


RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER

<u>SUBJECT OF DECISION</u> Revised Scheme of Officer Delegation following the restructure of Management Team 2018	
<u>DECISION REFERENCE</u> Do 13/2018 (BD)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/Constitution/Minute No. etc. Constitution Part 3E.1(e).
<u>DATE OF DECISION</u> 29 th August 2018	<u>DECISION MAKER</u> (Name and Job Title)  Brent Davis Executive Director -Operations
<u>RECORD OF THE DECISION</u> <p>a) The issue Following the recent restructure of Management Team and the departure of the Managing Director at the end of June 2018, a review of the Council's Scheme of Delegation to Officers has been undertaken. The revised Scheme is attached as Appendix A and reflects the changes in responsibilities across all Directorates.</p> <p>b) The Decision 1) that the revised Scheme of Delegation to Officers be approved; and 2) that the Constitution be updated accordingly.</p>	
<u>REASON FOR THE DECISION</u> The decision is to ensure that an up-to-date Scheme of Delegation is in force for Council activities.	
<u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u> None	
<u>WARD RELEVANCE</u> None	

FINANCIAL AND BUDGET IMPLICATIONS

None arising from this report

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

The Executive Directors and the Directors have been consulted on the contents of Appendix A and changes made as appropriate.

ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE MEMBER CONSULTED

None

IN RESPECT OF ANY DECLARED CONFLICT, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE

None

EQUALITIES IMPLICATIONS

None

HUMAN RESOURCES IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

HEALTH EQUALITIES IMPLICATIONS

None

SECTION 17 CRIME & DISORDER IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

An up-to-date Scheme of Delegation ensures that the Council is acting lawfully.

ENVIRONMENTAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Council is required to ensure that all decisions and actions taken by the Council and its officers have lawful authority. The Scheme of Delegation ensures that lawful decisions are taken within the parameters prescribed by Council.

ANY OTHER COMMENTS

None

RETURN TO DIRECTOR – GOVERNANCE & RECREATION AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER

3D OFFICER DELEGATIONS - Part A - General Delegations

Functions Allocated to Executive Directors/Directors/Head of Development Control or such other officer or post identified by the Executive Director/Director/Head of Development Control in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection.

3D.1 General

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

S.100D Local Government Act 1972 (background papers for reports)
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- b) Take any action on matters relating to the day to day administration of services within their unit.
- c) Take any action to maintain the operation and effectiveness of services within their unit.
- d) Take any action incidental to, or to give effect to, decisions taken by elected Members within their sphere of responsibility.
- e) Determine the allocation of and responsibility for matters within their unit.
- f) Delegate any of their powers and appointments to employees within their unit who possess the relevant qualification, experience and skills for the task - a list of such powers indicating the post to which they have been delegated must be kept by the Monitoring Officer and made available for public inspection.
- g) Serve notices and obtain information as to interests in land - S.16 Local Government (Miscellaneous Provisions) Act 1976.
- h) Keep any statutory register concerning aspects within their sphere of responsibility.
- i) The receipt of Notices concerning aspects within their sphere of responsibility.
- j) In consultation with the relevant Overview & Scrutiny Committee Chair, settle any best value review documents for submission to Inspectors.
- k) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.
- l) Approve press releases and official statements to press enquiries on behalf of the Authority as and when required.

3D.2 Financial Resources

- a) Incur normal expenditure up to the limit of provision within the budgets under his/her control, subject to compliance with contract standing orders, financial standing orders, financial regulations and financial instructions.
- b) Invite and accept tenders or quotations for contracts, subject to contract standing orders, financial standing orders, financial regulations and financial instructions.
- c) Provide administrative, professional or technical services to outside bodies using any spare capacity PROVIDED this does not interfere with the proper service provision of the Council.
- d) Pay full compensation for loss where the Council is likely to be liable if sued.
- e) Pay compensation for complaints up to £1000 or higher in consultation with the portfolio holder.
- f) To annually review fees and charges.

3D.3 Human Resources

- a) Appoint persons to posts below Director level within the unit (as nominated by the Executive Director - Resources where necessary), in accordance with the Recruitment and Selection Policy from time to time in force.
- b) Employ and dismiss persons on temporary contracts, in accordance with the Recruitment and Selection and Disciplinary Policies from time to time in force.
- c) Discipline and dismiss employees within the unit, subject to Disciplinary Policies from time to time in force.
- d) In consultation with the Central Services & Refuse Portfolio Holder and Human Resources Officers take any action relating to terms and conditions of service for employees within their unit.

3D.4 Other

- a) Apply for planning permission for Council development within his/ her sphere of responsibility.
- b) To recover any sum owed to the Council under a contract made between the Council and a third party.
- c) To submit bids for and enter into agreements for grants and other funding sources.
- d) Arrange bookings or limited exhibitions and other commercial events on Council land within the responsibility of the Portfolio Holder.

