

**PART 3E - SCHEME OF DELEGATION BY THE COUNCIL AND BY THE EXECUTIVE TO DIRECTORS AND OTHER OFFICERS****CONTENTS**

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## 1. INTRODUCTION

1.1 Central Bedfordshire Council has chosen a "Leader and Cabinet" style of governance and consequently its functions are to be discharged by its Executive, unless they are "council functions" as defined in the Council's Constitution.

1.2 The Leader may delegate executive functions to an individual Executive Member or to an officer.

1.3 This document sets out how functions are to be discharged, and forms part of the Constitution. It does not distinguish between executive functions and council functions, as officers will exercise both types of function.

All executive decisions and Key Decisions, even those taken by an individual Executive Member or by an officer, are subject to the access to information provisions.

1.5 In the event of the Constitution providing for an officer to make a Key Decision, a report shall be prepared setting out the alternative options considered and rejected together with reasons. A copy of this report shall:-

1.5.1 Be given to the Chairman of the relevant overview and scrutiny committee at least 5 clear days before the decision is taken; and

1.5.2 At the same time be made available to the press and public.

1.6 Details of forthcoming Key Decisions by officers must be included in the Council's Forward Plan for the following twelve month period containing:-

1.6.1 Details of organisations and individuals to be consulted;

1.6.2 How and to whom representations may be made; and

1.6.3 A proposed date within that period for the taking of the decision.

1.7 Advice on the procedures set out in 1.5 and 1.6 above can be obtained from the Monitoring Officer.

1.8 The functions delegated to officers are set out below:-

- **Section 2** prescribes the general conditions and limitations.
- **Section 3** deals with the general delegations to all Directors.
- **Section 4** sets out specific delegations to individual Directors and other officers.

1.9 This scheme deals only with standing delegations by the Council, the Executive and committees and does not cover temporary delegations for particular purposes made by the Executive or a committee. Section 2, however, applies to all delegations irrespective of the delegating authority and the duration of the delegation.

## 2. GENERAL CONDITIONS AND LIMITATIONS

- 2.1 In accordance with section 111 of the Local Government Act 1972, the functions, powers and duties delegated to officers include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of those functions.
- 2.2 The Chief Executive and Directors, acting as the Corporate Management Team (CMT), may take collective decisions and are responsible for ensuring that the Council's policies, practices and procedures are carried out in a consistent and co-ordinated manner.
- 2.3 All officers are to act in accordance with the Council's Constitution, Procedure Rules, codes and any protocols or other arrangements approved by the Executive.
- 2.4 Expenditure can only be authorised in accordance with approved provision in the Revenue Budget or Capital Programme or to such extent as may be permitted by the Procedure Rules, Code of Financial Governance and other codes of practice. In particular, any virement must be exercised within the financial limits set out in the Code of Financial Governance and in accordance with guidance given in other codes of practice.
- 2.5 For the avoidance of doubt the following functions are not delegated to any officer:-
- 2.5.1 Any matters reserved to the Council, the Executive or any other committee or a Member body having decision making powers;
  - 2.5.2 Any function which by law may not be delegated to an officer;
  - 2.5.3 Any matter constituting a Key Decision unless specifically approved by the Council or Leader of the Council or included in this Scheme of Delegation;
  - 2.5.4 The adoption of a new policy or significant variations to existing policies or any matter which is contrary to the budget and policy framework of the Council;
  - 2.5.5 Any matter outside the approved budget or virement and capital expenditure limits set out in the Code of Financial Governance; and
  - 2.5.6 The appointment and terms and conditions of the Chief Executive, Directors, the Chief Finance Officer and the Monitoring Officer, and the dismissal of the Chief Executive.
- 2.6 Where functions are delegated to an officer under this Scheme of Delegation, the body with responsibility for a function (the Council, Executive, committee or other Member body) may nevertheless decide to exercise the power itself or may specify that a particular decision shall be reserved or referred to the Council, Executive, committee or other Member body as the case may be.

- 2.7 An officer may decide not to exercise any function in relation to a particular matter and to invite the Council, the Executive, or other committee or relevant Member body having decision making powers, as appropriate, to do so instead. It is open to an officer to consult with appropriate Councillors (such as the Leader of the Council, Group Leaders, Executive Member with responsibility, Chairman of any other relevant committee or panel, as the case may be) on the exercise of delegated powers or in deciding whether or not to exercise such powers.
- 2.8 In exercising delegated powers an officer:-
- 2.8.1 Should consult with such other officers as appropriate, and in particular seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified, and have regard to any advice received;
  - 2.8.2 Has a duty to consider very carefully whether to exercise any delegated powers where a matter is likely to be controversial or contentious and to consider whether, in his/her reasonable opinion, the matter is of such significance that it should be submitted for decision by the relevant Member body;
  - 2.8.3 Should maintain close liaison with the relevant Executive Member and local councillors on any issues which they reasonably consider may be sensitive or contentious;
  - 2.8.4 Should keep the local councillors informed as appropriate including matters affecting the councillors' ward.
- 2.9 Day to day decisions on technical, professional or routine issues will normally be taken without consultation with councillors. The extent to which officers carry out such consultations is ultimately a matter for them but in exercising this judgement they should have regard to the following general principles:-
- 2.9.1 The need to consult with the relevant Executive Member when an issue arises where there is some uncertainty in the application of existing policy;
  - 2.9.2 If a decision is likely to have a significant impact on the Council's relationship with external bodies and partners, an officer will be expected to consult with the relevant Executive Member;
  - 2.9.3 If a decision is required in relation to a matter which has a clear impact on or significantly affects a particular ward an officer will be required to consult with the relevant local Members;
  - 2.9.4 The need or desirability to consult with representatives of the political group(s) not forming part of the administration;

- 2.9.5 An officer may find it desirable to consult with a Council member or group of Members who have been identified as possessing expertise in relation to a specific matter.
- 2.10 An officer will be expected to comply with any protocols agreed from time to time in relation to the exercise of specific functions.

### 3. DELEGATIONS TO ALL DIRECTORS

- 3.1 Subject to the conditions and limitations set out in Section 2, the Chief Executive and each Director shall have the following general responsibilities, powers and duties.

**Generally:**

- 3.1.1 Subject to all specific delegations contained in this Scheme, to take action on behalf of the Council where the proposed action complies with any policy, strategy or development plan approved by the Council, the Executive or one of its committees and there is budget provision;
- 3.1.2 To delegate further, in writing, all or any of their delegated functions to other officers to exercise in their own name. Notice of such delegations shall be given to the Monitoring Officer who will put in place arrangements to enable inspection of the records by members of the Council;
- 3.1.3 Where the Chief Executive is unable to act or is absent, the powers delegated to him/her under this Scheme may be exercised by the any Director or other officer nominated by him/her;
- 3.1.4 When any Director to whom specific responsibilities are delegated under Section 4 of this Scheme is unable to act or is absent, the powers delegated to that Director may be exercised by any other officer nominated by him/her or by the Chief Executive. In all cases the Chief Executive and are authorised to take decisions upon any matter delegated to a Director.
- 3.1.5 To act as Proper Officer where designated under [Part 2 Article 11 above](#) of this constitution, or where so designated by the Chief Executive from time to time;
- 3.1.6 To manage any physical assets, including land and buildings, information technology, vehicles and equipment generally, allocated to the service for which he/she is responsible;
- 3.1.7 In accordance with the Code of Procurement Governance, the Code of Financial Governance, the Partnerships Protocol and any codes of practice approved by the Executive, to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of the Council or the other body;
- 3.1.8 To prepare draft responses to external consultation papers subject to draft response being published on the Council's intranet for Member comment for a seven working day period, with all Members to be notified of publication by email;

3.1.9 To finalise responses to external consultation papers, in consultation with the relevant Executive Member in the light of any comment received following publication of the draft response provided that:-

3.1.9.1 The information is published for information;

3.1.9.2 Where the relevant Director or the Leader or relevant Executive Member considers the consultation to be of major significance, the item shall be referred to the Executive; and

3.1.9.3 Where the relevant Director deems the consultation to be of an operational nature, he/she will be authorised to respond directly without preparing a draft response or consulting with Members.

## **3.2 Staffing Issues**

3.2.1 Subject to the Officer Employment Procedure Rules at [Part 4K-Part H4](#) and staffing policies and terms and conditions adopted by the Council:-

3.2.1.1 To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible, including any temporary or agency staff who may from time to time be employed;

3.2.1.2 To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;

3.2.1.3 To appoint employees below the status of Director, with the exception of the Chief Finance Officer and the Monitoring Officer;

3.2.1.4 To dismiss employees.

## **3.3 Contracts for work, goods and services**

3.3.1 In accordance with Code of Procurement Governance, the Code of Financial Governance and any codes of practice approved by the Executive:-

3.3.1.1 To issue orders for work, goods and services;

3.3.1.2 To accept tenders;

3.3.1.3 To sign agreements in a form approved by the Monitoring Officer;

3.3.1.4 To authorise the affixing of the Council's Seal to any agreement;

3.3.1.5 Within the framework of an approved service or business plan to submit tenders, and make contractual arrangements for carrying out work and/or services for other parties.

### **3.4 Legal Proceedings**

- 3.4.1 To institute, defend, appeal (or make any application or representation within) any criminal or civil legal proceedings (including exercising works in default under any legislation empowering the Council to do so) before any court, tribunal or inquiry, provided that the Monitoring Officer or such other legally qualified person nominated by him/her agrees that it is appropriate to take such action;
- 3.4.2 Where it is intended to apply for judicial review of a decision taken by central government which affects the whole Council, a report should be submitted to the Council for approval;
- 3.4.3 With the concurrence of the Monitoring Officer or such other suitably qualified person nominated by him/her to write off outstanding debts not exceeding £10,000 in each case.

### **3.5 Urgent Action**

- 3.5.1 In accordance with the procedures approved by the Council (involving in particular, consultation with Members) to take any decisions which could be taken by the Executive or a committee or sub-committee and which on grounds of urgency need to be taken before the next scheduled meeting of the Executive or such committee or sub-committee. The procedures approved by the Council are set out in a Code of Practice attached as **Appendix A**. It is confirmed that such a power includes any urgent decision which involves expenditure and/or reduced income for which no provision is included in the current approved Revenue Budget or Capital Programme, or any decision required in the event of a civil emergency.



