District or a Parish.	Delete "District" and replace with "Council"	To correct an error.
F4 Protocol for Member/Officer Relations	7	5.1.4	Members are responsible for the recruitment of officers at Head of Service Level and above.	Delete "Head of Service" and replace with "Assistant Director"	Members will recall that there was a very late change in titles for officers with "Heads of Service" being renamed as "Assistant Directors". Unfortunately, this reference was not corrected when making the final changes to the Constitution to reflect the change in job titles.
F4 Protocol for Member/Officer Relations	8	6.4		Renumber as "6.3" and renumber subsequent paragraphs	Paragraph numbering incorrect.

**APPENDIX B - Amendments to H3 (Scheme of Functions Delegated to Officers)**

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
4.3.3	Delete as this is repeated in 4.3.50			
4.3.11	Delete - repealed legislation			
Transfer of 4.3.16 Page 19	<b>Director of Sustainable Communities</b> <i>Unauthorised Campers</i>	To direct unauthorised campers to leave land in accordance with Section 77 of the Criminal Justice and Public Order Act 1994	None	To align with service area responsibilities this delegation (4.3.16) needs to be transferred from the Director of Sustainable Communities to the <b>Director of Social Care, Health and Housing</b> .
Transfer of 4.3.17 Page 19	<b>Director of Sustainable Communities</b> <i>Unauthorised Campers</i>	To investigate and institute proceedings for offences of harassment and illegal eviction under the Protection from Eviction Act 1977	None	To align with service area responsibilities this delegation (4.3.17) needs to be transferred from the Director of Sustainable Communities to the <b>Director of Social Care, Health and Housing</b> .

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
New (insert after 4.3.32)	<b>Director of Sustainable Communities</b>  <b>Public Protection</b>	Legal Proceedings for breaches of Regulations and statutory instruments made under the Health and Safety at Work Act etc 1974 and to prosecute before magistrates in England and Wales – section 39.  Legal Proceedings for breaches of Byelaws.		To correct omissions
4.3.35  Additional Statutes		Clean Air Act 1993 The Deer Act 1991 Environment Act 1995 Guard Dogs Act 1975 Noise and Statutory Nuisance Act 1993 Noise Act 1996		To correct omissions



No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
Revision of 4.3.62 Page 24	<b>Director of Sustainable Communities Planning and Development Strategy</b>	<p>(I) <b>To conduct surveys under section 13 of the Planning and Compulsory Purchase Act 2004.</b></p> <p>(II) To prepare and approve Local Development Framework documents (including Development Plan Documents, technical documents/background papers and the Sustainability Appraisal/Strategic Environmental Assessment) for the purposes of consultation and to vary such documents in the light of the outcome of public consultation.</p> <p>(III) <b>To vary Local Development Framework documents in the light of technical advice.</b></p>	In consultation with the relevant Portfolio holder	Additions to existing delegation 4.3.62 shown in bold text. This addition is required to enable the production of evolving documents in response to the process of frequent consultation and changing or new technical advice in accordance with the requirements of PPS12.

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
New Insert after 4.3.73	<b>Director of Sustainable Communities Planning and Development Strategy</b>	(IV) To make minor inconsequential changes to all Local Development Framework documents which do not affect the substance or meaning of those documents.		
		To approve grants for town and parish plans up to £2k subject to the application being in accordance with the approved criteria and any grant being a one off with no recurring liability.	In consultation with the relevant portfolio holder.	To set up formal delegated authority for current practice.

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
4.3.74 Page 26	<b>Director of Sustainable Communities</b> <b>Waste</b>	<p>To carry out all functions of the Council in respect of waste management, collection and disposal under:-</p> <ul style="list-style-type: none"> <li>• Part II Environmental Protection Act 1990; and</li> <li>• Part I of the Waste and Emissions Trading Act 2003</li> <li>• The Refuse Disposal (Amenity Act) 1978</li> <li>• The Control of Pollution Act 1989</li> <li>• <b>Clean Neighbourhoods and Environment Act 2005</b></li> </ul> <p>and all other enabling powers in relation to the collection, transportation, regulation and disposal of waste and maintaining any public registers.</p>	None	To correct the omission of the Clean Neighbourhoods and Environment Act 2005 (now added in bold text to this delegation)
Delete 4.3.92.3	<b>Director of Sustainable Communities</b> <b>Development Management</b>	To enforce provisions under Town and Country Planning Regulations in respect of urgent repairs to listed buildings		This is covered by 4.3.106.9