3D.5 Functions allocated to the Executive Directors

- a) Any function delegated to a Director or other officer.
- b) Any action arising from an appointment given to a Director or other officer if that Director or other officer is absent or otherwise unable to act.
- c) Take all steps to ensure the Council receives additional supplementary credit approval re Council house sales.
- d) Delegate any of their powers and appointments to employees who possess the relevant qualification, experience and skills for the task - a list of such powers, indicating the post to which they have been delegated, must be kept by the Monitoring Officer and made available for public inspection.
- e) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

3E OFFICER DELEGATIONS - Part B - Specific Delegations

The specific delegations set out below to the Executive Directors/Directors/ Head of Development Control or such other officer or post identified by the Executive Directors/Director/Head of Development Control in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection are without prejudice to the general Delegations in 3D above.

3E.1 Executive Director - Operations (Head of Paid Service)

- a) Proper officer, appointed officer or inspector in respect of the following statutory provision

Statutory Provision	Brief Description
Ss.25 and 26 Local Government (Miscellaneous Provisions) Act 1976	Any steps concerning dangerous excavations
Highways Act 1980	Various District Council functions
Ss. 35A and 112 Road Traffic Reg Act 1984	Enforcement of Car Parking Order or Nuneaton Bus Station Order
Environmental Protection Act 1990	Search and seizure of vehicles and street litter control
Anti-Social Behaviour Act 2003	Graffiti
Clean Neighbourhoods and Environment Act 2005	
Sch. 4 Local Government (Miscellaneous Provisions) Act 1982	Licensing of Street Traders
Local Government Act 2003	BIDS (Customer Services & Business Improvement Districts)
Markets and Fair Clauses Act 1847	Markets
Food Act 1984	Markets
S.4 Local Government and Housing Act 1989	Head of Paid Service
Ss. 83, 84, 88, 89, 100B, 100C, 100F, 210, 225, 229, 234, 236, 238, 248, Schedules. 12 and 14 Local Government Act 1972	
S. 41 Local Government (Miscellaneous Provisions) Act 1976	

Local Government Act 2000 and Regs made thereunder	
Anti-Social Behaviour Act 2003	
S.3, LGHA89. Modify the list of politically restricted posts and give any certificate of opinion under it	
Crime and Disorder Act 1998 and amendments thereto	
Secretary to the Council Ss. 83, 100B, 100F, 115, 229, 234, Local Government Act 1972	

- Any reference in pre 1972 legislation to the Clerk of a Council or the Town Clerk, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer Proper, or authorised, officer or inspector for any statutory purpose where no specific authorisation has been given
- b) Suspend the exercise of Delegated Authority by any officer where he/she considers a particular case should be considered by elected Members.
- c) Authorise any person acting for the Council to enter any land, for any statutory purpose.
- d) The Executive Director shall have authority for Cabinet in the case of an emergency:
1. requiring a non-key decision, where it is not possible in the time to convene either a special meeting of Cabinet or a Single Member Decision, or the Single Member is not available, and in consultation with the Leader, or in his absence any Member of the Cabinet, to make decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Cabinet
 2. subject to consultation with the aforesaid and the Chair of the relevant OSP, to make such urgent decisions which are key decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Council.

3. for Committee in cases of urgency and in consultation with the Chairman of the relevant Committee and Chair of the relevant OSP, to make decisions on behalf of the Committee, all such decisions to be reported to the next Ordinary Meeting of the relevant Committee.
 4. To consider oral representations pursuant to the Scrap Metal Dealers Act 2013.
- e) Make any necessary and consequential changes to the Council's Scheme of Delegation to Officers to give effect to any changes in personnel, legislation, or the structure of the Council, to ensure its efficient and effective operation, in consultation with the Leader of the Council.
 - f) Subject to a) above make any minor amendments to the Constitution arising out of changes in legislation or the structure of the Council, in consultation with the Leader of the Council.
 - g) Be the Chief Executive Officer for the Airwave Service.
 - h) Change the staff structure in consultation with the Leader and/or the relevant portfolio holder(s), the S.151 Officer, the Monitoring Officer and the Unions.
 - i) Hold premises licences for Council property in connection with any functions assigned.
 - j) In consultation with the Leader, the Housing portfolio holder and Ward Members, take every step necessary (including compulsory purchase and determination of tenancies) to implement the Camp Hill Urban Village Scheme.
 - k) Authority to take action on Closure Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
 - l) To take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Communications.
 - m) Enter into arrangements for the letting and/or use by organisations or individuals of parks and open spaces provided by the Council, in accordance with the Policy of the Council.
 - n) Apply for and hold licences for premises owned by the Council in respect of regulated activities.
 - o) Authorise the use and display of the Council's badge.
 - p) Arrange bookings or limited exhibitions and other commercial events on

Council land (other than town centre).