## 4. DELEGATIONS TO INDIVIDUAL DIRECTORS AND OTHER OFFICERS

| 4.1                           | Chief Executive   | Qualifications (if any) |
|-------------------------------|---|-------------------------|
| 4.1.1                         | To be Head of Paid Service under section 4 of the Local Government and Housing Act 1989. The functions of this role are set out in <u>Part 2 Article 11</u> <del>Part H1</del> of the constitution.                                   | None                    |
| 4.1.2                         | To be responsible for the overall organisational structure and management of the Council.   | None                    |
| 4.1.3                         | To be responsible for the effective leadership, management and performance of the Corporate Management Team.  | None                    |
| 4.1.4                         | In response to an emergency, to exercise the Council's powers under the Civil Contingencies Act 2004 and to take all necessary action on behalf of the Council, including taking a Key Decision where required on grounds of urgency. | None                    |
| 4.1.5                         | To be the Council's Returning Officer and Electoral Registration Officer.   | None                    |
| 4.1.6                         | To review the scale of fees for local authority elections annually in accordance with the mechanism approved by the General Purposes Committee.   | None                    |
| 4.1.7                         | In accordance with the Council's policies and procedures and the Officer Employment Procedure Rules, to dismiss employees at Director level and below.  | None                    |
| <b>Communications</b>         |   |                         |
| 4.1.8                         | To be responsible for corporate communications and marketing (including media and public relations).  | None                    |
| <b>Policy and Performance</b> |   |                         |
| 4.1.9                         | To be responsible for the development of corporate strategy and for performance/programme managements and improvement.  | None                    |
| 4.1.10                        | To be responsible for overseeing the Council's approach to equality and diversity.  | None                    |

## Information and Communication Technology

- |        |   |      |
|--------|---|------|
| 4.1.11 | To have overall responsibility for the Council's information management systems, including any systems relating to functions under the Freedom of Information Act, Data Protection Act and other Regulations. | None |
| 4.1.12 | To determine and issue to officers general standards and guidelines in the management and use of information technology and systems across the Council.   | None |

## Data Protection and Freedom of Information

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|--------|--|--|
| 4.1.13 | To be responsible for carrying out the Council's responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000, the Environmental Information Regulations 1992 and the Re-use of Public Sector Information Regulations 2005, including:-  | None   |
| 4.1.14 | Maintaining Data Protection Act registrations  | None   |
| 4.1.15 | Updating and maintaining the Publication Scheme under Section 19 of the Freedom of Information Act 2000  | None   |
| 4.1.16 | Dealing with requests for information under the Freedom of Information Act 2000.   | Subject to compliance with the framework for dealing with Freedom of Information requests approved by the Monitoring Officer |
| 4.1.17 | Dealing with requests for re-use of information under the Re-use of Public Sector Information Regulations 2005 and specifically determining:-  | None   |
| 4.1.18 | <ul style="list-style-type: none"><li>• whether to authorise re-use of information</li><li>• whether and what conditions should be attached to such re-use;</li><li>• whether a charge should be applied, and the level of such charge; and</li><li>• the development of standard licences for re-use.</li></ul> | None   |

## 4.2 Director of Resources

### Tax and VAT Matters

- |       |   |      |
|-------|---|------|
| 4.2.1 | To manage all tax and VAT matters including arrangements made with HM Revenue and Customs | None |
|-------|---|------|

### Revenues and Benefits

#### *Council Tax and National Non-Domestic Rates*

- |        |  |      |
|--------|--|------|
| 4.2.2  | To operate a Collection Fund for Council Tax and Non-Domestic Rates in accordance with section 89 of the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992) and the regulations, specifications and directions made under the Acts. | None |
| 4.2.3  | To bill and collect the Council Tax and National Non-Domestic Rate, including instituting and carrying on enforcement proceedings.   | None |
| 4.2.4  | To institute proceedings under Section 97 of the General Rate Act 1967.  | None |
| 4.2.5  | To issue all necessary notices and statements and to sign any documents on behalf of the Council as rating and billing authority.  | None |
| 4.2.6  | To take decisions on applications under Section 44A of the Local Government Finance Act 1988 for adjustments to rates payable.   | None |
| 4.2.7  | To serve on the Valuation Officer notice of objection to any proposals for alterations of the valuation list;  | None |
| 4.2.8  | To make proposals for the alteration of the valuation list or for the inclusion of particular properties in the valuation list;  | None |
| 4.2.9. | To sign valuation agreements.  | None |

|          |  |  |
|----------|--|--|
| 4.2.10   | To authorise any relevant postholders to act for the Council in accordance with Section 223 of the Local Government Finance Act 1972 (i.e. to represent the Council at Valuation Tribunals and at the Magistrates' Court in connection with recovery of Council Tax, Non Domestic Rates and Community Charge). | None   |
| 4.2.11   | To determine applications from charitable and non-profit making organisations and Community Amateur Sports Clubs for mandatory and discretionary relief in respect of liability for National Non-Domestic Rates.   |  |
| 4.2.12   | To determine applications for discretionary rate relief from businesses in rural settlements (village shop relief).  | None   |
| 4.2.13   | To determine applications for discretionary relief from businesses sustaining hardship.  |  |
| 4.2.14   | To determine the Council Tax base in accordance with the Local Authority (Calculation of Council Tax Base) (England) Regulations 2012.   | In consultation with the relevant Executive Member |
| Recovery |  |  |
| 4.2.15   | To distrain for rent, council tax, community charge, national non-domestic rates and general rates owing to the Council and recover costs to which the Council are entitled.   | None   |
| Benefits |  |  |
| 4.2.16   | To take all necessary action, to determine and grant applications for Housing Benefit and Council Tax Benefit in accordance with current legislation.  | None   |
| 4.2.17   | To determine applications for discretionary housing payments and any similar discretionary payment scheme.   | None   |
| 4.2.18   | To undertake fraud investigations and implement sanctions.   | None   |
| Finance  |  |  |
| 4.2.19   | To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2011, including making and issuing financial regulations.                            | None   |

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|--------|---|------|
| 4.2.20 | To be the Chief Finance Officer for the Council. The functions of this role are set out in <a href="#">Part 2 Article 11</a> <del>Part H1</del> of the Constitution.  | None |
| 4.2.21 | To ensure that the financial management of the Council is adequate and effective and that the following arrangements are in place:-   | None |
|        | 4.2.21.1 a sound system of internal control;  |      |
|        | 4.2.21.2 arrangements for the management of risk.   |      |
| 4.2.22 | To secure such arrangements as are appropriate to mitigate the potential financial impact on the Council of assessed risks.   | None |
| 4.2.23 | To conduct a review at least once a year of the effectiveness of the Council's system of internal control and issue a statement on internal control in accordance with proper practices on.   | None |
|        | 4.2.23.1 a sound system of internal control;  |      |
|        | 4.2.23.2 arrangements for the management of risk; and   |      |
|        | 4.2.23.3 arrangements for business continuity within the Council.   |      |
| 4.2.24 | To commission investigations and reports, where appropriate, in support of the Council's Anti-Fraud Policy and governance arrangements.   | None |
| 4.2.25 | To ensure that an adequate and effective system of internal audit, and of its accounting records and system of internal control, in accordance with proper internal audit practices, is maintained.   | None |
| 4.2.26 | To determine and issue guidelines and codes of practice in respect of finance.  | None |
| 4.2.27 | To be responsible for ensuring that proper accounts and records are maintained in line with relevant legislation, accounting standards and the CIPFA / LASAAC Code of Practice on Local Authority Accounting in the United Kingdom and that completed, certified accounts are published by 30 June and approved accounts are published by 30 September each year. | None |
| 4.2.28 | To ensure that the Council has sufficient reserves and operating capital to effectively discharge its responsibilities and meet its objectives.   | None |

|        |   |      |
|--------|---|------|
| 4.2.29 | To ensure that the Council pays its creditors and recovers its debts in line with agreed policies.  | None |
| 4.2.30 | To maintain an effective working relationship with Bedford Borough Council in relation to its responsibility for operating the Local Government Pension Scheme Regulations 1997, and any subsequent amending regulations, including the exercise of discretions and to make arrangements for the managements of the Pension Fund Investments.   | None |
| 4.2.31 | To make all lease arrangements.   | None |
| 4.2.32 | To manage the deployment of the Council's revenue and capital resources including any resources allocated for joint working.  | None |
| 4.2.33 | To determine and implement arrangements for Treasury Management in accordance with the (CIPFA) Treasury Management in the Public Services Code of Practice, the Council's approved Treasury Management Policy Statement and Treasury Management and Investment Strategy and any other arrangements approved by the Council, including appointment of the Council's investment advisors. | None |
| 4.2.34 | To represent and act on behalf of the Council in connection with bankruptcies including meetings of creditors.  | None |
| 4.2.35 | To manage any car loan or car leasing schemes operated by the Council in accordance with the relevant policies.   | None |
| 4.2.36 | To deal with all insurance cover and the settlement of claims.  |      |
| 4.2.37 | To declare the Local Average Rate of Interest for the half years commencing 1 April and 1 October, in accordance with Schedule 16, paragraph 3 to the Housing Act 1985.   | None |

| <b>People</b>                     |   | <b>Qualifications (if any)</b>                        |
|-----------------------------------|---|---|
| 4.2.38                            | To implement national and local pay awards and increase payments under the Pension Increase Acts.   | None  |
| 4.2.39                            | In consultation with the Chief Executive, to settle employee and industrial relations matters including issues involving the application of rates of pay, conditions of service, or other staffing benefits etc.  | None  |
| 4.2.40                            | To approve, after consultation with the relevant Director, the early retirement of staff who are subject to the Local Government Superannuation Regulations.  | None  |
| 4.2.41                            | To prepare human resources procedures in line with policies and strategies agreed by the Council and to determine and issue to officers general guidelines for the management of human resources (including recruitment and retention, equality of opportunity in employment matters, training, conditions of service, employment regulations, rewards and discipline). | None  |
| 4.2.42                            | To determine whether any post should be subject to Criminal Record Bureau checks.   | None  |
| <b>Complaints</b>                 |   |   |
| 4.2.43                            | To make compensation payments or provide other benefits arising from a complaint under the Corporate Complaints Procedure.  | Report for information to General Purposes Committee  |
| 4.2.44                            | To authorise the making of payments in respect of the settlement of an Ombudsman Complaint.   | Report for information to General Purposes Committee. |
| <b>Elections and Land Charges</b> |   |   |
| 4.2.45                            | To assume all duties of the Council in connection with Local Land Charges and any associated inquiries.   | None  |
| <b>Education Appeals</b>          |   |   |
| 4.2.46                            | To make arrangements for education appeals on behalf of the Local Authority   | None  |

## **Governance**

- 4.2.47 To approve expenditure from the budget for Member attendance at annual conferences, external seminars and courses and to approve Member attendance according to individual needs. After consultation with the lead Member for elected Member development, the Leader of the Council and the relevant Group Leader. Regular monitoring statements in respect of expenditure to be submitted to the Champions for elected Member development.
- 4.2.48 To agree arrangements for the Annual Member Training and Development Programme and the periodic Induction Programme. After consultation with the Champions for elected Member development and subject to seeking the views of the Group Leaders and wider Council membership, as appropriate.
- 4.2.49 To appoint “Champions” for elected Member Development and to appoint one of the Champions to act in the capacity of “Lead Champion”. After consultation with the Group Leaders
- 4.2.50 To take all necessary steps to ensure that the Council reaches and maintains the required level of skills, competencies and practices to achieve East of England Regional Association Member Development Charter status. (1) After consultation with the Champions for elected Member development and subject to seeking the views of the Group Leaders and wider Council membership, as appropriate.
- (2) Any matter relating to a policy or strategy or involving expenditure outside the existing budget, shall be referred to the Executive.



