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South Hams  
District Council

# **SOUTH HAMS DISTRICT COUNCIL**

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## **Scheme of Delegations**

## **SCHEME OF DELEGATIONS**

For the avoidance of doubt, where there is any conflict between the provisions relating to Responsibility for Functions and the Scheme of Delegations, the latter shall prevail.

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## **1. GENERAL DELEGATION TO OFFICERS**

- (a) Delegated powers are granted to the Chief Executive in consultation with the Leader (or in his/her absence the Deputy Leader) to authorise any action required on any matter, which in the opinion of the Chief Executive is urgent, subject to a report thereafter being submitted to the Executive as soon as is reasonably practicable;
- (b) The Chief Executive, Strategic Director, or appropriate Head of Service, in consultation with the Leader (or in his/her absence, the Deputy Leader or nominee of the Executive), to accept tenders in respect of works being undertaken on behalf of the Council, subject to a subsequent report to the Executive as soon as is reasonably practicable;
- (c) Where reference is made in the Scheme to an exercise of a function under specific legislation, delegation shall continue to apply where the legislation is amended or replaced, provided that the nature of the function remains substantively the same;
- (d) Delegated powers are granted to the Head of Environment Services, and to the Head of Financial Services in respect of Revenues and Benefits, to vary service level provision and business services on behalf of the Council, within the remit of their Groups, in accordance with Best Value practices, policies and budget adopted by the Council;
- (e) The Shared Head of Corporate Services is authorised to make, from time to time, such amendments to this Scheme as in his/her view are minor, such as changes to the titles of Officers and is also authorised in consultation with the Chief Executive or Strategic Management Team, to transfer any of the functions contained within this scheme, between Heads of Service.
- (f) During periods of absence of a Head of Service or for other service needs, an officer specifically nominated by that Head of Service (from the tier of management immediately below Head of Service level) can undertake all of the functions delegated to the Head of Service in this scheme to the extent permitted by law, where consent has been received in writing from the relevant member of the Strategic Management Team and where both the Section 151 and Shared Head of Corporate Services have been informed.
- (g) During periods of absence of a Head of Service, the functions delegated to him/her in this scheme can also be exercised by the appropriate Strategic Director to the extent permitted by law.
- (h) During periods of absence of the Chief Executive, the Strategic Directors can undertake all of the Chief Executive's functions and responsibilities, with the exception of those where he/she is acting as Returning Officer.
- (i) In relation to consultation papers received by the Council, delegated powers are granted to the relevant Heads of Service to determine whether a response is required of the Council, having regard to the nature of the issue, the link to the Council's corporate priorities and current work pressures. If a response is deemed appropriate, the relevant Head of Service will arrange for a draft response to be prepared in line with Council policy and circulate the draft response to all elected Members via the Council's weekly Bulletin with a deadline for comments. The final version of the response is then to be agreed with the relevant Executive Member before submission.

## **2. DELEGATION TO OFFICERS**

### **A (i) Chief Executive**

#### **1. Drinking in Public Spaces**

In consultation with a representative of the Executive and the local Member(s), to authorise the making of orders under the Criminal Justice and Police Act 2001 designating public places where the consumption of alcohol is controlled, where this is supported by the relevant Town or Parish Council and by the Police, and the taking of all necessary steps to have that order confirmed by the Home Office (see also section below in relation to the Shared Head of Corporate Services).

#### **2. Planning Applications by this Council**

To authorise the submission of applications.

#### **3. Development Plans**

In consultation with the Head of Financial Services, to vire money from existing appropriate budgets to enable defined areas of work associated with the local development framework to be progressed to achieve the agreed timetable.

#### **4. Attendance at Functions (also delegated to nominated Chief Officers)**

To make decisions regarding attendance of a Member at a function as an 'approved duty', in consultation with the Chairman of the Council or the Leader, or their respective Vice-Chairman or deputy. (Such action may also be taken by the Shared Head of Corporate Services).

#### **5. Authorising Expenditure on Member's Conference and Training Budget**

To make decisions regarding authorising expenditure on Members attending conferences and training. (See also para 17 of the Shared Head of Corporate Services).

#### **6. Times of Meetings of Council Bodies**

Where there are two or more meetings on the same day or if it otherwise appears necessary, to vary the times of meetings (from 2.00 pm or from 10.00 am for Executive and Scrutiny), in consultation with the Leaders of the political groups (or in their absence their deputies). (Such action may also be taken by the Shared Head of Corporate Services in consultation with the said Members).