- q) In consultation with the Executive Director (Resources) and Leader of the Council approve proposals for Members or officers to make foreign visits and receive foreign visitors where the cost is to be met in whole or part by the Council, subject to any protocol in this regard that may apply from time to time.
- r) Enter into arrangements for the provision of entertainments, in accordance with the Policy of the Council.
- s) Apply for and hold licences for premises owned by the Council in respect of regulated activities.
- t) Arrange bookings or limited exhibitions and other events in Town Centre pedestrianised areas.
- u) Manage the operation of the Nuneaton and Bedworth Markets in accordance with the Market Regulations as made by the Council from time to time.
- v) As a consequence of any decision of Cabinet or Council in consultation with the Portfolio Holder with responsibility for markets, make any necessary changes to the markets, the layout, or their regulations.
- w) Be the Radio Terminal Custodian for the Airwave Service.
- x) Undertake all the Town Centre management activities including Delivery of Town Centre Master Plan, including street scene enhancement activities.
- y) Exercise any power of the Local Authority relating to housing and corporate property maintenance purposes under the following statutes or regulations or by laws (made or in the future) under them:
 - a. Health and Safety at Work Act 1974
 - b. Disability Discrimination Acts
 - c. Regulatory Reform (Fire) Order 2005
 - d. Control of Asbestos Regulations 2006.
- z) Exercise functions under any Agency agreement with Warwickshire County Council.
 - aa) Carry out urgent repairs to private streets.
 - bb) Manage the Council's off street car park in accordance with the Council's Off-Street Parking Order.
 - cc) In consultation with the Planning and Development Portfolio Holder, waive car park charges from time to time.

- dd) Renew plant, equipment and vehicles within the budget provision, and dispose of items being so renewed.
- ee) Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.
- ff) Take all actions necessary to implement the Council's Planned and Reactive Maintenance Programme including to corporate operational and non-operational buildings, including car parks and the Bus Station (not including day to day responsive repairs and gas servicing activities).
- gg) Undertake all matters relating to the provision of public conveniences.
- hh) Manage the Council's car parks and resident parking schemes.
- ii) Manage the Bus Station.
- jj) Undertake all functions relating to land drainage.
- kk) Undertake all functions relating to amenity lighting.
- ll) Undertake all functions relating to CCTV.
- mm) Undertake all functions relating to transport.
- nn) Deal with requests for the loan of equipment and materials to charitable and voluntary organisations regarding refuse collection and cleansing.
- oo) Provide a trade refuse service when required, and fix appropriate charges.
- pp) Manage the Council's refuse collection and street cleaning service.
- qq) Renew plant equipment within the budget provision, and dispose of items being so renewed.
- rr) In consultation with the relevant Portfolio Holder, set promotional and other charges.
- ss) Enter into arrangements for the provision of entertainments, in accordance with the Policy of the Council.
- tt) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.

3E.2 Director – Customer Services & Business Improvement (Customer Services, HR, Business Support, Communications and IT&C)

- a) Monitor the use of the Council's IT systems including internet and e-mail (where appropriate following appropriate authorisation) – Regulation of Investigatory Powers Act 2000.
- b) Manage the Council's telephonic and Information technology systems, in accordance with the Policy of the Council.
- c) Exercise any power of the Local Authority relating to human resources under the following statues or regulation or by-laws made (now or in the future) under them:
 - Health & Safety at Work Act 1974
 - Employment Rights Act 1996
- d) Enter into any initiatives with the Occupational Health Service seen as beneficial to the employees of the Council.
- e) Undertake functions relating to street name and numbering.
- f) Approve and pay death grants under schemes adopted by the Council.
- g) Serve all Notices under the Pensions Acts.
- h) Implement national awards affecting wages, salaries and conditions of service.
- i) Administer and review the Council's car loan, and car user allowance schemes.
- j) Assess value for pension purposes of emoluments in kind paid to employees and giving effect thereto.
- k) Be the Council's Nominated Officer for the purpose of the Local Government Pension (Amendment) Regulations 2004 - Internal Dispute Resolution Procedure.
- l) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000.
- m) Fix and charge the appropriate hire fee for external bookings for the Civic Suite in order to cover the Council's costs.
- n) Approve press releases and official statements to press enquiries on behalf of the Authority as and when required.

- o) Undertake all facilities management activities for Council office buildings
- p) Undertake day to day management of Stockingford and Keresley Community Centre.

