

**PART 3**

**RESPONSIBILITY FOR FUNCTIONS**

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RESPONSIBILITY FOR FUNCTIONS

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3 RESPONSIBILITY FOR CABINET FUNCTIONS

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Leader of the Council  
Cabinet Members

Note: The functions and responsibilities shall be construed with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and all subsequent amendments to the Regulations (referred to as the Functions Regulations)

**PART 3 – Section 1 - Responsibility for Local Choice Functions**

Function	Decision Making Body	Delegation of Functions
Appeals against disciplinary action against Chief Officers and appeals in respect of dismissals for Heads of Service and the Assistant Chief Executive	Disciplinary and Grievance Appeals Committee	Officers as set out in Part 3
Functions relating to contaminated land under the Environmental Protection Act 1990	Cabinet	Officers as set out in Part 3
Functions relating to the control of pollution or the management of air quality	Cabinet	Officers as set out in Part 3
Service of an abatement notice in respect of a statutory nuisance	Cabinet	Officers as set out in Part 3
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	None
Inspection of the Authority's area to detect statutory nuisances	Cabinet	Officers as set out in Part 3
Investigation of complaints as to the existence of statutory nuisances	Cabinet	Officers as set out in Part 3
Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Officers as set out in Part 3
Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land	Cabinet	Officers as set out in Part 3
Appointments to Outside Bodies in relation to Executive functions and revocation of such appointments	Council	
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	Cabinet	Officers as set out in Part 3

**PART 3 – Section 2 – Responsibility for Council Functions**

Council/ Committee/Panel	Functions	Delegation of Functions
Council	Making and amending Standing Orders, Contract and Financial Procedure Rules	None
	Appointment of Staff	Appointment of Chief Executive is reserved to full Council. Appointment of other staff – delegated to officers as set out in Part 3.
	Designation of officers as the Monitoring Officer and Section 151 Officer	None
	Determining the scheme for Members allowances	None
	Decisions on delegation of non-executive functions to other local authorities	None
	Appointment of the Proper Officer for Public Health	None
	Making appointments to outside bodies in relation to non-Executive functions	None
Planning Committee	Functions relating to town and country planning and development control as specified in Schedule 1 Part A to the Functions Regulations.	Officers as set out in Part 3
	Imposing such conditions, limitations, restrictions or other terms as it considers appropriate on any approval, consent, licence, permission or registration granted in the exercise of the functions set out above.	Officers as set out in Part 3
	In respect of the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee (or by an officer acting under delegated powers) or any failure to comply with a condition, limitation or terms to which any such approval, consent, licence, permission or registration is subject	Officers as set out in Part 3
	Powers relating to the protection of important hedgerows and the preservation of trees	Officers as set out in Part 3
	Functions relating to high hedges under the Anti-social Behaviour Act 2003	Officers as set out in Part 3
	Local List of Building of Architectural or Historical Interest	None

Council/ Committee/Panel	Functions	Delegation of Functions
Employment Committee	Responsible for making appointments to all posts below Chief Officer which are not within the remit of the Appointments Sub-Committee, including deciding the salary and the terms and conditions of employment of such.	Chief Executive and officers in Part 3
	Determining the terms and conditions of employment of employees including Policies relating to employment including code of conduct, disciplinary, attendance management etc. Approving revised structures within a department for which budget provision has been made but which fall outside officer delegations, provided that any restructuring across departments shall be referred to Council for approval.	Officers as set out in Part 3
	Flexible retirement/redundancy	Chief Executive/Chief Operating Officer
	Approval and monitoring of health, safety and welfare policy	Policy approved by Committee Protocols, procedures and guidance delegated to officers
	Functions relating to Local Government Pensions etc., for all employees under Regulations made under Sections 7, 12 or 24 of the Superannuation Act 1972.	Assistant Director Finance & Commissioning (S151)
	Pensions	Chief Executive/Chief Operating Officer
	Authorisation of Officers	Chief Executive
	Proper Officer appointment	Chief Executive
	Power to pay appropriate expenses duly incurred by the Returning Officer in the organisation of all elections, polls, referenda in accordance with nationally determined fees and charges or in accordance with rates of pay agreed by Staffordshire County Council	Chief Executive
Council/ Committee/Panel	Functions	Delegation of Functions
Regulatory and Licensing Committee/ Licensing Sub-Committee	Functions relating to the licensing and registration of taxis, gaming, entertainment, food, licensing activities under the Licensing Act 2003, and miscellaneous matters as set out in Part B of Schedule 1 to the Functions Regulations	Officers as set out in Part 3 Licensing Act 2003 – see Appendix A Gambling Act 2005 – see Appendix B
	Functions relating to health and safety under any “relevant statutory provisions” within the meaning of Part I of the Health and Safety at Work etc., Act 1974, to the extent that these functions are discharged otherwise than in the Council’s capacity as	Officers as set out in Part 3