## **2. DELEGATION TO OFFICERS**

### **A (i) Chief Executive (cont'd)**

#### **7. Emergency Action**

Where, in the opinion of the Chief Executive it is necessary to take immediate steps to protect and/or defend the Council's interests or otherwise in the interests of the inhabitants generally of the District, he or she is authorised, in consultation with the Leader of the Council, to take any action which he or she considers appropriate, subject to a report being submitted to a meeting of the Executive or Council as soon as reasonably practicable thereafter.

#### **8. Recreational Facilities**

Approving of out-of-office hours use (also delegated to Head of Landscape and Leisure Services).

#### **9. Common Assaults on Employees**

Authorising representation by the Legal Section.

#### **10. Consultations on Pay Negotiations**

Where there is insufficient time to consult the Executive or the Personnel Panel, to consult with the Strategic Management Team and the Chairman of Personnel Panel and respond to consultations on pay negotiations, subject to Members of the Personnel Panel receiving copies of the draft responses and to the matter being reported to the next subsequent meeting of the Panel.

#### **11. Job Evaluation Grading Adjustments**

In consultation with the Strategic Management Team, to agree to any grading adjustments arising out of job evaluation, subject to there being sufficient in-year savings on the headquarters' budget.

#### **12. Communications Strategy**

Detailed arrangements to implement this strategy, within available budgets and Council policy.

## **2. DELEGATION TO OFFICERS**

### **A (ii) Chief Executive in Conjunction with the Head of Human Resources where appropriate, Strategic Directors of Heads of Service as Specified**

#### **1. Recruitment and Retention of Staff**

- a. As Head of Service, the function of appointment and dismissal, and taking of disciplinary action against any member of staff of the authority.
- b. To review the salary levels of posts with particular recruitment difficulties, and take appropriate action subject to this being contained within the approved salary budget.
- c. To make necessary payments of market supplements where demand/supply factors exist.
- d. In consultation with the Chairman of the Personnel Panel, to pay a higher maximum relocation allowance where circumstances demand whether initially or as an extension.

#### **2. Car Contract Hire Scheme**

- a. To vary the level of Council contribution in cases of need to recruit and maintain managerial and professional staff.
- b. To determine for which other officers, and on what terms, free or subsidised leased cars should be provided.

#### **3. Manpower Establishments**

Vetting of vacant posts in consultation with the Strategic Management Team.

#### **4. Disciplinary Action**

To take any necessary disciplinary action in accordance with established procedures. This function may also be exercised by Strategic Directors or Heads of Service in consultation as appropriate with the Head of Human Resources.

#### **5. Settlement of Redundancy and Other Claims**

In consultation with the Chairman of the Personnel Panel and the Leader of the Council:-

- a. to agree terms for redundancy within the Council's scheme where there is a one-off payment to one individual and it is considered a matter of urgency.
- b. To negotiate 'compromise agreements' with employees or former employees in order that employment matters may be settled expeditiously in the interests of both the individuals and the Council.

## **2. DELEGATION TO OFFICERS**

### **A (iii) Chief Executive in Conjunction with the Head of Financial Services**

#### **1. Emergency Situations**

To incur expenditure in connection with emergency situations.

#### **2. Use of Reserves**

To use the revenue reserves of the Council and to approve sums of up to £30,000 on any one item.

#### **3. Sale or Lease of Land**

In conjunction with the Head of Property Services and in consultation with the Leader and the Ward Member(s), to agree to the disposal, by sale or lease, of small areas of land whose market value does not exceed £50,000, where such disposal does not prejudice the Council's existing land holding or any future development proposals.

### **A (iv) Chief Executive (or appropriate Strategic Director)**

#### **1. Crime and Disorder Act 1998**

In consultation with the Shared Head of Corporate Services and a representative of the Executive:

- a. To request the Monitoring Officer to apply to the appropriate Magistrates Court for an Anti-Social Behaviour Order;
- b. To apply to the Secretary of State to make a Local Child Curfew Scheme.

#### **2. Anti-Social Behaviour Act 2003**

In consultation with the Shared Head of Corporate Services, the elected Member representative of the Crime and Disorder Reduction Partnership and the relevant local Member to consider applications from the Police to authorise an area as a 'designated area'.

### **A (v) Electoral Registration Officer (currently Strategic Director (Resources))**

#### **1. Elections and Electoral Registration**

As Electoral Registration Officer (and therefore (Acting) Returning Officer for Parliamentary and local Elections), to revise the fees connected with the administration of elections and the registration of electors, based upon the average percentage salary increase agreed by the National Joint Council, and to exercise all functions regarding the conduct of elections, including parish polls, the preparation of the register of electors, including the employment of temporary staff. The Electoral Administrator is also authorised to discharge all or any of the functions of the Electoral Registration Officer except those reserved to the Returning Officer. The Electoral Administrator may from time to time be specifically delegated to carry out the functions of the Returning Officer.