3E.3 Director – Arts, Leisure & Democracy

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

Solicitor to the Council and Clerk to the Benefit Review Boards
Local Government Act 2000 and regulations thereunder
Ss. 52(2) Representation of the People Act 1983
Ss. 83, 100B, 100F, 229, 234, 238, Sched 14 Local Government Act 1972
S.5 Local Government and Housing Act 1989 (Monitoring Officer)
S. 41 Local Government (Miscellaneous Provisions) Act 1976

- b) Act for any officer of the Council in proceedings before a court or a tribunal relating to the officer's role for the Council.
- c) Amend the Members' Allowance Scheme in accordance with increases fixed by the Secretary of State.
- d) Institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to a decision of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.
- e) Sign any document necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires.
- f) Keep in safe custody the Common Seal of the Council, and affix and attest the Common Seal to those documents, which in his/her opinion should be sealed.
- g) Be the designated co-ordinator responsible for making the necessary arrangements for monitoring all authorisations signed on behalf of the Council pursuant to the Regulation of Investigatory Powers Act 2000.
- h) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Statutory Provision	Brief Description
Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.10(b) iv.
Data Protection Act 1998	
Ss.14-16A Road Traffic Regulation Act 1984	Orders to prohibit or restrict traffic
Crime and Disorder Act 1998 (as amended)	ASBOs and other Orders
Ss. 26, 118, 119 Highways Act 1980 and S.257 Town and Country Planning Act 1990	Public Footpath Orders
Freedom of Information Act	
Health and Safety at Work Act 1974	
Equalities Act 2010	
S110A Social Security Administration Act 1992	
Child Protection Legislation	
S.116 Local Government Finance Act 1988	
S. 8 Representation of the People Act 1983	
S. 5 Local Government and Housing Act 1989 (Monitoring Officer)	
Local Government Act 2000 and regulations made thereunder	
The Anti-social Behaviour, Crime and Policing Act 2014	

- i) Provide the role of Mayor's Secretary.
- j) Make arrangements in connection with Civic matters/engagements relating to Mayoralty.

- k) Manage the Council's parks and open spaces and horticultural services.
- l) Manage allotments.
- m) Manage cemeteries.
- n) Subject to the agreement of the Highway Authority, enter into licenses to cultivate land under S.142 Highways Act 1980.
- o) Authorise the use of Council controlled water for one-off angling events for children's competition practice sessions.
- p) In consultation with the Head of Development Control, settle terms for agreements to acquire open space, amenity, play or recreation areas in new developments.
- q) Include in consultation with the Health & Environment Portfolio Holder and relevant Ward Members, preparing Local Child Curfew Schemes for submission to the Home Secretary and any consultation and publication as necessary.
- r) Conclude agreements made pursuant to the Code of Practice for Members and officers on boards of voluntary organisations.
- s) Take all necessary steps relating to Purchase Notices served on the Council.
- t) Where any delegation proposed to be relied upon or procedure proposed to be utilised refers to any office-holder, Cabinet, Committee or Ward Member, or forum that no longer exists, the Monitoring Officer shall determine how the power shall be appropriately exercised or procedure interpreted.
- u) Increase the scale of fees for elections and electoral registration in line with the average salary awards for Grades 1 – 6 of the National Scales and taking into account any nationally agreed fees.
- v) In consultation with the Leader of the relevant political group, appoint a substitute Member to Audit & Standards Committee where a prejudicial interest precludes a Member hearing a complaint.
- w) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.
- x) In consultation with the relevant Portfolio Holder, manage the arrangements in connection with the management of the Council's

Leisure Centres and the related activities undertaken by any contractor appointed.

- y) Enter into arrangements for the letting and/or use by organisations or individuals of leisure facilities provided by the Council, in accordance with the Policy of the Council.
- z) In consultation with the Arts, Leisure & Economic Development Portfolio Holder amend Arts Grant criteria if appropriate.
- aa) Manage the Museums in accordance with any associated Policies.
- bb) Accept or reject potential gifts or bequests to the Museum and Art Gallery.
- cc) Solicit gifts of historical or artistic material for the Collections within the terms of the Nuneaton Museum and Art Gallery Acquisition and Disposal Policy.
- dd) Make recommendations and take all necessary action on the purchase of historical or artistic material and pictures, in accordance with the Council's financial and contract procedures
- ee) Accept items on loan for a finite period for display or specific study.
- ff) Manage the Civic Hall

3E.4 Executive Director – Resources

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions
 - Any reference in pre 1972 legislation to the Treasurer, which, by virtue of Local Government Act 1972, is to be construed as a Proper Officer
 - Ss. 115, 146, 151 Local Government Act 1972
 - Ss. 26 and 114 Local Government Finance Act 1988
 - Local Government Act 2003 Part I
 - Ss. 8 and 35 Representation of the People Act 1983, and any other provision relating to electoral registration and elections
- b) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Table 76 – Statutory Provision Executive Director - Resources

Statutory Provision	Brief Description
Sch.13 Local Government Act 1972; ss. 39 – 66 Local Government and Housing Act 1989	Loans and other financial provisions
s.438 and Sch. 16, Housing Act 1985	Vary interest rates to meet legislative requirements
S116, S116A & 110A Social Security Administration Act 1992	Benefit fraud including investigations on behalf of the Department of Work and Pensions
Local Government Act 2003 Parts I & II	Capital Finance
Ss. 41 - 67 Local Government Finance Act 1988; Local Government Finance Act 1992 (with the exception of setting the Council Tax base save Ss.32 - 37); Social Security Administration Act 1992; ss.123 - 137 and 172 - 177 Social Security Contributions and Benefits Act 1992; Social Security Act 1998; Welfare Reform and Pensions Act 1999;	Council Tax, rating, Council Tax Benefit, Housing Benefit and Discretionary Rate Relief (DRR)
S110A Social Security Administration Act 1992 Benefit Fraud Matters.	
Housing Acts 1985 and 1996	Possession of Council owned property for rent arrears