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| 4.2.51 | To make arrangements for the conduct of personal development reviews for elected Members. | After consultation with the Champions for elected Member Development. |
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**Registration and Coroner's Service**

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|--------|--|------|
| 4.2.52 | To carry out the functions of the Council in relation to the Registration of Births, Deaths and Marriages. | None |
| 4.2.53 | To carry out the functions of the Council in relation to the Coroner's Service                             | None |

**Monitoring Officer**

- |        |  |   |
|--------|--|---|
| 4.2.54 | To act as solicitor to the Council.  | None  |
| 4.2.55 | To be the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989. The functions of this role are set out in <u>Part 2 Article 11</u> <u>Part H1</u> of the constitution. | None  |
| 4.2.56 | To settle on appropriate terms any litigation or claim made by or against the Council.   | Settlements between £200,000 and £500,000 shall be determined by the Executive Member responsible for Corporate Resources in consultation with the relevant Executive Member and Monitoring Officer<br><u>(Part 3A Part C3</u> of the Constitution refers)<br>Settlements of £500,000 and above shall be determined by the Leader of the Council in consultation with the Executive Member for Corporate Resources and the Monitoring Officer.<br><u>(Part C3 Part 3A</u> of the Constitution refers) |
| 4.2.57 | To authorise the insurance, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or  | None  |

criminal.

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| 4.2.58 | To authorise officers of the Council to appear before the Magistrates' Court or the County Court.   | None   |
| 4.2.59 | To issue or serve statutory or legal notices on behalf of the Council for any of its functions.   | None   |
| 4.2.60 | To institute legal proceedings in respect of contravention of legislation.  | None   |
| 4.2.61 | To instruct Counsel or other external legal advisors as required.   | Subject to compliance with Code of Procurement Governance  |
| 4.2.62 | To determine and issue general guidelines to officers on legal, procedural and proprietary issues.  | None   |
| 4.2.63 | To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, the Executive or any other committee or sub-committee; certifying copies of minutes for legal proceedings and/or any decision taken by an officer acting under delegated powers and to sign all deeds and documents. | None   |
| 4.2.64 | To attest the affixing of the Council's Seal.   | None   |
| 4.2.65 | To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate.  | None   |
| 4.2.66 | To release part mortgaged property where the mortgagor proposes to sell part of his property, providing sufficient security remains for the principal monies outstanding.   | In consultation with the Director of Social Care, Health and Housing   |
| 4.2.67 | To agree the temporary letting of mortgaged property for a period not exceeding two years whilst the mortgagor is temporarily abroad.   | In consultation with the Director of Social Care, Health and Housing<br>Subject to right of appeal to the Executive. |
| 4.2.68 | To approve a Deed of Release of husband or wife from the terms of a mortgage.   | In consultation with the Director of Social Care, Health and   |

|        |  |   |
|--------|--|---|
| 4.2.69 | To serve Notices to Quit under the provisions of the Mobile Homes Act 1983.  | Housing.<br>In consultation with the Director of Social Care, Health and Housing.   |
| 4.2.70 | To initiate proceedings under Section 112(1)(a) of the Social Security Administration Act 1992 against any person where it appears that an offence under that Act may have been committed.   | Upon the instruction of the Director of Social Care, Health and Housing the relevant Executive Member and ward councillor(s) shall be notified accordingly. |
| 4.2.71 | To apply for the disqualification of a Director of a limited company.  | None  |
| 4.2.72 | To review/revise on an annual basis the charge rate for the preparation and negotiation of Agreements by Legal Services under Section 106 of the Town and Country Planning Act 1990.   | None  |
| 4.2.73 | With respect to the Regulation of Investigatory Powers Act 2000 (RIPA):-   | None  |
|        | 4.2.73.1 To amend and update the Policy and Procedures for RIPA.   |   |
|        | 4.2.73.2 To add to or amend the list of Authorised Officers for the purpose of Directed Surveillance and Covert Human Intelligence sources.  |   |
|        | 4.2.73.3 To maintain a central record of authorisations.   |   |
| 4.2.74 | To oversee the ethical conduct of the Council and the production of codes, conventions and protocols.  | None  |
| 4.2.75 | To determine, advise or issue general guidance to officers and members of the Council in relation to proprietary, constitutional, electoral and legislative matters.   | None  |
| 4.2.76 | To draw up, monitor and review the Council's Constitution and its components and, subject to consultation with the General Purposes Committee, make any changes or additions to give effect to any decisions of the Council or changes in the law and to make minor amendments to correct any errors and to ensure that the constitution is maintained and | None  |

up to date.

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|--------|---|--|
| 4.2.77 | To carry out any functions in connection with the production of the scheme of Members' Allowances, the review and operation of the scheme and any other allowances payable to members of the Council.   | None   |
| 4.2.78 | To carry out and manage the functions of the Council in relation to electoral and boundary issues.  | None   |
| 4.2.79 | After consultation with appropriate members of the Council, and where required in accordance with their wishes, to make appointments, removals or replacements to any Member body in the Council's Constitution and to outside bodies (including school governing bodies); and to fill casual vacancies on any such bodies in accordance, where required, with Sections 15-17 of the Local Government and Housing Act 1989. | None   |
| 4.2.80 | To call in decisions of the Executive or an Executive Member taken in accordance with a delegation <u>in Part 3A</u> <del>in Part C</del> of the Constitution or an officer on a Key Decision in <u>Part 3E</u> <del>Part H</del> of the Constitution following receipt of a call-in request in accordance with the Council's call-in scheme.   | In the absence of the Monitoring Officer, any Deputy Monitoring Officer may act in this capacity.  |
| 4.2.81 | To arrange civic visits to businesses or other organisations either within, or outside, the District.   | (1) In consultation with the Chairman of the Council.<br><br>(2) Where an opportunity arises for several Members to take part in such visits, the Chairman of the Council and Leader will be consulted with a view to the appropriate Executive Member/Chairman taking part in the visit and, where appropriate, the ward member(s). |

| <b>4.3 Director of Community Services</b>            |  | <b>Qualifications (if any)</b>   |
|--|--|--|
| <b><i>Community Safety and Public Protection</i></b> |  |  |
| 4.3.1  | To carry out the functions of the Council in relation to Community Safety.   | None   |
| 4.3.2  | To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate.   | None   |
| 4.3.3  | To carry out the functions of the Council in relation to Civil Contingencies.  | In response to an emergency, the Chief Executive is responsible for exercising the Council's powers under the Civil Contingencies Act 2004 (Delegation No 4.1.4) |
| 4.3.4  | To be responsible for ensuring the authority complies with obligations under section 17 of the Crime and Disorder Act 1998 and any subsequent legislation, to have due regard to the likely effect of the exercise of the Authority's functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. | None   |
| <b><i>Licensing and Regulation</i></b>               |  |  |
| 4.3.5  | To grant and sign licences and permits as follows:-  | None   |
| 4.3.5.1  | house to house and street collections  |  |
| 4.3.5.2  | amusements with prizes by means of machine   |  |

#### 4.3.5.3 small lotteries

|         |   |  |
|---------|---|--|
| 4.3.6   | To license and regulate Hackney Carriages and Private Hire Vehicles, their drivers and operators (including powers to suspend or revoke licenses).                          | Subject to such powers being exercised in accordance with the principles regarding disclosure of criminal records and relevant criminal convictions outlined in the Home Office Circular 13/92 and Department of Transport Circular 2/92 |
| 4.3.7   | To grant and sign licences for hackney carriage and private hire vehicles.  | None   |
| 4.3.8   | To suspend or revoke any vehicle, driver or operator licence issued under the Town Police Clauses Act 1847 and/or the Local Government (Miscellaneous Provisions) Act 1976. | None   |
| 4.3.9   | To exercise the following functions under the Licensing Act 2003:-  | This delegation shall not apply where the Authority is the applicant. All such applications shall be referred to the Licensing Sub-Committee for determination   |
| 4.3.9.1 | Determination of application for personal licence (Section 120)   | Where no objection received  |

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|----------|--|--|
| 4.3.9.2  | Determination of application for renewal of personal licence (Section 121)                                       | Where no objection from Police             |
| 4.3.9.3  | Determination of application for premises licence (Section 18)   | Where no relevant representations received |
| 4.3.9.4  | Determination of application for provisional statement (Section 31)  | Where no relevant representations received |
| 4.3.9.5  | Determination of application to vary premises licence (Section 35)   | Where no relevant representations received |
| 4.3.9.6  | Determination of application to vary premises licence in relation to designated premises supervisor (Section 39) | Where no relevant representations received |
| 4.3.9.7  | Determination of application to transfer premises licence (Section 44)   | Where no relevant representations received |
| 4.3.9.8  | Determination of application for club premises certificate (Section 72)  | Where no relevant representations received |
| 4.3.9.9  | Determination of application to vary club premises certificate (Section 85)                                      | Where no relevant representations received |
| 4.3.9.10 | Agreement that a hearing is unnecessary where representations received   | None                                       |
| 4.3.9.11 | Decision as to whether representation is frivolous or vexatious  | None                                       |
| 4.3.9.12 | Instigation of proceedings for contraventions of the provisions of the Act                                       | None                                       |
| 4.3.9.13 | Determination of application to remove as a designated premises supervisor                                       | None                                       |

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|----------|---|---|
| 4.3.9.14 | Determination of application for interim authorities  | Where no objections from Police   |
| 4.3.9.15 | Signing of Personal, Premises Licence and Club Premises Certificates  | None  |
| 4.3.9.16 | Determination of whether or not representations are relevant representations  | None  |
| 4.3.9.17 | Compliance with the duties imposed on the Council as a Licensing Authority in dealing with Temporary Event Notices and the issue of Counter Notices             | Where no objections from Police   |
| 4.3.9.18 | Determination of application to licence premises for the provision of food and drink under Schedule 2 of the Act  | Where no relevant representations received  |
| 4.3.9.19 | Determination of whether an application is deemed to be a minor variation   | None  |
| 4.3.9.20 | Determination of applications for a minor variation to a premises licence   | None  |
| 4.3.9.21 | Determination of application for a minor variation for a club premises certificate  | None  |
| 4.3.10   | To grant, vary or transfer licences for Sex Establishments and Sex Cinemas issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. | Subject to no objections being received from the Police and other parties within the requisite notice period.<br><br>Where objections are received, applications shall be determined by the Licensing Committee |
| 4.3.11   | To take such actions as are necessary to comply with the duty imposed on the Council by the Vehicle (Crime) Act 2001.   | None  |
| 4.3.12   | To exercise the following functions under the Gambling Act 2005:-   | None  |



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|----------|---|--|
| 4.3.12.1 | Application for premises licence  | Where no representations received or representations have been withdrawn |
| 4.3.12.2 | Application for variation of a licence  | Where no representations received or representations have been withdrawn |
| 4.3.12.3 | Application for transfer of a licence   | Where no representations received from the Commission                    |
| 4.3.12.4 | Application for a provisional statement   | Where no representations received or representations have been withdrawn |
| 4.3.12.5 | Application for club gaming/club machine permits  | Where no objections made/objections have been withdrawn                  |
| 4.3.12.6 | Application for other permits   | None   |
| 4.3.12.7 | Cancellation of licensed premises gaming machine permits  | None   |
| 4.3.12.8 | Consideration of temporary use notice   | None   |
| 4.3.12.9 | Representations on applications – determination whether or not admissible and relevant                      | None   |
| 4.3.13   | To determine the selection and appointment of garages as compliance testing stations for licensed vehicles. | None   |