## 2. DELEGATION TO OFFICERS

### A (v) Electoral Registration Officer (currently Strategic Director (Resources)) (cont'd)

#### 2. Local Authority (Referendums and Directions) (England) Regulations 2000

- (a) To be the proper officer for the discharge of the function contained in Regulation 5, which requires the publication of a notice stating the number equal to 5% of the number of local government electors;
- (b) To publish a notice in accordance with Regulation 4(2), that a notice under Regulation 5 above has been published.

#### 3. The Representation of the People Act 1983

- a. Power to assign officers in relation to requisitions of the registration officer;
- b. Duty to divide constituency into polling districts;
- c. Power to divide electoral divisions into polling districts at local government elections;
- d. Powers in respect of holding of elections;
- e. Power to pay expenses properly incurred by electoral registration officers;
- f. Power to fill vacancies in the event of insufficient nominations.

#### 4. Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10) [50]

Duty to provide assistance at European Parliamentary elections.

#### 5. Local Government Act 1972

- a. Duty to declare vacancy in office in certain cases
- b. Duty to give public notice of a casual vacancy
- c. Power to make temporary appointments to Parish Councils

#### 6. Rule 48(3) of the local Elections (Principal Areas Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)

Power to determine fees and conditions for supply of copies of, or extracts from, elections' documents.

## **2. DELEGATION TO OFFICERS**

### **B Shared Head of Corporate Services**

#### **1. Street Naming and Numbering**

- a. Implementation of proposals agreed between Parish Councils and developers.
- b. To agree street naming and numbering requests from residents and/or the Town and Parish Councils.

#### **2. Drinking in Public Places**

To make adjustments to the areas to be designated so as to give them boundaries which are easily identifiable on the ground (see also powers delegated to Chief Executive).

#### **3. Mortgages**

- a. Apply to the Courts for sale proceedings or vesting the property in the Council.
- b. To effect transfer of interests or exchange of land, or amendments to the terms of any mortgage subject to there being satisfactory security.

#### **4. Sale of Former Council Houses**

In conjunction with the Head of Financial Services, to waive the restrictive covenant in relation to the residency qualification to be met by prospective purchasers in the case of purchase by Registered Social Landlords, with the covenant continuing to apply to any further disposal of the property.

#### **5. Temporary Markets**

To prosecute in respect of offences under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **6. Closure of Streets**

To approve Orders under Section 21 of Town Police Clauses Act 1847 for the temporary closure of streets, subject to consultation with and the agreement of the County Council, Police and local Councils.

## **2. DELEGATION TO OFFICERS**

### **B Shared Head of Corporate Services (cont'd)**

#### **7. Planning Contravention Notices (PCNs)**

- a. The Shared Head of Corporate Services, or such other appropriate officer authorised by him, to issue PCNs under the provisions of Section 1 of the Planning and Compensation Act 1991, in conjunction with the Head of Development Services.
- b. To prosecute in respect of failure to comply with a PCN, or supply of false or misleading statement.

#### **8. Car Parks**

Proceedings under South Hams (Off Street Parking Places) Order.

#### **9. Salcombe Harbour Byelaws**

In consultation with the Harbour Master and Maritime Officer, to authorise prosecution proceedings under the Byelaws.

#### **10. Unauthorised Encroachment on Land**

To take appropriate action with regard to trespassers.

#### **11. Trespassory Assemblies**

To take appropriate action in consultation with a representative of the Executive under the Criminal Justice and Public Order Act 1994 to make an order prohibiting trespassory assemblies.

#### **12. Legal Proceedings**

To institute (in his or her own name when necessary) all legal proceedings authorised by the Council or any of its duly authorised officers and to defend (subject to any rights of the Council's insurers) any legal proceedings brought against the Council. Where the power to institute proceedings in the Magistrates' Courts is given by statute to the Council or any of its officers, the Shared Head of Corporate Services or any person authorised by him may institute and progress those proceedings including representation at the Magistrates' Court itself. The Shared Head of Corporate Services is also authorised to issue formal cautions in circumstances where he/she and the relevant Head of Service jointly agree that such action is appropriate.