- c) Operate scheme for transfer of Council's mortgage debt to private sector.
- d) Take all steps necessary to investigate any allegations relating to Council Tax Housing Benefit Fraud.
- e) Suspend the exercise of Delegated Authority by any officer where he/she considers a particular case should be considered by elected Members.
- f) Authorise any person acting for the Council to enter any land, for any statutory purpose.
- g) The Executive Director shall have authority for Cabinet in the case of an emergency:
 - a. requiring a non-key decision, where it is not possible in the time to convene either a special meeting of Cabinet or a Single Member

Decision, or the Single Member is not available, and in consultation with the Leader, or in his absence any Member of the Cabinet, to make decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Cabinet

- b. subject to consultation with the aforesaid and the Chair of the relevant OSP, to make such urgent decisions which are key decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Council.
- h) for Committee in cases of urgency and in consultation with the Chairman of the relevant Committee and Chair of the relevant OSP, to make decisions on behalf of the Committee, all such decisions to be reported to the next Ordinary Meeting of the relevant Committee.
- i) To consider oral representations pursuant to the Scrap Metal Dealers Act 2013.
- j) In consultation with the Leader, the Housing portfolio holder and Ward Members, take every step necessary (including compulsory purchase and determination of tenancies) to implement the Camp Hill Urban Village Scheme.
- k) Authority to take action on Closure Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- l) To take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Communications.
- m) Exercise functions under any Agency agreement with Warwickshire County Council.
- n) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.
- o) To authorise proceedings for possession of Council owned property and recovery of rent arrears under the Housing Act powers.
- p) Assess and grant gratuities within the terms of and up to maxima approved by Policy decisions of the Council.
- q) Manage and invest the special and reserve funds and acquire and dispose of securities comprising such funds.
- r) Approve (but not refuse) loans for house purchase and improvement.
- s) Be the Council's Money Laundering Reporting Officer.

- t) Set the Council Tax base.
- u) Authorise proceedings for recovery of any sums due to the Council and of possession of property held as security for same.
- v) Write-off irrecoverable debts within financial limits laid down in the Council's Financial Procedure Rules.
- w) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- x) Grant (but not refuse) mandatory rate relief to appropriate organisations.
- y) Deal with applications for discretionary rate relief in line with the Council's policy.
- z) Collect and enforce any community charge.
- aa) Make virements and write offs in excess of the Authority delegated to officers in consultation and agreement with the Leader.
- bb) Carry out relevant research and surveys including incurring necessary expenditure in relation to such research and surveys as one appropriate to help facilitate the Council's functions.
- cc) Coordinate the collection and provision of performance data and arrange for the publication of performance information and strategy reporting.
- dd) In consultation with the Monitoring Officer, coordinate the formulation of the Corporate Plan and Corporate Plan Delivery Plan.
- ee) To approve the business rates forecast as part of the budget setting process.
- ff) Conduct internal audit of financial transactions of the Council.
- gg) Take all steps regarding risk management within the Council.
- hh) Manage the development and implementation of the Council's Equality Scheme.
- ii)

3E.5 Director – Housing, Communities & Economic Development

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions or regulations made under them.

Table 8 – Statutory Provision - Director – Housing, Communities & Economic Development

Statutory Provision
<ul style="list-style-type: none"> • Housing Grants Construction and Regeneration Act 1996 • Public Health (Control of Disease) Act 1984 • Public Health Acts 1936 and 1961 • Prevention of Damage by Pests Act 1949 • Environmental Protection Act 1990 • Housing Act 2004 • The Prevention of Social Housing Fraud Act 2013 (The Prevention of Social Housing Fraud (Power to Require Information) Regs 2014 • The Anti-social Behaviour, Crime and Policing Act 2014 • Homeless Reduction Act 2017

b) Exercise any power of a Local Authority relating to Housing services under the following statutes or regulations or byelaws made (now or in the future) under them:-

- Anti-Social Behaviour Act 2003
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Land Compensation Act 1973
- Protection From Eviction Act 1977
- Mobile Homes Act 1983
- Mobile Homes Act 2013
- Housing Acts 1985, 1988 and 1996
- Housing (Consequential Provisions) Act 1985
- Landlord and Tenant Act 1985
- Local Government (Miscellaneous Provisions) Acts 1976 & 1982
- Local Government and Housing Act 1989
- Housing Grants Construction and Regeneration Act 1996
- Public Health (Control of Disease) Act 1984
- Public Health Acts 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Environmental Protection Act 1990
- Home Safety Act 1961
- Home Energy Conservation Act 1995
- S. 77 Criminal Justice and Public Order Act 1994
- Crime and Disorder Act 1998
- Ss. 77-79 Water Industries Act 1991
- Housing Act 2004
- Regulatory Reform Act 2001
- Enterprise and Reform Act 2013
- The Prevention of Social Housing Fraud Act 2013
- The Anti-social Behaviour, Crime and Policing Act 2014