*Environmental Health and Licensing*

|        |  |      |
|--------|--|------|
| 4.3.14 | To license premises and persons for acupuncture, tattooing, ear piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.   | None |
| 4.3.15 | To register and license premises for the preparation of food under the EU Directive 852/2004 Article 6(2) Food Hygiene Regulations 2006.   | None |
| 4.3.16 | To license premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.   | None |
| 4.3.17 | To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. | None |
| 4.3.18 | To license zoos under Section 1 of the Zoo Licensing Act 1981.   | None |
| 4.3.19 | To license keepers of dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.   | None |
| 4.3.20 | To register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.  | None |
| 4.3.21 | To approve meat product premises under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013.  | None |
| 4.3.22 | To approve premises for the production of minced meat or meat preparations under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013.  | None |
| 4.3.23 | To approve dairy establishments under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013.   | None |
| 4.3.24 | To approve egg product establishments under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013.   | None |

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|--------|---|------|
| 4.3.25 | To approve fish products premises under the EU Directive 852/2004 Article 6(3) Food Safety and Hygiene (England) Regulations 2013.  | None |
| 4.3.26 | To keep a register of food business premises under the EU Directive 852/2004 Article 6(2) Food Safety and Hygiene (England) Regulations 2013.   | None |
| 4.3.27 | To register food business premises under the EU Directive 852/2004 Article 6(2) Food Safety and Hygiene (England) Regulations 2013.   | None |
| 4.3.28 | Functions relating to health and safety at work under any of the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged, otherwise than in the authority's capacity as an employer. | None |
| 4.3.29 | 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.  | None |
| 4.3.30 | Legal proceedings for breaches of Byelaws.  | None |
| 4.3.31 | To license scrap metal dealers and collectors under the Scrap Metal Dealers Act 2013.   | None |
| 4.3.32 | To suspend or revoke licences issued under the Scrap Metal Dealers Act 2013.  | None |
| 4.3.33 | To authorise persons to enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply and to apply for a warrant of entry where appropriate.  | None |

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| 4.3.34 | Authority to exercise powers and enforce requirements in relation to powers provided by the following statutes:-  | To the extent that the Council is the relevant Authority for those Statutes and Regulations and in consultation with Assistant Director Housing Services where appropriate. |
|        | <ul style="list-style-type: none"> <li>• Anti Social Behaviour, Crime and Policing Act 2014</li> <li>• Anti Social Behaviour Act 2003</li> <li>• Building Act 1984</li> <li>• Clean Air Act 1993</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Control of Pollution Act 1974</li> <li>• Environment Act 1995</li> <li>• Environmental Protection Act 1990</li> <li>• Food Safety Act 1990</li> <li>• Guard Dogs Act 1975</li> <li>• Housing Act 1985</li> <li>• Housing Act 2004</li> <li>• Housing Grants, Construction and Regeneration Act 1996</li> <li>• Local Government and Housing Act 1989</li> <li>• Local Government (Miscellaneous Provisions) Acts 1976 and 1982</li> <li>• Legal Aid, Sentencing and Punishment of Offenders Act 2012</li> <li>• Noise and Statutory Nuisance Act 1993</li> <li>• Noise Act 1996</li> <li>• Prevention of Damage by Pests Act 1949</li> <li>• Prevention of Social Housing Fraud Act 2013</li> <li>• Public Health Acts 1936 and 1961</li> <li>• The Pollution Prevention and Control Act 1999</li> <li>• Food Safety and Hygiene (England) Regulations 2013</li> <li>• Official Feed and Food Control (England) Regulations 2009</li> <li>• The Deer Act 1991</li> </ul> |   |
| 4.3.35 | To take necessary action in the event of an outbreak of rabies under Section 3 of the Dogs Act 1906.  | None  |
| 4.3.36 | To take steps to control stray dogs under Sections 149 – 151 of the Environmental Protection Act 1990.  | None  |
| 4.3.37 | To control dangerous dogs under Section 5 of the Dangerous Dogs Act 1991.   | None  |
| 4.3.38 | To control dog fouling under Dogs (Fouling of Land) Act 1996.   | None  |
| 4.3.39 | To receive notice of a shop trading and maintain registers in accordance with the Sunday Trading Act 1994.  | None  |

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|--------|--|---|
| 4.3.40 | To exercise powers and enforce requirements in relation to powers provided by the Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010 to the extent that the Council is the relevant authority. | None  |
| 4.3.41 | To take measures to control pesticides under Part III of the Food and Environment Protection Act 1985.   | None  |
| 4.3.42 | To require the remediation of land, property or sites determined as detrimental to the amenity of the neighbourhood in accordance with Section 215 of the Town and Country Planning Act 1990.  | None  |
| 4.3.43 | To implement the provisions of Part I of the Environmental Protection Act 1990 in respect of Prescribed Processes.   | None  |
| 4.3.44 | To implement Sections 77 – 85 of the Water Industry Act 1991 relating to water quality.  | None  |
| 4.3.45 | To implement the provisions of the Pollution Prevention and Control Act 1999 and Pollution Prevention and Control Regulations 2000 in respect of Permitted Installations.  | None  |
| 4.3.46 | To act in accordance with Section 1 of the Breeding of Dogs Act 1991.  | None  |
| 4.3.47 | To enforce any “relevant regulations or orders” made under the European Communities Act 1972.  | <p>“Relevant regulations or orders” are those in respect of which:-</p> <p>(a) The Council has enforcement responsibility;</p> <p>(b) Relate to food control or other functions where the Community Services Director already has delegated authority</p> |
| 4.3.48 | To declare any Air Quality Management Areas under Part IV of the Environment Act 1995 and to vary the  | In consultation with the relevant   |

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|        | same in the light of any changes of air quality.  | Executive Member   |
| 4.3.49 | To amend any enforcement policy relating to Community Safety and Public Protection as deemed necessary. | In consultation with the Assistant Director Housing Services where appropriate and after consultation with the relevant Executive Member |

### ***Trading Standards***

|        |  |      |
|--------|--|------|
| 4.3.50 | To exercise the functions of the Council under legislation concerning, food, weights and measures, trade descriptions, animal health, performing animals, explosives licensing, safety of sports grounds and other fair trading and consumer protection matters. | None |
| 4.3.51 | To institute any legal proceedings available to the Council where to do so would further the protection of consumer rights and general business interests.   | None |
| 4.3.52 | To appoint the Council's Chief Inspector of Weights and Measures.  | None |

#### *Enforcement of smoking prohibitions*

|        |   |      |
|--------|---|------|
| 4.3.53 | To enforce offences relating to the display of no-smoking signs (Section 6(5) of the Health Act 2006).                                      | None |
| 4.3.54 | To enforce offences relating to smoking in smoke-free places (Section 7(4) of the Health Act 2006).   | None |
| 4.3.55 | To enforce the offence of failing to prevent smoking in smoke-free places (Section 8(4) of the Health Act 2006).                            | None |
| 4.3.56 | To transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)). | None |

### ***Waste***

|        |  |      |
|--------|--|------|
| 4.3.57 | <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</li> <li>• Part IIA Environmental Protection Act 1990</li> <li>• Part 1 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>• The Control of Pollution (Amendment) Act 1989</li> <li>• The Clean Neighbourhoods and Environment Act 2005</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 |
| 4.3.58 | <p>To exercise powers of entry, serve statutory notices, execute works in default and recover or apportion expenses in relation to the above powers.</p>   | None |
| 4.3.59 | <p>To issue fixed penalty notices for graffiti and fly posting under Section 43 of the Anti-Social Behaviour Act 2003.</p>   | None |
| 4.3.60 | <p>To serve graffiti removal notices under Section 43 of the Anti-Social Behaviour Act 2003.</p>   | None |
| 4.3.61 | <p>To stop and search any vehicle transporting controlled waste in contravention of the Control of Pollution (Amendment) Act 1989.</p>   | None |
| 4.3.62 | <p>Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal and to dispose of the vehicle in accordance with the provisions of the Control of Pollution Act 1989.</p>   | None |
| 4.3.63 | <p>To issue fixed penalty notices for leaving litter (under Section 88 of the Environmental Protection Act 1990).</p>  | None |
| 4.3.64 | <p>To remove and dispose of abandoned vehicles and recover the connected expenses under Section 3 – 5 of the Refuse disposal (Amenity) Act 1978.</p>   | None |
| 4.3.65 | <p>To remove and dispose of refuse on land under Section 6 of the Refuse Disposal (Amenity) Act 1978.</p>  | None |
| 4.3.66 | <p>To implement Part II of the Environmental Protection Act 1990 in relation to waste collection.</p>  | None |
| 4.3.67 | <p>To apply exceptions as set out in the waste collection policies.</p>  | None |
| 4.3.68 | <p>To determine whether a particular unadopted road shall be included in the contract for street cleansing.</p>  | None |

## **Highways**

|          |   |  |
|----------|---|--|
| 4.3.69   | To carry out the functions of the Council as Highway Authority, (including cycleways) and to be Proper Officer under the Highways Act 1980 including:-  | None   |
| 4.3.69.1 | Proposals affecting the local highway authority made under the Town and Country Planning Acts for the stopping up of public rights of way;  | None   |
| 4.3.69.2 | Agreements as to the execution of works under section 278 of the Highways Act 1980;   | None   |
| 4.3.69.3 | The exercise of the Council's functions under the private street works and advance payments codes;  | None   |
| 4.3.69.4 | Agreements for the adoption of highways under section 38 of the Highways Act 1980   | None   |
| 4.3.70   | To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the Traffic Management Act 2004 including the implementation and management of the Central Bedfordshire Permit Scheme (CBPS) and also its functions relating to road safety and on-street and off-street parking, including implementation of arrangements for civil parking enforcement. | Subject to there being no significant objections to the application, proposal or matter concerned  |
| 4.3.71   | To oversee and co-ordinate public/integrated transport issues as they affect the County and carry out the Council's functions in respect of public passenger transport services and passenger transport services for education and social services  | None   |
| 4.3.72   | To determine applications for temporary road closure orders in accordance with Section 21 of the Town Police Clauses Act 1847.  | Subject to consultation with the local ward Member(s) and Town/Parish Council if contactable in the case of any objection from Bedfordshire Police |

## **Leisure, Sports and Recreation**

### *Rights of Way*



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|--------|---|--|
| 4.3.73 | To carry out the functions of the Council in respect of public rights of way, including the exercise of the Council's powers and duties under the Wildlife and Countryside Act 1981, the Highways Act 1980, Sections 257, 258 and 261 of the Town and County Planning Act 1990 (including the maintenance, protection, enforcement, extinguishments, creation, diversion and modification of public rights of way) and the making of road traffic regulation orders in respect of public rights of way. | Subject to consultation with the relevant ward Member, and subject to the Head of Highways' power to authorise the making of orders in respect of public rights of way applying only in so far as no significant objection has been made to the application, proposal or matter concerned. |
|--------|---|--|