	employer.	
	Health Act 2006 functions	Officers as set out in Part 3
	Determining the amount of any charge to be made for any application for approval, consent, licence, permit or registration within the terms of reference of the Committee.	Officers as set out in Part 3
	In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Officers as set out in Part 3
	Functions relating to public rights of way – Part D Functions Regulations	Officers as set out in Part 3
	To carry out all functions within Schedule 1 to the Functions Regulations if not specified elsewhere in the Constitution	None
	To exercise the powers and duties of the Council pursuant to the Clean Neighbourhoods and Environment Act 2005 or subsequent legislation which may not be the responsibility of a Member of the Cabinet including the institution of legal proceedings	Officers as set out in Part 3
	To consider and determine appeals in respect of: traffic orders, hackney carriage and private hire licences, or any other licence, permit or consent and determine bids for street trading events within the remit of the Regulatory and Licencing Committee.	Licensing Sub-Committee
	Functions relating to elections and parishes – Functions Regulations	Chief Executive
<b>Council/ Committee/Panel</b>	<b>Functions</b>	
Overview and Scrutiny Committee	As set out in Part 2 Article 6 of the Constitution	
Audit and Member Standards Committee	<b>Audit Activity:</b> to consider internal and external audit plans and make recommendations thereon; to consider any reports relating to the management or arrangements for the provision of the internal audit service and make recommendations thereon; to comment on the scope and depth of internal and external audit work and to ensure it gives value for money; to consider a quarterly summary of internal audit work, recommendations made and performance and make recommendations thereon; to consider the annual internal audit report and opinion and a summary of audit activity and the level of assurance it can give over the Council's corporate governance arrangements and make recommendations thereon; to consider external audit reports and make recommendations thereon; to approve arrangements for appointment of the Council's External Auditor; to commission work from internal and external audit; to monitor the effectiveness of the control environment including the arrangements for ensuring value for money and for managing the authority's exposure to the risks of	

	<p>fraud and corruption. In respect of this, to consider the external audit opinion on value for money;; to review the authority's fraud risk profile; to review the annual counter fraud plan of activity; and to monitor performance of the counter-fraud function.</p>	
	<p><b>Regulatory Framework:</b> to maintain an overview of the Council's Constitution in respect of contract procedures, financial regulations and to review the adequacy of policies and practices to comply with statutory requirements and guidance; to review the Council's Annual Governance Statement and to bring any matters to concern to the attention of the Council; to review the Treasury Management Strategy; to review any issues referred to it by the Chief Executive, Chief Finance Officer, Monitoring Officer in connection with their statutory duties or by any other Council body; to monitor the effective development and operation of risk management and corporate governance and make recommendations thereon; to review and recommend appropriate development of policies on raising concerns at work and the anti-fraud and anti-corruption strategy; to monitor and advise the Council on its Confidential Report Code "Whistleblowing Policy"; to consider the Council's compliance with its own and other published standards and controls including its corporate governance arrangements; duty to make arrangements for proper administration of financial affairs etc as required by Section 151 Local Government Act 1972 (or subsequent legislation); duty to approved authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be) as required by the Accounts and Audit Regulations.</p>	
	<p><b>Accounts:</b> to review the annual statement of accounts – specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council; to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p>	
	<p>To promote and maintain high standards of conduct by Councillors (including Parish Councillors)</p>	<p>Monitoring Officer</p>
	<p>To advise the Council and the Parish Councils on the adoption or revision of their Member Code of Conduct</p>	<p>Monitoring Officer</p>
	<p>To advise the Council and the Parish Council on the operation of the Member Code of Conduct</p>	<p>Monitoring Officer</p>
	<p>To monitor that such Member Codes of Conduct have been adopted by the Council and the Parish Councils and that Members of the Councils concerned have signed to accept the provisions of the relevant Code</p>	<p>Monitoring Officer</p>
	<p>To ensure that arrangements are made for advice to be available to assist members to comply with the adopted Codes of Conduct</p>	<p>Monitoring Officer</p>
	<p>To ensure that arrangements are put in place for keeping and updating the Registers of Members' Interests for the Council and for the Parish Councils</p>	<p>Monitoring Officer</p>
	<p>Advising on training for Councillors, Parish Councillors and co-opted members on matters relating to the Code of Conduct</p>	<p>Monitoring Officer</p>
	<p>Functions relating to standards of conduct of councillors under any relevant statutory provision</p>	<p>Monitoring Officer</p>
	<p>To consider and determine allegations the Councillors, including Parish Councillors have breached the Code of Conduct of the relevant authority in accordance with the</p>	<p>Hearings Sub-Committee Review Sub-Committee Monitoring Officer for initial assessment of</p>