- Care Act 2014 (as delegated from WCC)
 - Housing and Planning Act 2016
 - The Homeless Reduction Act 2017
- c) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- d) Exercise all management aspects regarding dwellings, shops and other accommodation and garages provided under Housing Act powers, and other dwellings owned or formerly owned by the Council save that eviction of any resident shall be made in consultation with the Housing, Health and Communities Portfolio Holder.
- e) Arrange for the valuation of properties pursuant to the Right to Buy and the issuing of offers.
- f) Take all steps regarding the right to buy including anything to achieve the targets set by the Secretary of State.
- g) Settle the terms of nomination agreements with housing associations.
- h) Take relevant court action to deal with anti-social behaviour (having previously informed Ward Members).
- i) In consultation with the Housing, Health and Communities Portfolio Holder, make temporary accommodation available to refugees or asylum seekers.
- j) Waive licence conditions regarding clear boundary space at mobile home sites subject to consultation with the Fire Officer.
- k) Take all necessary action to implement the Council's Planned Maintenance and Major Improvement Programmes to all dwellings, shops and garages provided under the Housing Act powers.
- l) Take all necessary action to implement the Council's reactive maintenance functions to all dwellings, shops, and garages provided under Housing Act powers.
- m) Exercise any power of the Local Authority relating to housing property maintenance purposes under the following statutes or regulations or by laws (made now or in the future) under them:
- Health and Safety at Work Act 1974
 - Disability Discrimination Acts
 - Regulatory Reform (Fire) Order 2005
 - Control of Asbestos Regulations 2006
- n) Manage and facilitate the operation of the Nuneaton and Bedworth Safer Community Partnership and the development of the Crime and Disorder and Substance Misuse Plan.

- o) Assess grants within the terms of and up to a maximum approved by the Policy decisions of the Council.
- p) Manage Community Safety Schemes and take action in relation to Nuneaton and Bedworth's Crime and Disorder and Substance Misuse Plan, and the Council's powers under the Crime and Disorder Act 1998 (as amended).
- q) Take all actions and make all decisions relating to the Council's functions in respect of Community Cohesion.
- r) Take all appropriate action and to exercise all powers and duties in relation to Community Development in consultation with the Portfolio Holder.
- s) Consult with and respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Criminal Behaviour Orders, Closure Orders, Dispersal Orders or other relevant specific items included in the ASB, Crime and Policing Act
- t) Respond to requests for consultation under the Anti-social Behaviour Act 2003, including with reference to making Dispersal Orders under Section 30 of the Act.
- u) Deal with issues relating to Health Inequalities.
- v) Take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Consultation.
- w) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.
- x) Deal with functions and delegations from partner authorities relating to Home Environment Assessment and Response Team Partnership Agreement.
- y) Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.
- z) Exercise the Council's responsibilities in respect of Tourism and Economic Development

- aa) Ensure compliance with the Duty to Co-operate for both MAPPA and MARAC arrangements in Warwickshire
- bb) Provide and manage a local Allocation Policy to ensure best use of Social Housing Stock in the Borough.
- cc) Publish a Housing Strategy for meeting Housing Need in the Borough

- dd) Publish a Homelessness Strategy to address homelessness and its causes in the Borough.

3E.7 Director – Planning & Public Protection

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

Any reference in pre 1972 legislation to the surveyor, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
Ss. 191 Local Government Act 1972	
Party Wall Etc. Act 1996 (Appointing Officer)	
Any reference in pre 1972 legislation to the medical officer of health or public health inspector, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
Liaison Officer under Food Safety Act 1990	
S.40 & 41 Anti-Social Behaviour Act 2003	
Building Act 1984	
Environment Act 1995	
S.2 and Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982	
Licensing Act 2003 provided no objections are received	
Town and Country Planning Act 1990 - S.215-219, 224–225, 330 and 324 and Town and Country Planning (Control of Advertisement) Regs	
Animal Welfare Act 2006 and The Microchipping of Dogs (England) Regs 2015	
S.61 Local Government (Miscellaneous Provisions) Act 1976	Revoke and Suspend licences
S.75(3) Local Government (Miscellaneous Provisions) Act 1976	Applications for Certificates of Exemption re PHVs

- b) Exercise any power of the Local Authority relating to environmental health under the following statutory provisions or pursuant to regulations or by-laws made (now or in future) under them:

- Animal Boarding Establishments Act 1963
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Breeding of Dogs Act 1973 & 1991