*Commons, Town and Village Greens and Play & Open Spaces*

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|--------|---|--|
| 4.3.74 | To manage the Council's play areas and open spaces and take any action which is deemed necessary to maintain a safe and usable environment. | None   |
| 4.3.75 | To carry out the functions of the Council in respect of commons, town and village greens, and the countryside.                              | Subject to prior consultation with the Monitoring Officer in so far as the functions relate to enforcement action and instituting legal proceedings. |

*Leisure and Recreation*

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|--------|--|--|
| 4.3.76 | To manage and regulate the Council's leisure and recreational facilities.                                  | None   |
| 4.3.77 | To approve expenditure up to the sum of £25,000 from the Profit Share Account for Council Leisure Centres. | In consultation with the relevant Executive Member |

*Grants*

|        |   |   |
|--------|---|---|
| 4.3.78 | To approve grant applications under the Council's grant aid schemes up to a maximum of £15,000, subject to the application being in accordance with the approved Council criteria relating to the relevant grant fund and to any grant being "one-off" with no recurring liability. | Subject to consultation with the relevant Executive Member. Those applications meeting the criteria and recommended for refusal to be submitted to the Executive. |
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### **Adult and Community Learning**

#### *Libraries and Museums*

|        |  |      |
|--------|--|------|
| 4.3.79 | To carry out the functions of the Council as Library and Museum authority, and generally act in relation to Libraries, Museums and associated cultural services. | None |
|--------|--|------|

#### *Archives and Records*

|        |   |      |
|--------|---|------|
| 4.3.80 | To carry out the Council's functions in relation to archives and records on accordance with the statutory framework provided by the Public Records Act 1958 s5. The Manorial Documents and Tithe Rules, Local Government (Records) Act 1962, Local Government Act 1972 s224-229, the Parochial Registers and Record Measure 1978 (amended 1992) and related statutes imposing record keeping and information access duties and obligations. | None |
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### **Property and Asset Management**

|        |  |      |
|--------|--|------|
| 4.3.81 | To undertake routine maintenance and updating of the "Market Conditions and Consent to Trade" document within agreed Council policies and budgets.   | None |
| 4.3.82 | To take operational decisions within agreed Council policies, budgets and the "Market Conditions and Consent to Trade" document.   | None |
| 4.3.83 | To have overall responsibility for the management and maintenance of any land or buildings, including agricultural landholdings, held for Council purposes having regard to service objectives and in the interests of the Council as a whole. | None |
| 4.3.84 | To manage any land and buildings not currently required for any of the Council's statutory functions.  | None |
| 4.3.85 | To accept, renew and vary contracts for maintenance and repair of all equipment and services within the  | None |

annual estimates.

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| 4.3.86 | To dispose of worn or obsolete plant or equipment in accordance with the Code of Procurement Governance and/or current inventory procedures, as appropriate.   | None  |
| 4.3.87 | To undertake maintenance, repairs and alterations in respect of the Council's operational property.  | None  |
| 4.3.88 | To let Council owned rooms and, where appropriate, waive or reduce charges in respect of Council bookings.   | None  |
| 4.3.89 | To authorise development and appropriation of land and buildings, subject to a maximum value in any case of £200,000 per annum (revenue) or £500,000 (capital).  | Subject to consultation with the relevant Executive Member and the ward Member(s)                   |
| 4.3.90 | To authorise the acquisition, disposal or variation of any estate or interest (together with licences and wayleaves) in any land and buildings subject to a maximum value in any case of £200,000 per annum or £500,000 (capital).     | Subject to consultation with the relevant Executive Member and the ward Members(s)                  |
| 4.3.91 | In accordance with the Corporate Property Assets Disposal and the delegated powers outlined in 4.2.54-81, to sell land surplus to requirements.  | Subject to approval of the relevant Executive member and after consultation with the ward Member(s) |
| 4.3.92 | To establish and maintain a corporate database of the Council's land and buildings, including details of liabilities, and to perform any responsibilities placed on the Council under the Local Government Planning and Land Act 1980. | None  |
| 4.3.93 | To take appropriate action on behalf of the Council with regard to rating issues, including the conduct of appeals.  | In consultation where appropriate with the Monitoring Officer.                                      |
| 4.3.94 | To determine and issue general guidelines to officers for the management of land resources and the maintenance of buildings.   | None  |

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| 4.3.95  | To certify or make arrangements for the certification of authorisation and identity cards and passes for officers and Members.   | None   |
| 4.3.96  | To let land and premises for not more than fifteen years in accordance with the approved Asset Management Plan.  | None   |
| 4.3.97  | To licence land and premises for not more than 364 days.   | None   |
| 4.3.98  | To deal with all matters in connection with the management and leasing/licensing of the Council's industrial land and premises in accordance with the Council's current Asset Management Plan.         | None   |
| 4.3.99  | To deal with all matters in connection with the management and leasing of the Council's Managed Workspace in accordance with the Council's current Asset Management Plan.                              | None   |
| 4.3.100 | To deal with all matters in connection with the management and leasing of the Council's retail premises in accordance with the Council's current Asset Management Plan.                                | None   |
| 4.3.101 | To enter into leases of land where the Council is to construct a public amenity or provide or reacquire the freehold of land.  | In consultation with the Monitoring Officer and relevant Executive Member. |
| 4.3.104 | 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.      | In consultation with the Monitoring Officer and ward members.              |
| 4.3.105 | To:  |  |
|         | 4.3.105.1 assess each application for release from restrictive covenants on its own merits;  |  |
|         | 4.3.105.2 negotiate compensation payable to the Council where such release is requested in order to facilitate speculative development or some other profit making exercise.                           |  |
| 4.3.106 | To exercise, at his/her discretion, the provisions of any authorised guarantee agreement, such provisions to always be enforced except where there are commercial or operational reasons not to do so. | None   |

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| 4.3.107 | To serve, at his/her discretion, the required legal notice (Section 17 Notice) on original tenants where the tenant (Assignee) is in arrears in order to protect the Council's rights to pursue original tenants for the debt if it is considered viable. | None |
| 4.3.108 | To negotiate the grant of wayleaves for the purposes of Town Centre Enhancement Schemes or Closed Circuit Television Schemes.   | None |
| 4.3.109 | To undertake maintenance, repairs and alterations in respect of the Council's non-operational property.   | None |
| 4.3.110 | To determine licences to erect and site public notice boards on Central Bedfordshire Council land throughout Central Bedfordshire.  | None |

***Business Continuity***

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|---------|--|--|
| 4.3.111 | Arrangements for business continuity within the Council. |  |
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**4.4 Director of Regeneration and Business**

Qualifications if any

***Economic Growth and Regeneration***

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|-------|---|------|
| 4.4.1 | To carry out the functions of the Council in relation to economic development and regeneration including tourism. | None |
|-------|---|------|

*Economic Growth*

- |       |   |      |
|-------|---|------|
| 4.4.2 | To carry out the functions of the Council concerning Regional, European and International issues and relationships and specifically the South East Midlands Local Enterprise Partnership. | None |
|-------|---|------|

*Planning and Development Strategy*

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|-------|---|--|
| 4.4.3 | To conduct surveys under Section 13 of the Planning and Compulsory Purchase Act 2004.   | In consultation with the relevant Executive Member |
| 4.4.4 | To prepare and approve development planning documents (including local plans, technical documents, background papers, Local Development Orders, and the Sustainability Appraisal/Strategic Environmental Assessment) for the purposes of public consultation and to vary such documents in the light of the outcome of public consultation. | In consultation with the relevant Executive Member |

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| 4.4.5  | To vary development planning documents in the light of technical advice.  | In consultation with the relevant Executive Member   |
| 4.4.6  | To make minor inconsequential changes to all development planning documents which do not affect the substance or meaning of those documents.  | In consultation with the relevant Executive Member   |
| 4.4.7  | To carry out the strategic functions of the Council as Planning Authority.  | None   |
| 4.4.8  | To respond to the local development documents of local planning authorities outside the Authority.  | None   |
| 4.4.9  | To agree the text of draft supplementary planning documents, and technical guidance, including planning and development briefs and frameworks, and Local Development Orders for the purpose of public consultation. | Following consultation with the relevant Executive Member and relevant ward Members (where site specific briefs produced). |
|        | 4.4.9.1 To prepare the draft Local Development Framework Annual Monitoring Report for the purposes of publication;  | In consultation with the relevant Executive Member   |
|        | 4.4.9.2 To designate Neighbourhood Planning Areas for the preparation of Neighbourhood Plans and Orders   | In consultation with the relevant Executive Member   |
| 4.4.10 | To prepare the Local Transport Plan and transport strategy documents for the purposes of public consultation.   | In consultation with the relevant Executive Member   |
| 4.4.11 | To prepare the Housing Strategy and associated strategy documents for the purposes of public consultation.  | In consultation with the relevant Executive Member   |
| 4.4.12 | To advise the Housing Corporation or the Government on the relative priorities of different client groups with housing needs and on priorities for bids from individual registered social landlords.                | None   |

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| 4.4.13 | To negotiate with the Housing Corporation or the Government on the level of grants or other resources offered in bids from registered social landlords to the Housing Corporation or the Government for the purpose of attracting additional grants or other resources. | None  |
| 4.4.14 | To prioritise bids for monies submitted by registered social landlords and determine the amount of grants or other resources available to support such bids.  | subject to consultation with the relevant Executive Member and any Key Decision being taken in accordance with the requirements of the Access to Information Procedure Rules after consultation with the relevant Executive Member(s) |
| 4.4.15 | Where a development scheme (through the enabling role) has been approved by the Executive, to take any necessary detailed action to enable the scheme to proceed, in circumstances where time is critical or a further report to the Executive would not be possible.   | after consultation with the relevant Executive Member(s)  |
| 4.4.16 | To certify claims for Housing Corporation funded schemes.   | None  |
| 4.4.17 | To carry out the functions of the Council with regard to environmental policy and sustainability.   | None  |
| 4.4.18 | To approve grants for town and parish plans up to £2,000 subject to the application being in accordance with the approved criteria and any grant being a one-off with no recurring liability.   | after consultation with the relevant Executive Member   |

#### Development Management

|        |   |                                  |
|--------|---|----------------------------------|
| 4.4.19 | To carry out the functions of the Council as the Waste and Minerals Planning Authority.   | None                             |
| 4.4.20 | To enforce provisions under Town and Country Planning Regulations in respect of minerals and waste management matters.  | None                             |
| 4.4.21 | To determine applications required under the Planning Acts and Statutory Instruments; and other planning matters (including applications for planning permission made under Regulation 3 of the Town and Country Planning General Regulations 1992), except where:- | As shown in 4.4.21.1 to 4.4.21.5 |