	arrangements approved by the principal Council	complaints and local resolution
	The determination of applications from Lichfield District Councillors for dispensations in accordance with statutory provision	To Monitoring Officer as set out in Part 3
	To be the Standards Committee for the Parish Councils in the District of Lichfield	
	To monitor and to advise the Council on its Regulation of Investigatory Powers Act (RIPA) Policy	Monitoring Officer
	Power to make payments or provide other remedy maladministration	Delegated to officers as set out in Part 3
	Receive report from Independent Remuneration Panel	None
	The Council's formal complaints procedure	Delegations to officers as set out in Part 3
<b>Council/ Committee/Panel</b>	<b>Functions</b>	
Independent Remuneration Panel	To recommend to the Council a scheme for the payment of allowances to members of Lichfield Council and to constituent Parish Councils.	
Appointments Committee	To make recommendations to Council as to the appointment of the Chief Executive, Monitoring Officer and Officer holding the post as section 151 officer and to make appointments in so far as the Head of Paid Service is not authorised to do so by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001.	
Investigatory and Disciplinary Committee	To investigate and make a determination on any disciplinary action (including dismissal) against any member of the Council's Leadership Team; excluding decisions on dismissal regarding the Chief Executive, Monitoring Officer and the Section 151 Officer.	
Disciplinary and Grievance Appeals Committee	To consider appeals against dismissals and grievances by Chief Officers of the Council and appeals against dismissals (including redundancy) by the Chief Operating Officer or Assistant Directors.	
Joint Waste Committee	To oversee the operation of the Lichfield and Tamworth Waste Collection Service reporting to Cabinet as necessary (see Part 2 – 11.7)	

Community Infrastructure Levy Joint Member/Officer Group	<p>To consider applications made by infrastructure providers for CIL funding and make recommendations where applicable to Cabinet for the allocation of the Strategic and Local Infrastructure element of the centralised pot.</p> <p>To oversee the transfer of the 'meaningful proportion' to Parishes as defined in CIL Regulation 59D.</p> <p>To receive updates on the Infrastructure Delivery Plan and the Regulation 123 List.</p> <p>To consider and as required by the CIL Regulations, report to Council, details of CIL annually via the Authority Monitoring Report and this to include the total CIL amounts received for the financial year, the total CIL expenditure for the financial year and any CIL monies retained at the end of the reported year.</p>



## Appendix A

**Licensing Act 2003** – all functions under the Act and subsequent legislation – excluding those matters which fall within the authority of the Cabinet or any member thereof

Function	Delegation to Sub-Committee	Delegation to Officers
Determination of the following in accordance with the Council's Licensing Policy:		
Application for Personal Licence	If a police objection received	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Minor variation to a premises/club licence		All cases
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate (other than minor variation)	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection received	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection received	All other cases
Application for interim authorities	If a police objection received	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether an application, representation or complaint is irrelevant, frivolous or vexatious etc		All cases
Decision to make representations when the local authority is a consultee and not the relevant authority considering the application	All cases	
Responding to a temporary event notice		All cases
Determination of a police objection to a temporary event notice	All cases	
To make representations on applications received by the Council pursuant to the Licensing Act 2003 (or subsequent legislation)		All cases