## **2. DELEGATION TO OFFICERS**

### **B Shared Head of Corporate Services (cont'd)**

#### **13. Legal Documents**

- a. The Common Seal of the Council will be kept in a safe place by the Shared Head of Corporate Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Shared Head of Corporate Services should be sealed. The affixing of the Common Seal will be attested by the Shared Head of Corporate Services or some other person authorised by him/her.
- b. The Shared Head of Corporate Services, or any solicitor employed by the Council, shall be authorised to sign legal documents. This action may also be taken by the Chief Executive in consultation with the Council's legal advisers.

#### **14. Emergency Legal Action**

To take in consultation with the Chairman of the Council any action which is in his or her opinion urgently required in order to protect the interest of the Council or the inhabitants of the area including but not limited to the institution, defence or settling of legal proceedings subject to a report being submitted to a meeting of the Executive or Council as soon as is reasonably practicable thereafter.

#### **15. Civil Procedure Rules**

To provide and sign statements of truth in accordance with the Civil Procedure Rules. (Also delegated to any Solicitor employed in the Legal Section or relevant Strategic Director or Chief Executive).

#### **16. Conferences, Seminars, and Workshops**

To make arrangements for Members' attendance at conferences, seminars and workshops where it is considered such attendance would benefit Members. (See also para. 6 of Chief Executive)

#### **17. Members' Allowances**

To pay Members' allowances in accordance with the Scheme of Members' Allowances and relevant legislation and implement the Council's policy and practice regarding travel by public transport or taxi-cab (see minute PF.150/95).

## **2. DELEGATION TO OFFICERS**

### **B Shared Head of Corporate Services (cont'd)**

#### **18. Background Documents**

To charge for the copying of such papers and to exercise discretion to charge such fee as reflects the expenditure involved in copying the documents or to waive the charge in appropriate cases.

#### **19. Seats on Committees**

In consultation with the Leaders of the Political Groups, to agree minor variations of numbers of Members of Bodies, etc, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

#### **20. Local Government Act 2000**

Power to agree and make payments or provide other benefits in cases of maladministration, etc.

#### **21. Licensing Act 2003**

In consultation with the Chairman of the Licensing Committee to make minor amendments to the Council's Constitution arising from the Council's licensing responsibility.

#### **22. Duty to Respond to Petitions – Petition Scheme**

To be responsible for all aspects of the administration of the Petition Scheme.

### **C. Head of Landscape and Leisure Services**

#### **1. Open Spaces and Other Recreational Facilities (including leisure and sports centres)**

Day to day management, including opening hours and bookings. Letting of parks for special events in conjunction with the Head of Property Services and after consultation with the local Member(s) and subject to the Council's written procedures relating to events on Council land.

#### **2. Adoption of Open Spaces and Play Areas**

To agree, in consultation with the Head of Property Services, requests for the adoption of open space on residential estates on such terms as are in accordance with Council policy.

## **2. DELEGATION TO OFFICERS**

### **C. Head of Landscape and Leisure Services (cont'd)**

#### **3. Catering and Leisure and Sports Centres**

To appoint catering staff, nominate approved caterers and set and amend catering prices as and when necessary.

#### **4. Sports Equipment Loan Scheme**

In consultation with a representative of the Executive to progress requests for loans within the approved budget.

#### **5. Special Events and Activities**

To vary charges for special events and activities at Leisure and Sports Centres and other leisure facilities.

#### **6. Recreational Facilities**

Approving out-of-office-hours use (also delegated to the Chief Executive).

#### **7. Hedgerow Regulations**

- (a) To issue and withdraw Hedgerow Retention Notices.
- (b) To determine the Council's response to a Hedgerow Removal Notice where:-
  - i. the hedgerow is not important, or
  - ii. the hedgerow is important and no substantive case has been made for its removal, or
  - iii. the content of the Notice is not significantly different from one determined within the preceding two years.

#### **8. Anti Social Behaviour Act 2003**

(or Head of Development Management)

To issue decisions against high hedge complaints and to authorise any other action under Part 8 of the Act.

## 2. DELEGATION TO OFFICERS

### C. Head of Landscape and Leisure Services (cont'd)

#### 9. Tree Preservation Orders

- a. To authorise the making, serving, varying and revoking of Tree Preservation Orders.
- b. To determine whether and how a Tree Preservation Order should be confirmed if no objections or representations have been duly made, or if such objections or representations have been resolved.
- c. In consultation with the Chairman of the Development Management Committee; and
  - i. the appropriate Ward Member(s), or
  - ii in respect of applications in multi-Member Wards where one Member has declared a wide interest in planning matters, (a) councillor(s) representing such Wards other than a Member having these interests, where such Members agree that delegation should be exercised -

To refuse applications under Tree Preservation Orders and to approve any applications where objections have been received and the notification period has elapsed, subject to there being a holding period of 48 hours from the initial contact with the Ward Member(s), to enable the Member(s) to consider whether the application should be dealt with under this scheme.