- 4.4.21.1 A ward member of the Council requests in writing, on an agreed pro-forma and supported by the planning reason(s), within 3 weeks of the application being registered, for it to be referred to a meeting of the Development Management Committee. The Member making a call-in is required to set out the planning reasons for the call-in on the proforma and speak about the reasons for the call-in at the Committee where the application may be considered<sup>1</sup>; None
- <sup>1</sup> A Member may withdraw a request by notifying the Assistant Director, Planning no later than six clear working days before the date of the Committee meeting.
- 4.4.21.2 It is proposed to grant planning permission for a **major development**<sup>2</sup> and:- None
- 4.4.21.2.1 a material planning representation(s) has been received in writing from Town and Parish Councils which has not been resolved by the Local Planning Authority through negotiation with the applicant and/or through the imposition of conditions; or None
- 4.4.21.2.2 the application or matter is considered to be a departure from the Development Plan; or None
- 4.4.21.3 The application (or matter) is made by or on behalf of, or involves in any capacity, any Member or senior officer of the Council (i.e. Head of Service, Assistant Director, Director or the Chief Executive) or officer in the Development Management Team; None
- 4.4.21.4 The Assistant Director, Planning considers it prudent to refer the application or matter to the Development Management Committee; or None



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| 4.4.21.5 | the application is made under Regulation 3 of the Town and Country Planning (General) Regulations 1992 or is for development on the Council's own land and in either case a material planning representation(s) has been received in writing that is contrary to the Officer delegated decision otherwise to be made and in the case of objections these cannot be resolved through the imposition of conditions. |  |
| 4.4.21.6 | The application is made under Regulation 4 of the Town and Country Planning (General) Regulations 1992.   |  |
|          | <sup>2</sup> The definition of "major development" shall be that used by the Department for Communities and Local Government in the General Development Control Return  |  |
| 4.4.22   | To determine (both approval and refusal of) applications or notices for:-   | As shown in 4.4.22.1 to 4.4.22.10, where appropriate |
| 4.4.22.1 | advertisement consent;  | None   |
| 4.4.22.2 | listed building consent, except that consent to demolish shall not be given until the Secretary of State has decided not to determine the application himself;  | None   |
| 4.4.22.3 | consent to cut down, uproot, top or lop trees protected by a Tree Preservation Order including the imposition of replanting conditions where appropriate;   | None   |
| 4.4.22.4 | notice for the felling of trees within a Conservation Area;   | None   |
| 4.4.22.5 | determinations as to whether prior approval is required for agricultural or forestry development under Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;   | None   |
| 4.4.22.6 | determination as to whether prior approval is required of certain developments by telecommunications  | None   |

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|           | code system operators under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations;   |  |
| 4.4.22.7  | determinations as to whether prior approval is required for the demolition of a building under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order and to approve or reject any details submitted in connection with such determinations;               | None   |
| 4.4.22.8  | prior approval of development under Part II of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such development;  | None   |
| 4.4.22.9  | determinations as to whether prior approval is required for toll road facilities on article 1(5) land under Part 30 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing and re-enacting that Order) and to approve or reject any details submitted in connection with such determinations; | None   |
| 4.4.22.10 | approval of reserved matters following an outline planning permission provided that they are in conformity with the outline permissions.   | None   |
| 4.4.23    | To determine non-material and minor amendments to permissions and other consents.  | None   |
| 4.4.24    | To determine applications by electricity, gas, water, telephone, broadcasting, cable and pipeline companies and agencies in respect of works.  | Subject to consultation with the Chairman of Development Management Committee and the local ward |

|        |   | Member(s), where appropriate.   |
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| 4.4.25 | To sign and serve building preservation notices.  | None  |
| 4.4.26 | To make or re-make Tree Preservation Orders and to sign relevant documents relating thereto.  | Any action under this delegation to be reported to Members for information.   |
| 4.4.27 | To revoke, vary, modify and confirm Tree Preservation Orders and to sign relevant documents relating thereto.   | 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. |
| 4.4.28 | To remove or obliterate unauthorised posters or placards and to serve any notice or make such enquiries as are specified in the relevant planning legislation.  | None  |
| 4.4.29 | To make determinations as to whether to authorise the removal of any important hedgerow, to serve Hedgerow Retention Notices and Hedgerow Replacement Notices under Article 5 and 8 of the Hedgerow Regulations 1997. | None  |
| 4.4.30 | To institute proceedings in the appropriate court in respect of the following:-   | Subject to the agreement of the Monitoring Officer.   |

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| 4.4.30.1  | the display of an unauthorised advertisement;  | None |
| 4.4.30.2  | unauthorised works to a listed building;   | None |
| 4.4.30.3  | non-compliance with an enforcement notice;   | None |
| 4.4.30.4  | non-compliance with a breach of condition notice;  | None |
| 4.4.30.5  | non-compliance with a Section 215 notice;  | None |
| 4.4.30.6  | not responding appropriately to a requisition for information under Section 330 of the Town and Country Planning Act 1990 or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;           | None |
| 4.4.30.7  | not responding appropriately to a Planning Contravention Notice;   | None |
| 4.4.30.8  | unauthorised works to a tree protected by a tree preservation order;   | None |
| 4.4.30.9  | wilful obstruction of a person acting in the exercise of powers of entry onto land;  | None |
| 4.4.30.10 | unauthorised works to a tree(s) in a conservation area;  | None |
| 4.4.30.11 | unauthorised works to a hedgerow;  | None |
| 4.4.30.12 | non compliance with a stop notice;   | None |
| 4.4.30.13 | non compliance with a listed building enforcement notice;  | None |
| 4.4.30.14 | non compliance with a hedgerow retention or removal notice;  | None |
| 4.4.30.15 | non compliance with hazardous substances contravention notice.   | None |
| 4.4.31    | To obtain a warrant for entry onto land, where admission to that land has been refused, contrary to powers of entry which apply, or where such a refusal is reasonably apprehended, or in the case of urgency. | None |

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| 4.4.32   | To investigate all breaches of control as defined in the relevant legislation and regulations relating to planning, listed buildings, conservation areas, tree preservation orders, hedgerows, advertisements and hazardous substances and to determine to take no further action on cases where the Assistant Director Development Management considers it not expedient to take action. | (i) Subject to the development in question not being clearly contrary to the policies of the Development Plan; or<br><br>(ii) Except where a Member has requested the breach of planning control to be referred to the Development Management Committee for decision |
| 4.4.33   | To institute legal proceedings seeking an injunction in respect of any breach of planning control.  | Subject to consultation with the Monitoring Officer  |
| 4.4.34   | To determine applications for certificates of Lawfulness of Existing Use or Development Certificates of Lawfulness of Proposed Use of Development.  | Subject to consultation with the Monitoring Officer  |
| 4.4.35   | To make any decision on ongoing actions or cases relating to any breach of control or serve a regulatory notice or initiate prosecution or legal proceedings seeking injunctions where prior consultation time does not permit.   | None   |
| 4.4.36   | To issue, serve or withdraw the following notices:-   | None   |
| 4.4.36.1 | a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990.<br>(Such delegation also is exercisable by all Development Management and Enforcement Planning Officers.)   | None   |
| 4.4.36.2 | a Notice under Section 330 of the Town and Country Planning Act 1990.<br>(Such delegation also is exercisable by all Enforcement Officers and those Planning Officers affiliated to the Enforcement Section.)   | None   |

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| 4.4.36.3  | a Notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.<br>(Such delegation also is exercisable by all Enforcement Officers and those Planning Officers affiliated to the Enforcement Section.) | None  |
| 4.4.36.4  | Enforcement notice under Section 172 of the Town and Country Planning Act 1990.  | Subject to prior consultation with the Monitoring Officer |
| 4.4.36.5  | Breach of Condition Notice under Section 187A of the Town and County Planning Act 1990.  |   |
| 4.4.36.6  | Stop Notice under Section 172 of the Town and Country Planning Act 1990.   |   |
| 4.4.36.7  | A Notice under Section 215 of the Town and Country Planning Act 1990.  |   |
| 4.4.36.8  | Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  |   |
| 4.4.36.9  | An Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  |   |
| 4.4.36.10 | A Tree Replacement Notice under Section 207 of the Town and Country Planning Act 1990.   |   |
| 4.4.36.11 | A Hazardous Substance Contravention Notice under Section 24 of the Planning (Hazardous Substances) Act 1990.   |   |
| 4.4.37    | To formulate and notify views on behalf of the Council in relation to:-  | None  |
| 4.4.37.1  | notices of proposed development by the Crown and Government Departments under Department of the Environment Circular No.18/84;   | None  |
| 4.4.37.2  | proposals by other organisations which benefit from deemed approval where comments/views are sought;   | None  |
| 4.4.37.3  | applications to the Traffic Commissioners in relation to the licensing of heavy goods  | In consultation with the elected                          |

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|          | vehicles operating centres;   | ward Member(s) whenever possible                      |
| 4.4.37.4 | consultations by adjoining Councils for planning and other applications on land adjoining this district.  | None  |
| 4.4.37.5 | consultations by the Planning Inspectorate for Development Consent Orders.  | After consultation with the relevant Executive Member |
| 4.4.38   | To determine 'screening opinions' as to the need for the submission of Environmental Impact Assessments under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and subsequent 'scoping opinions'.   | None  |
| 4.4.39   | To determine the appropriate fee due in respect of applications made in accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations.  | None  |
| 4.4.40   | To decide whether or not to advertise applications (subject to statutory requirements).   | None  |
| 4.4.41   | To determine the extent of consultations and neighbour notifications necessary and reasonable (subject to statutory requirements).  | None  |
| 4.4.42   | To prepare for consultation and subsequently approve the Local Validation Checklist.  | After consultation with the relevant Executive Member |
| 4.4.43   | To decide whether or not representations received constitute valid planning objection or support.   | None  |
| 4.4.44   | To decline to determine repetitive planning applications in accordance with Sections 70A, 70B and 70C of the Town and Country Planning Act 1990.  | None  |
| 4.4.45   | To treat applications as having been disposed of under the provisions of Article 25 (11) (a-d) of the Town and Country Planning (General Development Procedure) Order 1995, where appropriate under the Order and notwithstanding the requirements of the Scheme of Delegation as to the description of application (or previous resolution of the Development Management Committee) to determine such application where a period of six months have elapsed without constructive | None  |

written communication from the applicant following such Committee determination.