## Appendix B

**Gambling Act 2005**

Function	Delegation to Sub-Committee	Delegation to Officers
All functions excluding the passing of a "no casinos" resolution and the production of the three year gambling policy		
Making recommendations to Council regarding the adoption of (1) a "no casinos" resolution or (2) the approval/adoption of the three year gambling policy		
Determination of an application for a premises licence in respect of which representations have been made under s161 (and not withdrawn)	All cases	
Determination of an application for the variation of a premises licence in respect of which representations have been made under s161 as applied by s187 (and not withdrawn)	All cases	
Determination of an application to transfer following representations by the Gambling Commission	All cases	
Determination of an application for a provisional statement under s204 in respect of which representations have been made under s161 as applied by s204 (and not withdrawn)	All cases	

A review of a premises licence under s201	All cases	
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**Part 3 – Section 3 – Responsibility for Cabinet Functions**

Who is responsible	Functions	Delegation of Functions
Cabinet	The preparation of the policy framework and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of full Council.	Delegation to officers set out at Part 3 Delegation to individual Members of the Cabinet as set out below.
	Determination of recommendations and reports from members of the Cabinet not in accordance with their delegations.	
	The approval of a) Local Development documents that comprise the Local Development Framework and b) supplementary planning documents for submission to Council	
	Determination of recommendations made from the CIL Joint Member/Officer Group including to which infrastructure projects should be allocated CIL funding.	
	Determination of recommendations from the Overview and Scrutiny Committee where the recommendation of that Committee is not accepted by the relevant Cabinet Member.	
	Response to inspection reports from the External Auditor	
	To consider, in accordance with the Council's Petitions Scheme any petition signed by at least 1,000 qualifying persons	
Leader of the Council	Functions undertaken as agents for or on behalf of other authorities or organisations	
	Determination of applications for a ban on organised marches in the District	
	Consideration of matters arising from a "Community Call for Action" under the Police & Justice Act 2006 requesting/requiring action by the Council	
	Preparation of the Strategic Plan	
	Relationships with external organisations	
	The determination of applications for financial assistance from voluntary bodies, individuals and other organisations.	Delegation to officers set out at Part 3
	To appoint any member of the Council to the Cabinet on a temporary basis with responsibility for any identified area of duties of Cabinet members if no member of the Cabinet would be able to act in the matter due to a Disclosable Pecuniary Interest, subject to such a temporary appointment not increasing the size of the Cabinet to more than 10 members, including the Leader and Deputy Leader of the	

	Council.	
Relevant Cabinet Member or Leader of the Council	After consultation with the appropriate officers to make any decisions within their areas of service responsibilities listed below which are not already delegated to an officer, a key decision or a non-executive decision and to monitor budget compliance and overall performance in those areas.	All decisions must be in accordance with the Cabinet Procedure Rules, Financial Procedure Rules and the Contract Procedure Rules

**Part 3 – Section 3 – Cabinet Responsibilities**

Role	Key Corporate Priority responsibility	Service Responsibilities
Leader	Overall strategic direction of the Council, External partnerships / agencies, Liaison with County Council and Government, the Strategic Plan, the Constitution, MTFS	Oversees work of the Chief Executive including communications, programmes and performance. Strategic Plan, governance and democracy, customer services, health and safety.
Cabinet Member and Deputy Leader	Leisure, Parks & Major Projects	Oversees the work of the Lichfield City Centre Masterplan and major projects. To act as Shareholder for any and all Local Authority Trading Companies. Leisure Centre provision.  Parks and open spaces. Activity and wellbeing development. Grounds maintenance, street cleaning, reservoir management, public toilets, shopmobility.
Cabinet Member	Finance and Commissioning	Oversees the work of Financial probity. Strategic financial management and planning. Treasury and investments. Revenue strategy. Capital strategy. Accounts payable. External funding procedures. Risk management strategy. Internal audit. Procurement strategy and procedures. Money Laundering Officer. Administration and collection of council tax, business rates and BID levy. Administration of housing benefits and local council tax support. Corporate debt recovery. Council's property portfolio. Insurance.
Cabinet Member	High Streets & Visitor Economy	Visitor economy, tourism, TIC and place board. Economic development, Business relationships, Support, grants and inward investment. Lichfield Garrick Theatre partnership management, car parking and civil parking enforcement.
Cabinet Member	Housing & Local Plan	Oversees the work of Homelessness and housing advice & strategy. Housing and health partnerships. Affordable warmth. Disabled facilities grants. Regulation, enforcement & licensing. Environmental protection. Infectious disease control. Emergency planning and business continuity. Development control. Central Building Control Partnership. Land charges shared service. Urban design and conservation. Arboriculture. Countryside management. Planning and spatial policy development, CIL strategy and Neighbourhood plans. HS2.
Cabinet	Waste, Recycling, Ecology & Climate	Oversees the work of Joint Waste Service, fleet and depot management. Fly tipping and