- Building Act 1984
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution Act 1974
- Dangerous Wild Animals Act 1976
- Dangerous Dogs Act 1991
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
- Environment and Safety Information Act 1988
- Environmental Protection Act 1990
- Equality Act 2010
- European Communities Act 1972
- Factories Acts 1961
- Food Act 1984
- Food and Environment Protection Act 1985
- Food Safety Act 1990
- Gambling Act 2005
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work Etc Act 1974
- Highways Act 1980
- House to House Collections Act 1939
- Licensing Act 2003
- Local Government (Misc Prov) Act 1976
- Local Government (Misc Prov) Act 1982
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops & Railway Premises Act 1963
- Performing Animals (Regulation) Act 1925
- Pet Animals Act 1951
- Police, Factories Etc (Misc Prov) Act 1916
- Pollution Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Public Health Acts Amendment Act 1907
- Public Health Acts 1936 & 1961
- Public Health (Control of Disease) Act 1984
- Refuse (Disposal) Amenity Act 1978
- Riding Establishments Acts 1964 & 1970
- Scrap Metal Dealers Act 1964
- Scrap Metal Dealers Act 2013
- Slaughter of Poultry Act 1967
- Slaughterhouses Act 1974
- Sunbeds (Regulation) Act 2010
- Sunday Trading Act 1994
- Town Police Clauses Act 1847

- Town and Country Planning Act 1990 s.215-219, 224-225, 330, 324
 - Town and Country Planning (Control of Advertisement) England Regs 2007
 - Vehicles (Crime) Act 2001
 - Water Industry Act 1991
 - Zoo Licensing Act 1981
- c) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

S.15 Local Government (Miscellaneous Provisions) Act 1976	Authorise staff to survey land where no specific power is available
Building Act 1984	Building Regulations, dangerous structures and demolition
Environmental Protection Act 1990 s.2	Appoint any other person including third party contractors to discharge the Council's functions pursuant to Part II and Sched 3 of the Act
S.19 & 20 Health and Safety at Work Etc Act 1974	Authorise inspectors and enforcement and other technical experts to discharge functions including powers of entry
Refuse Disposal (Amenity) Act 1978	Remove and deal with abandoned vehicles

- d) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- e) In consultation with Chair and (Vice-Chair) of LIC determine applications for permits for house to house or street collections which cannot be considered by LIC at its November meeting (unless objection has been submitted).
- f) Administer the arrangements for the discharge of all matters relating to the Council's Local Land Charges Register.
- g) Administer the Council's arrangements for the Licensing of hackney carriage and private hire vehicles including the grant and renewal of hackney carriage and private hire vehicle licences, and private hire operators' licences, unless either there are unspent convictions or objections are received, or both.
- h) All Property Management steps in respect of the Council's land and buildings and related transactions in accordance with any relevant

Council Policy, and the Council's Budget and Policy framework, including creating, renewing and terminating interests in land, reviewing and recovering rents, disposing of and acquiring interests including amenity areas in new developments.

- i) Authority to take action relevant to their service under the Crime and Policing Act 2014.
- j) Incur any expenditure through making grants and loans where an emergency or disaster involves danger to life or property, or is imminent and to incur expenditure for the purposes for contingency planning.
- k) Manage and undertake the Council's duties under the Civil Contingencies Act 2003.
- l) Take appropriate action in relation to emergencies and to produce and update the Council's Emergency Plan and Business Continuity Plan, all powers under Section 138 of the Local Government Act 1972 and all relevant legislation.
- m) Undertake management of the Council's Commercial Property Portfolio.
- n) Conclude any land transactions required to complete the Camp Hill Urban Village Scheme.
- o) Take all steps regarding Health and Safety within the Council.
- p) Management of the Control of Asbestos Regulations 2012 on behalf of the Council's duty holders.
- q)

Licensing Act 2003

1. Issue notices of exemption to taxi drivers relating to the carriage of guide dogs etc. in certain circumstances (see minute 586 of 8.2.01).
2. Deal with applications for Personal Licence, if no objection made.
3. Deal with applications for Premises Licence/Club Premises Certificate, if no relevant representation made.
4. Deal with applications for Provisional Statement, if no relevant representation made.
5. Deal with applications to vary Premises Licence/Club Premises certificate, if no relevant representation made.
6. Deal with applications to vary Designated Premises Supervisor if no notice of objection is received.

7. Deal with requests to be removed as designated premises supervisor, all cases.
8. Deal with applications for transfer of Premises Licence if no Notice of Objection is received.
9. Deal with applications for interim authorities if no Notice of Objection is received.
10. Deal with decisions on whether a complaint is irrelevant, frivolous vexatious, etc., all cases.