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| 4.4.46 | To determine all applications for Hazardous Substances Consent submitted in accordance with Section 7 of the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 1992.  | None  |
| 4.4.47 | To make application to the appropriate court of jurisdiction.  | In consultation with the appropriate ward Member (if available) and by instructing the Monitoring Officer |
| 4.4.48 | To take action under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 to deal with dangerous trees.  | None  |
| 4.4.49 | To authorise persons:-   | None  |
|        | 4.4.49.1 to enter land and/or premises in the discharge by the Authority of its functions under the Town and Country Planning legislation (being the consolidating Acts as defined by the Planning (Consequential Amendments) Act 1990 and any subordinate legislation thereunder);  |   |
|        | 4.4.49.2 and in the course of such entry carry out investigation or examination and to take such documents, copies of records, samples, measurements, photographs, recordings or other observations and to require records kept by means of a computer to be produced in a form in which they can be taken away as are relevant and which the Authority has the power to take. |   |
| 4.4.50 | To issue temporary Stop Notices under the provisions of Section 171E to 171H of the Town and Country Planning Act 1990.  | Following prior consultation with the Monitoring Officer  |
| 4.4.51 | To determine complaints which arise under the High Hedges legislation (Part 8 of the Anti Social Behaviour Act 2003).  | Complaints which, in the opinion of the Assistant   |



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|        |   | Director, Planning<br>raise wider<br>neighbourhood<br>issues or are<br>locally sensitive,<br>shall be referred<br>to the<br>Development<br>Management<br>Committee |
| 4.4.52 | To prepare and present evidence in relation to any appeal to the Secretary of State against the refusal or non-determination of an application required under the Planning Acts and Statutory Instruments, or, against the imposition of conditions in relation to the grant of a planning permission for any such application and in connection with any appeal against enforcement proceedings. | The non-determination of a 'major' application to be reported to the Development Management Committee  |
| 4.4.53 | To institute legal proceedings in respect of contravention of any of the legislation referred to in the delegations above.  | After consultation with the Monitoring Officer   |
| 4.4.54 | To approve any matters reserved for the subsequent approval of the Council in planning permissions previously granted by the Council with or without conditions in any case.  | None   |
| 4.4.55 | To negotiate and enter into agreements or obligations under Section 106 of the Town and Country Planning Act 1990 and to implement the provisions of such agreements, including the disposal and management of land and monies.   | In consultation with the Monitoring Officer except as may be otherwise indicated by the Development Management Committee   |
| 4.4.56 | To issue any notice, in consultation with the Monitoring Officer, necessary to give effect to any resolution of the Development Management Committee or the above delegations.  | None   |

***Building Control***

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| 4.4.57 | To institute proceedings in relation to routine contraventions of Building Regulations.   | None |
| 4.4.58 | To take decisions on applications for approval under building regulations and serving notices under Section 16 and all other relevant sections of the Building Act 1984 (including enforcement) and the supervision of plans and work by approved inspectors under Sections | None |

47 to 53 of the Building Act 1984.

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| 4.4.59   | To take decisions on all applications for the relaxation of Building Regulations.  | None |
| 4.4.60   | To take all necessary action, including the serving of notices, under Sections 77, 78, 79, 80 and 81 of the Building Act 1984 in relation to dangerous structures and demolitions. | None |
| 4.4.61   | To authorise persons to:-  | None |
| 4.4.61.1 | enter land and/or premises in pursuance of the discharge of functions of the Authority, where statutory powers of entry apply; and   | None |
| 4.4.61.2 | enter land and/or premises under Section 95 of the Building Act 1984;  | None |
- and to apply for a warrant of entry where appropriate.

### ***Street Naming and Numbering***

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|--------|---|---|
| 4.4.62 | To name new roads.                                    | Subject to consultation with the relevant Executive Member where agreement cannot be reached between the developers and the appropriate Parish/Town Council |
| 4.4.63 | To number and re-number houses as and when necessary. | None  |

### ***Drainage***

- |        |  |      |
|--------|--|------|
| 4.4.64 | To undertake maintenance or minor improvements to any drains and watercourses in respect of which the Authority has power or functions.              | None |
| 4.4.65 | To exercise functions of the Authority in relation to the requirements of the Flood and Water Management Act 2010.                                   | None |
| 4.4.66 | To exercise the functions of the Authority in relation to watercourses, culverts and ditches under Section 259 to 265 of the Public Health Act 1936. | None |

Historic Building Grants

4.4.67 To approve the making of an offer of grant towards the cost of repairs to an historic building, where the application is in full compliance with the operating criteria of the relevant Grant Aid Scheme and where the Council's Conservation Officer supports the application None

*Highways*

4.3.68 To determine applications for temporary road closure orders in accordance with Section 21 of the Town Police Clauses Act 1847. Subject to consultation with the local ward Member(s) and Town/Parish Council if contactable in the case of any objection from Bedfordshire Police

*Adult Learning*

4.3.69 To carry out the functions of the Council as a local education authority in relation to adult learning and further education including the functions set out in:- None

- 4.3.70
- Section 120 (3) of the Education Reform Act 1988 (functions of LEAs with respect to higher and further education);
  - Sections 85 (2) and (3) of the Further and Higher Education Act 1992 (finance and government of locally funded further and higher education)
  - Section 15B of the Education Act 1996 or section 23 of the Learning and Skills Act 2000 (education for persons who have attained the age of 19)
  - Section 22 of the Teaching and Higher Education Act 2006 (financial support to students).

| 4.5    | Director of Children's Services   | Qualifications (if any) |
|--------|---|-------------------------|
| 4.5.1  | To be the Council's statutory director of Children's Services under section 18(1) of the Children Act 2004.   | None                    |
| 4.5.2  | To carry out the functions of the Council as a Children's Services Authority including those functions referred to in Section 18 of the Children Act 2004 (as amended from time to time).   | None                    |
| 4.5.3  | To carry out the functions of the Council which are social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) so far as they relate to children.  | None                    |
| 4.5.4  | To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.  | None                    |
| 4.5.5  | To carry out the functions of the Council under sections 10 to 12 and 17 of the Children Act 2004 (as amended from time to time). (Arrangements to safeguard and promote the welfare of children; and Children and Young People's Plans.)   | None                    |
| 4.5.6  | To carry out the functions of the Council as an Adoption Agency.  | None                    |
| 4.5.7  | To carry out the functions of the Council under sections 23C to 24D of the Children Act 1989 (as amended from time to time). (After care arrangements, etc.)  | None                    |
| 4.5.8  | To carry out the functions of the Council in relation to Early Years/Surestart.   | None                    |
| 4.5.9  | To carry out the functions of the Council in relation to the Youth Offending Services.  | None                    |
| 4.5.10 | To carry out the functions of the Council as the Local Education Authority including the functions of the Council relating to child employment and the youth service, and functions relating to adult learning and further education, set out in the Section 18(3) of the Children Act 2004 (as amended from time to time). | None                    |

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| 4.5.11 | To be responsible for the administration and planning of the review of organisation of schools within the area.  | None  |
| 4.5.12 | To exercise the Council's functions relating to the publication of statutory notices for prescribed alterations to schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts.  | <p>Subject to consultation with the Executive Member for Education and Skills</p> <p>To take particular account of:</p> <ul style="list-style-type: none"> <li>• statutory and non-statutory guidance and the key factors for decision makers</li> <li>• the Admissions Code</li> <li>• full consideration of the budget implications.</li> </ul> |
| 4.5.13 | To be responsible for the administration and planning of the 14-19 Commissioning process including the administration and allocation of funding to commissioned post 16 Education and Skills providers in accordance with the functions transferred from the Learning and Skills Councils to the Local Authority.  | In consultation with the relevant Executive Member  |
| 4.5.14 | To respond to consultation from the Department of Education in relation to setting up Free Schools.  | Subject to consultation with the relevant Executive Member and the local ward Member/s  |
| 4.5.15 | To exercise the Council's functions relating to the modification of previously determined statutory proposals for prescribed alterations and/or for the establishment and discontinuance of schools maintained by the Council in accordance with the relevant provisions of the Education and Inspections Act 2006, the School Standards and Framework Act 1998 and Regulations made under those Acts. | <p>Subject to consultation with the relevant Executive Member and the Monitoring Officer, to take particular account of:</p> <ul style="list-style-type: none"> <li>• statutory and non-statutory guidance</li> <li>• the Admissions Code</li> <li>• full consideration of the budget implications.</li> </ul>                                    |

| 4.6                      | Director of Social Care, Health and Housing  | Qualifications (if any)                                    |
|--------------------------|--|--|
| 4.6.1                    | To be the Council's Statutory Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.  | None   |
| <i>Commissioning</i>     |  |  |
| 4.6.2                    | To carry out the functions of the Council in relation to Adult Social Services and Social Care including all social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) so far as they relate to adults.                        | None   |
| 4.6.3                    | To be the principal point of contact for the conduct of business with the health service sector and carry out the functions of the Council under the Health Act 1999 and any other health legislation (as amended from time to time) so far as these functions relate to adults. | None   |
| <i>Procurement</i>       |  |  |
| 4.6.4                    | To manage the Council's procurement function, including the implementation of the Corporate Procurement Strategy, once adopted.  | None   |
| 4.6.5                    | To review and approve detailed operational procurement procedures and ensure these implement the Council's Code of Procurement Governance as set out in <u>Part 4J</u> <del>Part 13</del> of the Constitution.   | Subject to consultation with the relevant Executive Member |
| <i>Adult Social Care</i> |  |  |
| 4.6.6                    | To exercise the functions of the Authority under the Housing Grants, Construction and Regeneration Act 1996, including any regulations made under it, and all other enabling powers, in relation to ensuring access and adaptations for those with disabilities.                 | None   |
| <i>Housing Services</i>  |  |  |
| 4.6.7                    | To operate the Council's Mortgage Rescue Scheme.   | In consultation with the Chief Finance Officer             |

### *Local Authority Housing*

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| 4.6.8    | To exercise the functions of the Authority as a Local Housing Authority under Parts II and XVIII of the Housing Act 1985, Part VI of the Local Government and Housing Act 1989 and Parts V and VI of the Housing Act 1996, any regulations made under them and all other enabling Powers, in relation to Authority owned dwellings and estates. | None   |
| 4.6.9    | To exercise the functions of the Authority in relation to dwellings owned by the Authority but not held under Part III of the Housing Act 1985.   | None   |
| 4.6.10   | To implement future rent increases in respect of Council properties in line with the Government's national rent setting framework.  | In consultation with the relevant Executive Member |
| 4.6.11   | To exercise the following functions of the Authority:-  |  |
| 4.6.11.1 | Authorising the granting and allocation of tenancies and leases in accordance with the Council's current policies;  | None   |
| 4.6.11.2 | Approving rents in specific cases;  | None   |
| 4.6.11.3 | Serving notice to quit or seeking possession;   | None   |
| 4.6.11.4 | Maintaining properties and estates;   | None   |
| 4.6.11.5 | Consenting to the assignment of a tenancy;  | None   |
| 4.6.11.6 | Agreeing mutual exchanges;  | None   |
| 4.6.11.7 | Permitting any works or other thing in respect of which a tenant requires the approval of the Authority under the terms of a tenancy or lease;  | None   |
| 4.6.11.8 | Making payments for removal expenses or for compensation for improvements of disrepair;   | None   |

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| 4.6.11.9  | Taking action under Sections 1 and 115 of the Crime and Disorder Act 1998 and Part V, Chapter III of the Housing Act 1996 and Anti-Social Behaviour Act 2003 (anti-social behaviour) in so far as such action relates to council housing; | In consultation with the Assistant Director Environmental Services. |
| 4.6.11.10 | Taking action to secure the eviction of trespassers; and  | None  |
| 4.6.11.11 | Undertaking such consultation with tenants as he/she considers necessary.   | None  |
| 4.6.12    | To amend the Council's Housing Allocation Scheme from time to time, in accordance with Part VI of the Housing Act 1996, to allow appropriate allocations to specialised developments such as Key Worker Schemes.                          | None  |
| 4.6.13    | To implement measures which will increase the energy efficiency of the housing stock under the Home Energy Conservation Act 1995.   | None  |
|           | <i>Right to Buy</i>   |   |
| 4.6.14    | To determine the eligibility of prospective purchasers as to their right to buy.  | None  |
| 4.6.15    | To exercise all functions of the Authority as landlord in respect of leases that have been sold under the Right to Buy including:-  | None  |
| 4.6.15.1  | Agreeing variations to the terms of the lease;  |   |
| 4.6.15.2  | Permitting any works or other thing in respect of which a lessee requires the approval of the Authority under the terms of a lease.   |   |
| 4.6.16    | To determine requests from the owners and lessees of Right to Buy properties to let dwellings.  | None  |