Member	Change	abandoned vehicles. Biodiversity and Climate Change Champion.
Cabinet Member	Community Engagement	Oversees the work of Community safety partnership. Working with the VCS. Small grants. Anti-social behaviour. Safeguarding. CCTV, Youth Council.

# **SCHEME OF DELEGATIONS TO OFFICERS**

## **Powers Delegated to Officers**

1. The functions, powers and duties in this scheme are delegated to Officers as shown in the attached schedule. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions. This scheme operates under Sections 101, 111, 151 and 270 of the Local Government Act 1972 and all other enabling powers of the Council and should be read in conjunction with any scheme of delegation to elected member bodies approved by the Council from time to time.
2. When functions are delegated to an Officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible. For the avoidance of doubt, where an officer has delegated a function to another officer, any officer of a higher rank, where qualified, within the structure can exercise that function. A function delegated to an officer may be passed back by that officer to the person (including another officer), committee or body giving the delegated power to the officer.
3. The Chief Executive shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and coordinated manner.
4. Subject to Paragraphs 5 and 6, the Chief Executive, Chief Operating Officer and each Assistant Directors shall have the following general responsibilities, powers and duties and where functions reside by law with the Chief Executive as Head of Paid Service the Chief Executive authorises the Chief Operating Officer and Assistant Directors to carry out these functions on behalf of the Head of Paid Service:-
  - (a) To implement and act within the approved policies, plans, practices and procedures of the Council including service of statutory notices in accordance with approved policies, plans, practices and procedures and making planning applications to implement approved policies and plans.
  - (b) To delegate further, in writing, all or any of their delegated functions to other Officers with the written agreement of the Chief Executive.
  - (c) In exercising delegated powers, to consult with such other Officers as appropriate and to have regard to any advice given and in particular to seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified.
  - (d) To advise on policy development and formulation.
  - (e) To act in accordance with the Rules of Procedure and any arrangements approved in pursuance of them.
  - (f) To carry out any functions assigned in pursuance of the Rules of Procedure and any approved policies, plans, practices and procedures of the Council.

- (g) To authorise posts, discipline, suspend or dismiss any employee below Chief Operating Officer or Assistant Director level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Chief Executive/Chief Operating Officer.
- (h) To be responsible for the performance of those employees carrying out the functions for which he/she is responsible.
- (i) In consultation with the Chief Operating Officer, to make changes to the establishment of a department for which he/she is responsible subject to financial provision for the current and future years being available and the changes not amounting to a significant change to the structure of a department or service.
- (j) In accordance with guidance issued by the Chief Executive/Chief Operating Officer to approve the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts.
- (k) In consultation with the Chief Operating Officer, to approve the temporary appointment of staff to cover absences of employees due to illness, maternity or other long term absence provided that the period of temporary employment does not exceed twelve months and the cost of doing so can be contained within existing departmental budgets.
- (l) To authorise the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved.
- (m) To manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible.
- (n) To enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body.
- (o) When the Chief Operating Officer or any Assistant Director is unable to act or is absent, the powers delegated to him/her under this Scheme of Delegation or otherwise shall be exercised by the Chief Executive.
- (p) To keep the relevant Councillor(s) informed as appropriate of matters affecting their wards.