Gambling Act 2005

1. Fee setting where appropriate.
2. Determination of application for premise's Licences where no representations received/representations have been withdrawn.
3. Determination of application for a variation to a Licence where no representations received/representations have been withdrawn.
4. Determination of application for a transfer of a Licence where no representations received from the Gambling Commission.
5. Determination of application for a Provisional Statement where no representations received/representations have been withdrawn.
6. Application for Club Gaming/Club Machine Permits where no objections made/objections have been withdrawn.
7. Applications for other permits.
8. Cancellation of Licensed Premises Gaming Machine Permits.
9. Consideration of Temporary Use Notices.
10. Determination as to whether representation is frivolous or vexatious, or will not influence decision.
11. Negotiate and conclude land and property transactions up to £10,000 in value, subject to no objections from any Member or any neighbour adversely affected by the proposal.
12. Negotiate and conclude land and property transactions above £10,000 but less than £25,000 in consultation with the relevant Portfolio Holder(s).
13. Authorisation of officers to serve Fixed Penalty Notices for litter enforcement pursuant to the Clean Neighbourhoods and Environment Act 2005.

3E.9 The Proper Officer for Health

Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in the future) under them.

Public Health (Control of Diseases) Act 1984 and in any subordinate regulations or orders National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951, S.47	Consultant for Communicable Disease Control for Nuneaton and Bedworth as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency and any equivalently medically deputising officer, also as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency
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3E.10 Head of Planning

- a) Exercise any power, take any enforcement or other action of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Table 10 – Statutory Provision – Director - Head of Development Control

Statutory Provision	Brief Description
Parts III, VII, VIII Town and Country Planning Act 1990	Planning enforcement and rights of entry
S.330 Town and Country Planning Act 1990	Notices requiring information
Town and Country Planning (General Development Procedure) Order 1995	Procedure for dealing with applications and appeals
S.70A Town and Country Planning Act 1990	Decline to determine planning application
Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regs 1999	Various
Housing and Planning Act 2016	Various
S137 and 139 Town and Country Planning Act 1990	Respond to all Purchase Notices
S198, 201 and 203 Town and Country Planning Act 1990	Making of Tree Preservation Orders
Part VIII Anti-Social Behaviour Act 2003	High Hedges
Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning	Listed buildings and conservation areas and rights of entry

- b) To process and make decisions on all planning applications as defined in Schedule 1 below except in any one of the following cases:
- i. Where an Environmental Impact Assessment has been submitted with a planning application.
 - ii. Where five or more letters of objections have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, unless where the objection does not, in the Head of Planning's opinion, relate to valid planning considerations (which are set out in the leaflet 'Having Your Say on Planning Applications' and in Schedule 2 below), or where the objections will be addressed by the decision of the officer either by the refusal of the application, or by attaching suitable conditions, or where amendments to the application overcome the objections. Where the application is recommended for refusal and the Head of Planning has informed the applicant and objectors of this, the Ward Members be given notice of this, and allowed five working days in which they can refer the application to Committee.
 - iii. Where five or more letters of support have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, and where this will be addressed by the decision of the officer to approve the application.
 - iv. Where a Member requests that an application should be dealt with by the Planning Applications Committee, and that request has been made to the Head of Planning in writing, by e-mail or telephone message within 28 days of the date of the relevant weekly list of planning applications (or 14 days in the case of a non-material amendment or proposals submitted to other authorities).
 - v. The Head of Planning considers the application or notified matter should be considered by the Planning Applications Committee.
 - vi. The terms of a legal agreement needs to be agreed other than where a contribution is in accordance with a tariff agreed in adopted Supplementary Planning Guidance.
 - vii. The proposal involves the Borough Council either as applicant or land owner, and the scheme is not of a minor nature, as defined in statistical returns to the Government.
 - viii. The applicant is a member or an employee of the Development Control or Building Control Section.

Schedule 1

1. Planning Permission
2. Approval of Reserved Matters
3. Minor Amendments to Approved Schemes
4. Consent to Display Advertisements
5. Listed Building Consent
6. Conservation Area Consent
7. Proposals Submitted to Other Local Authorities
8. Non-Material Amendments

Schedule 2

1. Developers/applicants' motives or morals
 2. Loss of views over other people's land
 3. Impact on property value
 4. Impact on private rights and/or covenants
 5. Boundary disputes or objections arising from disputes unrelated to the planning application.
- c) Determine applications for consent or approval required by any conditions attached to a planning permission (other than reserved matters) where indicated in the Schedule of Applications.
- d) To process and initiate enforcement procedures against breaches of planning control, and in the making of Tree Preservation Orders.
- e) Where (s)he feels urgent action is required, take any step pursuant to Town and Country Planning or related legislation.
- f) Where no adverse representations have been received, (i) confirm Tree Preservation Orders, and (ii) grant any consent necessary for works to trees.
- g) After consultation with Ward Members, determine applications for telecommunications masts which cannot be considered by Planning Applications Committee within 56 days of receipt.
- h) Negotiate terms of S106 TCPA90 obligations.
- i) Lodge representations to the Traffic Commissioner in respect of Goods Vehicles Operators' Licence applications.