- 4.6.17 To agree the imposition, variation and release of restrictive covenants relating to future and past sales of Council dwelling houses, having regard to any relevant policy. None

*Registered Social Landlords*

- 4.6.18 To exercise the functions of the Authority under Part 1 of the Housing Act 1996 in relation to registered social landlords. None
- 4.6.19 To approve the purchase of properties from private owners and the re-sale of those properties onto willing Registered Social Landlords. Subject to consultation with the relevant Executive Member and local ward Members, where appropriate. Such expenditure to be in accordance with the approved Capital Programme provision, and any criteria relating thereto, for such purchases

*Caravan Sites and Control of Development Act 1960*

- 4.6.20 To issue licences and exercise powers and enforce requirements in relation to powers provided by the Caravan Sites and Control of Development Act 1960 to the extent that the Council is the relevant authority. None
- 4.6.21 To license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936. None
- 4.6.22 To exercise the functions of the Authority in relation to management of the Authority's sites for travellers. None

*Unauthorised Campers*

- 4.6.23 To direct unauthorised campers to leave land in accordance with Section 77 of the Criminal Justice and Public Order Act 1994. None

- 4.6.24 To investigate and institute proceedings for offences of harassment and illegal eviction under the Protection from Eviction Act 1977. None

*Housing Welfare and Support*

- 4.6.25 To carry out the functions under the Chronically Sick and Disabled Persons Act 1970 so far as they relate to adults. None
- 4.6.26 To carry out the functions of the Council in relation to Supporting People. None

*Homelessness*

- 4.6.27 To exercise the Authority's responsibilities for homeless people, including the Authority's functions under Part VII of the Housing Act 1996 and the Homelessness Act 2002 and determining applications for assistance. None
- 4.6.28 To determine appeals under Part VII of the Housing Act 1996 in accordance with the prescribed review procedures. None

*Private Sector Housing*

- 4.6.29 To exercise the functions of the Authority under Chapters 1, Part I of the Housing Act 2004 to review housing conditions in the area. None
- 4.6.30 To exercise the functions of the Authority under the Housing Act 2004, Chapters 2 and 5 of Part I and Part VII and all other enabling powers, in relation to improvement notices, prohibition orders and hazard awareness notices. None
- 4.6.31 To exercise the functions of the Authority under the Housing Act 2004, Chapters 1 and 5 of Part I and Part VII and all other enabling powers in relation to the taking of emergency measures in relation to housing conditions. None
- 4.6.32 To authorise the making and varying of Demolition Orders under Sections 270 to 274 of the Housing Act 1985 and all other enabling powers and securing compliance with them. None

|          |  |  |
|----------|--|--|
| 4.6.33   | To exercise the functions of the Authority under Part X of the Housing Act 1985 and Part IV, Chapter 3 of the Housing Act 2004 in relation to overcrowding.  | None   |
| 4.6.34   | To exercise the functions of the Authority in relation to houses in multiple occupation under the Housing Act 2004, Part II, Chapter 3 of Part IV and Part VII and any other enabling powers including:- | None   |
| 4.6.34.1 | operating a Licensing Scheme for houses in multiple occupation in accordance with Part 2 of the Housing Act 2004; and  | None   |
| 4.6.34.2 | approving an additional licensing scheme for houses in multiple occupation not subject to mandatory licensing in accordance with Part 2 of the Housing Act 2004.   | After consultation with stakeholders <sup>(1)</sup> and the relevant Executive Member. Approval of appropriate national body <sup>(2)</sup>  |
|          |  | (1) Sections 56 (3) (a) & (b), Part 2 of the Housing Act 2004 requires that the Council take reasonable steps to consult persons who are likely to be affected by the additional licensing and consider their representations. |
|          |  | (2) Section 58 (1), Part 2 of the Housing Act 2004 requires the approval of the appropriate national authority.  |

- |        |  |   |
|--------|--|---|
| 4.6.35 | To exercise the functions of the Authority in relation to interim and final management orders under the Housing Act 2004, Chapter 1 of Part IV and Part VII and any other enabling powers.   | None  |
| 4.6.36 | To exercise the functions of the Authority in relation to interim and final managements orders in relation to empty homes under the Housing Act 2004, Chapter 2 of Parts IV and VII and any other enabling powers.   | After consultation with the relevant Executive Member |
| 4.6.37 | To exercise the functions of the Authority under Parts XIV to XVI of the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996 including any regulations made under them and all other enabling powers in respect of grants and loans for the renewal of private sector housing. | None  |
| 4.6.38 | To exercise the functions of the Authority under the Protection from Eviction Act 1977, the Protection from Harassment Act 1997 and all other enabling powers.   | None  |
| 4.6.39 | To exercise the functions of the Authority under the Landlord and Tenant Act 1985 (landlord's obligations etc).  | None  |
| 4.6.40 | To exercise the functions of the Authority in relation to the provision of advice in connection with housing and the prevention of homelessness.   | None  |

## 4.7 Director of Public Health

- |       |  |      |
|-------|--|------|
| 4.7.1 | To exercise the Council's functions under sections 2B (functions as to the improvement of public health), 6C(1) and (3), 7A (exercise of the Secretary of State's public health functions), 111 (dental public health), 249 (joint working with the prison service) and Schedule 1 of the National Health Service Act 2006.  | None |
| 4.7.2 | To exercise the Council's functions that relate to planning for, or responding to, emergencies involving a risk to public health.  | None |
| 4.7.3 | To exercise the Council's functions under section 325 of the Criminal Justice Act 2003 (assessing the risks of sexual and violent offenders).  | None |
| 4.7.4 | To exercise such other functions relating to public health as may be prescribed by the Secretary of State, including those functions under the Licensing Act 2003 that are prescribed by the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012. | None |

## SCHEME OF DELEGATION TO OFFICERS

### CODE OF PRACTICE GOVERNING DECISIONS DELEGATED TO DIRECTORS IN CONSULTATION WITH EXECUTIVE MEMBERS OR CHAIRMEN OF COMMITTEES (INCLUDING URGENCY DECISIONS)

#### 1. Introduction

- 1.1 This Code outlines the procedures which must be followed by all Directors when taking decisions following consultation with chairmen of committees or Executive Members.
- 1.2 Any questions on the use of procedures should initially be addressed to the Monitoring Officer.

#### 2. Application

- 2.1 The Code applies to:-

- 2.1.1 Decisions which need to be taken on **urgency grounds**.

*(NOTE: The Council's Scheme of Delegation enables a Director after consultation with an Executive Member or the chairman of the relevant committee to act on behalf of the Council where the decision could be taken by the Executive or the committee and which on grounds of urgency needs to be taken before the next meeting of the Executive or the committee. Officers should undertake proper planning to ensure that, wherever possible, decisions can be taken in a timely manner by the Executive or appropriate committee. The Council therefore expects that this procedure will only be used in exceptional circumstances in cases of genuine urgency and the grounds for that urgency must be specified in Part D of the approved form.*

- 2.1.2 Decisions on which the Director has been specifically authorised to act by the Executive or committee following consultation with the Executive Member or committee chairman.

- 2.2 The Code does NOT apply to decisions upon which a Director is himself/herself authorised to act either in accordance with the Council's Scheme of Delegation to Directors or within a specific authority given by the Executive or a committee.

#### 3. Procedure

- 3.1 The Director must first satisfy him/herself that the decision which he/she intends to take falls within one of the categories listed in paragraph 2.1. He/she should also consult any other Director who has responsibilities in relation to the matter to be decided.

- 3.2 The Director will then approach the Executive Member or chairman, specifying the intended decision. This may be done in writing, telephone contact or in person. The views of any other Director, as mentioned in paragraph 3.1 should be drawn to the Executive Member or chairman's attention.
- 3.3 If the Executive Member or chairman is in agreement with the proposed decision, the Director should record his/her consultation and decision on the approved form and forward two copies to the Monitoring Officer.

#### **4. Reference to Executive Member or Chairman**

- 4.1 References in this Code to an Executive Member are to the person appointed to serve as a member of the Executive in accordance with Part 3A-Part C3 of the Constitution.
- 4.2 References in this Code to the chairman of a committee are to the person elected by the Council for the ensuing year (as per Part 4A-Part B5 (Council Procedure Rules) Rule 2.5).

#### **5. Decisions taken by Directors after Consultation with the Executive Member/Chairman**

- 5.1 The Monitoring Officer shall keep a register of all decisions taken by Directors after consultation with Executive Members or the Chairman of a Committee and to enable this register to be maintained two copies of each decision taken by Directors, as recorded on the approved form, will be forwarded to the officers responsible for the register (para 3.3 refers).

| <b>Memo</b>                       |                    |                                   |  |
|-----------------------------------|--------------------|-----------------------------------|--|
| <b>To:</b>                        | Monitoring Officer | <b>From:</b>                      |  |
| <b>Location:</b>                  |                    | <b>Location:</b>                  |  |
| <b>Services/<br/>Directorate:</b> |                    | <b>Services/<br/>Directorate:</b> |  |
| <b>Copy to:</b>                   |                    | <b>Telephone:</b>                 |  |
| <b>Ref:</b>                       |                    | <b>Ref:</b>                       |  |
| <b>Date:</b>                      |                    |                                   |  |

| <b><u>DECISIONS DELEGATED TO DIRECTORS</u></b>   |
|--|
| <p>I have consulted the Executive Member for ..... /Chairman of the .....Committee *on the following matter, with the result recorded at F below</p> <p>* please delete as appropriate</p> |
| <p><b>A. SUBJECT MATTER</b></p>  |
| <p><b>B. DECISION/OR INTENDED DECISION</b></p>   |
| <p><b>C. BASIS OF DECISION (GIVING FULL SUPPORTING EVIDENCE)</b></p>   |



**D. AUTHORISATION**

**A decision by the Director is authorised:**

(a) because it is a matter of immediate urgency, the grounds of urgency being as follows:-

or

(b) because the Director was authorised by the Executive/committee to take the decision by minute number..... of the Executive/committee.

AND

the Executive/committee/ Executive Member had delegated power to deal with the matter under paragraph.....on page.....of the Council’s constitution.

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**E. BUDGET IMPLICATIONS**

**There are/are not\* any additional capital or revenue budget implications in the current or future years arising from the decision (in the event of budgetary implications please specify)**

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**F. RESPONSE OF THE EXECUTIVE MEMBER/CHAIRMAN**

The following Executive Member/Chairman of the committee has agreed with the proposed decision:

Councillor ..... \*

Since the Executive Member/Chairman of the committee\* was in favour of the proposed decision, it has now been taken and is being acted upon.

Signature of Relevant Director .....

Director of (please print) .....

\*please delete as appropriate