5. The following functions are not delegated to any Officer:

- (a) any matters which the Council or an elected member body to which functions have been delegated has resolved shall be determined by itself
- (b) any function which by law may not be delegated to an Officer
- (c) the adoption of new policy or significant variations to existing policies
- (d) the appointment, terms and conditions, discipline, suspension or dismissal of the Chief Executive
- (e) the appointment, suspension or dismissal of the section 151 Officer or the Monitoring Officer.



- (f) any matter involving finance which cannot be met from within the Approved Budget;
  - (g) any matter which the Chief Executive, Chief Operating Officer, Monitoring Officer or Assistant Director concerned considers inappropriate to be dealt with under delegated powers or in which the Officer concerned has an interest.
  - (h) any matter which constitutes a Key Decision within Article 13.3(b) of the Constitution.
6. Where it is legally permissible an Officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an Officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
  7. Where functions are delegated by officers.
  8. The Monitoring Officer is authorised to make any minor variations to this scheme of delegation to Officers at any time as needs and circumstances change; and shall be the final arbiter in relation to the interpretation and application of the scheme.
  9. The delegations below are in addition to any delegations contained elsewhere within the Constitution.
  10. The Chief Operating Officer and Assistant Directors have authority to set, vary and waive prices, fees and charges for matters within their respective areas in conformity with approved corporate fees and charges policy and in consultation with the Section 151 Officer, unless otherwise reserved to another body.
  11. The Chief Operating Officer and Assistant Directors have authority to authorise recruitment within their service subject to the agreed authorisation process.

## **SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERS**

### **CHIEF EXECUTIVE**

1. To be Head of the Paid Service.
2. To be the Electoral Registration Officer and Returning Officer for Elections.
3. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other Officer **PROVIDED THAT**
  - 3.1 the Chief Executive may not exercise a power which is reserved by statute to another Officer;
  - 3.2 before exercising the power of another Officer, the Chief Executive shall consult with that Officer if available;

- 3.3 the Chief Executive when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
4. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Performance & Programmes including: Major programmes; Major Developments; Birmingham Road Business support and inward investment; City/town centre development; HS2. Communications and Marketing; Media relations.
5. In consultation with the Leader of the Council, the relevant Cabinet Member or the Chair of the relevant Committee as appropriate, to authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council or Committee meeting, or prior to an executive decision being made; subject to such action being reported to the next Council/Cabinet/Committee meeting.
6. In consultation with the Leader of the Council, with oversight by the Section 151 Officer and Monitoring Officer, to make an offer for property acquisitions of up to £2m (subject to due diligence being undertaken).
7. To keep under constant review the needs of the District and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
8. To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council.
9. To be responsible for the overall organisational structure of the Council and to determine job titles.
10. To be responsible via the Chief Operating Officer for determining and issuing guidance to Officers for the management of human resources, including recruitment (and the authorisation process) , training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
11. To ensure the provision of professional advice to all parties in the decision-making process.
12. Together with the Monitoring Officer to be responsible for a system of record keeping for all local authority decisions.
13. To represent the Council on partnership and other bodies.
14. To be responsible for the health and safety of all employees of the Council.
15. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
16. In consultation with the Leader of the Council, to authorise the acquisition or disposal of land and buildings where the decision is time critical, prior to formal approval by Cabinet.

## **CHIEF OPERATING OFFICER**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Policy & Strategy including: Spatial Planning, Prosperity, Community Engagement, Housing, Active Lives, Ecology, Biodiversity and Climate Change; Democracy, Governance and ICT.
2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
3. To represent the Council on partnership and other bodies.
4. To authorise payments in cases of maladministration.
5. To authorise the recruitment process and approval for staff below Leadership Team level.
6. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal.
7. Responsibility for maintaining a register of Assets of Community Value.
8. Determination as to the expediency of initiating enforcement proceedings, requisitions for information, prosecutions and injunctions subject to consultation/notification provisions set out in the internal scheme of delegation.
9. To deal with all matters relating to trees, hedgerows, high hedges, listed buildings, Conservation and Building Act matters.
10. To authorise any urgent action necessary to preserve any building which is considered important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.
11. To make, vary, modify, revoke (and confirm unless there are substantial unresolved objections) tree preservation orders under section 198 of the Town and Country Planning Act 1990 (as amended).
12. To deal with any appeals to defend the Council's position to any decisions made in respect of planning, heritage assets, planning enforcement, CIL and s.106 Agreement matters.