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
4.3.98	<b>Director of Sustainable Communities Development Management</b>	<p>To make, revoke, re-make, vary, modify and confirm tree preservation orders and to sign documents and relevant documents relating thereto</p> <p>AMEND TO:</p> <p><b>To make or re-make Tree Preservation Orders and to sign relevant documents relating thereto</b></p> <p>(and see 'New' below)</p>	<p>Where duly made objections are received, the matter will be referred to the Development Management Committee for determination.</p> <p>Any action under this delegation to be reported to members for information.</p> <p><b>REMOVE first sentence regarding referral to Development Management Committee)</b></p>	<p>To ensure that trees subject to Tree Preservation Orders (TPOs) are protected pending the resolution of objections. TPOs made under this power have to be confirmed within 6 months or will lapse.</p>

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
New	<p><i>Director of Sustainable Communities Development Management</i></p>	<p>To revoke, vary, modify and confirm Tree Preservation Orders and to sign relevant documents relating thereto</p>	<p>Where duly made objections are received and are not resolved, these will be referred to the Development Management Committee for determination. Any action under this delegation to be reported to members for information.</p>	<p>To clarify that, where there are unresolved objections, the confirmation of a Tree Preservation Order, or its revocation, variation or modification will be referred to Development Management Committee for decision.</p>

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
4.3.137	<p><b>Director of Sustainable Communities</b></p> <p><b>BeAR Project</b></p>	<p><b>Acting</b> collectively via the Joint Waste Disposal Project Board, to carry out all necessary powers for the procurement and management of the joint residual waste treatment facility.</p>	<p>Subject to the provisions of the Joint Working Agreement and constitution of the Project Board approved by the Shadow Executive on 30 September 2008 and to the exclusion of those functions set out in paragraph 8.3 of the Constitution (including agreement of the evaluation criteria, selection of preferred bidder and final authorisation to enter the contract) which will require the specific approval of the Executive.</p>	<p>To correct an error in the original version as the first word of the delegation in the Constitution reads “Actively” not “Acting”. Additionally to align with service area responsibilities the delegation needs to be located under the <b>Waste Services</b> rather than Development Management, as at present</p>

No/Page	Responsibility	Delegation	Qualification	Reasons for amendments
4.6.87	<p><b>Director of Corporate Resources</b></p> <p><b>Property and Asset Management</b></p>	<p>To take decisions on applications by electricity, gas, water, telephone, broadcasting or cable companies to place any apparatus in, on, over or under any land or buildings owned by the Council</p>	<p>In consultation with the Assistant Director (Legal and Democratic) and ward members.</p>	<p>At the final meeting of Mid Bedfordshire District Council, in noting a revised delegation, some Members expressed the view that this delegation should be exercised in consultation with the local ward members. The Chairman of the Constitution Advisory Group agreed to ask the Group to consider this suggestion.</p>

**Other Minor Corrections**

1.	Amendments required throughout to reflect changes in job titles:		
(a)	Page	Replace “Economic Growth, Regeneration, Tourism and Delivery” with “Economic Growth and Regeneration and all references throughout the Constitution to Assistant Director for the function with “Assistant Director, Economic Growth and Regeneration”.	
(b)		Replace “Strategic Planning, Housing Strategy and Transportation” with “Planning and Development Strategy” and all references throughout the Constitution to the Assistant Director for the function with “Assistant Director, Planning and Development Strategy”.	
(c)	Page 26	Delete “Assistant Director Waste Services” and replace with “Waste”. Replace all references throughout the Constitution to the Assistant Director for the function with “Assistant Director, Waste”.	
2.	Amendments to correct numbering:		
(a)	Page 16	Re-number 4.3.11.2 as 4.3.10.2	
	Page 29	Re-number to correct absence of 4.3.90	
	Pages 35 and 36	Re-number to correct repetition of 4.3.102	
	Pages 61 and 62	Re-number 4.6.50.1 to 4.6.49.1, 4.6.50.2 to 4.6.49.2 and 4.6.50.3 to 4.6.49.3.	