## **MONITORING OFFICER**

1. To be the Monitoring Officer including authority to grant dispensations under section 33 of the Localism Act 2011.
2. Responsibility for oversight of the Regulation of Investigatory Powers Act.
3. To be, or to identify and appoint, the Senior Information Risk Officer and Data Protection Officer.

### **ASSISTANT DIRECTOR FINANCE & COMMISSIONING (S151)**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Finance, Commissioning, Procurement and Property (Via LWMTS).
2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
3. 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 Regulation 5 of the Accounts and Audit Regulations 2003.
4. s.21&22 Staffordshire Act 1983 powers.
5. To be the Council's Money Laundering Reporting Officer.
6. In consultation with the Cabinet Member for Finance and Commissioning the use of local discount powers to grant section 31 funded business rates relief where necessary and appropriate

### **ASSISTANT DIRECTOR OPERATIONS, REGULATION AND ENFORCEMENT**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to:
  - (i) Operations, including: Joint Waste Service; Parking and CCTV, Street Scene; Parks, Open Spaces and Events.
  - (ii) Regulation & Enforcement, including: Environmental Health; Environmental Protection; Planning Enforcement; Civil Contingencies, Licensing and Community Safety
  - (iii) HR, Health & Safety.
  - (iv) Building Control Partnership.
2. In relation to the functions listed above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject save that this cannot override any limitation contained

elsewhere in the Constitution. For the avoidance of doubt, this includes the power to suspend or revoke private hire/taxi licences.

3. Determination as to the expediency of initiating enforcement proceedings, including the authorisation of an Enforcement Notice, Breach of Condition Notice, to require maintenance of untidy land/buildings (Section 215 Notices), Stop Notice, Temporary Stop Notice, Listed Building Enforcement Notice, Discontinuance Notices and Conservation Area Enforcement Notice; prosecutions and injunctions relating to TPO and Conservation Area offences; subject to consultation/notification provisions set out in internal scheme of delegation.
4. To authorise any urgent action necessary to preserve any building which is considered important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.
5. To deal with any appeals to defend the Council's position to any decisions made in respect of heritage assets and planning enforcement.
6. Functions Under the Building Act 1984, Building Regulations 2010 and The Building (Approved Inspector etc.) Regulations 2010.

#### **ASSISTANT DIRECTOR CUSTOMER, RESIDENT & BUSINESS SERVICES**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Customer Services; Development Management; Revenues, Benefits & Corporate Debt; Housing Options; Digital & Robotics.
2. To represent the Council on partnership and other bodies.
3. To negotiate and determine the contents of Section 106 Agreements.
4. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) or subsequent legislation, in consultation with the Monitoring Officer.
5. The making of Discontinuance, Revocation and Modification Orders subject to the completion of a covenant not to claim compensation in respect of the Orders, in consultation with the Monitoring Officer.
6. To determine planning applications, certificates of lawfulness, prior notifications, condition compliance applications, Advertisement Consents, Listed Building Consents, non-material and material amendment applications, Certificates of Lawfulness, hazardous substances consents, Permissions in Principle and Technical Details consents.
7. To negotiate and agree Planning Performance Agreements (PPAs) and the fees attributable thereto.

8. To make representations on Licensing Act 2003 applications as the local planning authority.
9. To deal with any appeals to defend the Council's position to any decisions made in respect of planning, heritage assets, planning enforcement, CIL and s.106 Agreement matters.
10. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Administration and collection of local taxation; Administration of housing benefits and local council tax support; Corporate debt recovery, including representation at court for local taxation recovery and appointment of officers to act in this regard.

## **APPENDIX A**

### **SCHEME OF DELEGATION OF PLANNING DECISIONS**

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.

#### **DELEGATED POWERS**

2. The powers delegated shall be:-
  - 2.1 To determine applications for planning permission, and applications for reserved matters.
  - 2.2 To determine consents for the display of advertisements.
  - 2.3 To determine Hazardous Substance Consents.
  - 2.4 To determine whether prior approval is required (under any relevant part of the General Permitted Development Order).
  - 2.5 To determine approvals to and agreements to certain other matters relating to the exercise of permitted development rights as defined in the General Permitted Development Order.
  - 2.6 To determine Listed Building Consents.
  - 2.7 To determine approvals and consents pursuant to any condition imposed on any planning consent/ Listed Building Consent / Listed Buildings Consent / Permission in Principle / Technical Details Consent / Hazardous Substances Consent/ Prior approval and applications to modify or discharge planning obligations.
  - 2.8 To determine Demolition Consent Orders.
  - 2.9 To determine applications for a Certificate of existing or proposed lawful use or development; Certificates of Appropriate Alternative Development; Certificates of lawfulness of proposed works to listed building and related powers.

- 2.10 To determine applications for permissions in principle and technical details consents.
- 2.11 Determination of complaints under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges) or subsequent legislation.
- 2.12 To instigate prosecutions in consultation with the Council's legal representative.
- 2.13 To resolve to / not to instigate Enforcement proceedings.
- 2.14 To issue temporary Stop Notices; hazardous substances contravention notices; Section 215 notices relating to proper maintenance of land; Discontinuance notices and institution of proceedings for a fine; Enforcement Notices, Requisition for Information notices; Planning Contravention Notices; Breach of Condition Notices; and Listed Building Enforcement Notices.
- 2.15 To decide the Council's approach and take action in the preparation of the Councils statement of case in relation to appeals made against the non-determination of applications, as submitted under the Town and Country Planning Act (as amended).
- 2.16 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of the High Speed Rail (London-West Midlands) Act 2017, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in.
- 2.17 In relation to 'unopposed cases' take action to revoke or modify a planning permission; listed building consent; express consent for the display of advertisements; or Hazardous Substance.
- 2.18 Any actions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or subsequent Regulations including issuing of Screening and Scoping Opinions, where relevant.
- 2.19 To make minor modifications to the wording of conditions or reasons for refusal wording post committee to render them National Planning Policy Guidance compliant and include all relevant planning policies, and formalisation of the Decision Notice in the event of planning permission being granted or refused by the Planning Committee contrary to officer recommendation.
- 2.20 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of either the High Speed Rail (London-West Midlands) Act 2017 or the High Speed Rail (West Midlands – Crewe) Act 2021, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in. In relation to any application (Schedule 17 approval), which benefits from delegated authority to determine, if in the opinion of at least two of the following officers: Chief Executive, Chief Operating Officer, Planning Development Manager, and Principal Planning Officers, it is considered appropriate for the Planning Committee to determine the application, then the matter shall be reported accordingly.

## **PLANNING COMMITTEE**

3. The delegations in Paragraphs 2.1 to 2.3 above shall not operate in the following circumstances:

- 3.1 The planning application gives rise to significant planning objections from any statutory consultee or Parish/Town council and where Officers are minded to recommend approval;
- 3.2 The planning application includes the use of Council owned land / or buildings;
- 3.3 The Planning Application has been submitted by or on behalf of a Member or Officer of the Council;
- 3.4 The applicant is required to enter into a Section 106 agreement for more than 2 obligations; or
- 3.5 A written request has been made by a Member of the Council for the application to be determined by Planning Committee in accordance with the Planning Committee Members' Code of Good Practice or the Non-Committee Members Good Practice Guidance and which explains the planning or probity reasons for the call-in and the call-in is in accordance with the Non-Planning or Planning Committee Members Code of Good Practice.
- 3.6 If the situation arises as set out in any of the paragraphs 3.1 to 3.5 above, then such planning applications will be reported to the Planning Committee.

## **CONSULTATIONS**

4. To determine responses to consultations with the Council as Local Planning Authority of and by other local authorities and statutory bodies,
  - 4.1. To comment on behalf of the Council on:
    - (a) Consultations from adjoining local planning authorities;
    - (b) Overhead lines;
    - (c) County Council matters;
    - (d) County Council applications, after consultation with the appropriate ward member(s);
    - (e) Consultations from outside bodies relating to landscaping/arboricultural matters;
    - (f) Consultations with government departments;
    - (g) Consultations with West Midlands Licensing Authority;
    - (h) Consultations from Statutory Undertakers or persons acting on their behalf.