(NB: Where an application would normally be delegated in accordance with the above and a Member has acted as agent for the application, then it shall be referred to the Development Management Committee for determination.)

- d. To approve applications under Tree Preservation Orders where no objections have been received and/or notification periods have elapsed.

(NB: Where an application would normally be delegated in accordance with the above and a Member has acted as agent for the application, then it shall be determined in accordance with (c) above.)

To enter land and issue authorisations in writing to other persons to enter land under Sections 214 B and D of the Town and Country Planning Act 1990.

## **2. DELEGATION TO OFFICERS**

### **C. Head of Landscape and Leisure Services (cont'd)**

#### **10. Tree Replacement and the Issue of Tree Replacement Notices**

To pursue tree replacement and, where necessary, to issue Tree Replacement Notices.

#### **11. Tree Matters in Conservation areas**

a. In consultation with the Chairman of the Development Management Committee; and

i. the appropriate Ward Member(s), or

ii. In respect of notifications in multi-Member Wards where one Member has declared a wide interest in planning matters, (a) councillor(s) representing such Wards other than a Member having these interests, where such Members agree that delegation should be exercised –

To allow works to trees in Conservation Areas where objections have been received from the local consultees during a 14-day consultation period, subject to there being a holding period of 48 hours from the initial contact with the Ward Member(s), to enable the Member(s) to consider whether works should be allowed or whether a Tree Preservation Order should be made.

(NB: Where works would normally be allowed in accordance with the above and a Member has acted as agent for the notification, then it shall be referred to the Development Management Committee for determination.)

b. To allow works to trees in Conservation Areas where no objections have been received from the local consultees during a 14-day consultation period.

(NB: Where works would normally be allowed in accordance with the above and a Member has acted as agent for the notification, then it shall be determined in accordance with (a) above.)

#### **11. Forestry Commission Consultations**

To respond to consultations.

## **2. DELEGATION TO OFFICERS**

### **C. Head of Landscape and Leisure Services (cont'd)**

#### **13. Areas of Outstanding Natural Beauty**

In consultation with the appropriate Executive member and Ward Member(s), to enter into land management agreements as part of the AONB programme, where the duration of the agreement does not exceed ten years and the amount of an individual grant does not exceed £5,000.

#### **14. Trees and Landscaping on Council Property**

In consultation with the Head of Property Services, to deal with dangerous trees and landscaping schemes on Council property.

#### **15. Rights of Way Orders – Stopping Up or Diversion Orders**

To make Stopping Up or Diversion Orders under Section 257 of the Town and Country Planning Act 1990, to confirm unopposed orders, to advertise in accordance with statutory requirements, and to cover costs in connection with the process.

#### **16. Salcombe and Kingsbridge Estuary Local Nature Reserve Byelaws**

In consultation with the Shared Head of Corporate Services, to authorise prosecution proceedings under the Byelaws.

#### **17. Environmental Programme**

In consultation with the Chairman or Vice-Chairman of the Development Management Committee and local Ward Member, to determine applications for assistance under the Environment Programme up to a maximum of £5,000.

#### **18. Recreational Routes**

In consultation with the Chairman of the Development Management Committee and local Members, to enter the access agreements on recreational routes.

#### **19. Habitats Regulations**

To exercise the powers and duties of the Council.

#### **20. Public Path Proposals**

To respond to non-contentious proposals on public paths, consulting Ward Members, where appropriate.

## 2. DELEGATION TO OFFICERS

### D. Head of Development Management

#### 1. Development Management

- a. In consultation with the Chairman of the Committee; and
  - i. the appropriate Ward Member(s), or, in a single Member Ward, if that Member declares a prejudicial interest, the application will be determined by the Head of Service in consultation with the Chairman and Vice Chairman of the Committee, and the Ward Member will be informed for information only that the decision has been made under delegated authority. Or,
  - ii. in respect of applications in multi-Member Wards where one Member has declared a wide interest in planning matters, (a) councillor(s) representing such Wards other than a Member having these interests, where such Members agree that delegation should be exercised, except when waived by agreement with the Ward Member and Chairman –

To refuse applications for planning permission, listed building consent, conservation area consent and advertisement consent, and to approve any applications where objections have been received and the notification period has elapsed, subject to there being a holding period of 48 hours from the initial contact with the Ward Member(s), to enable the Member(s) to consider whether the application should be dealt with under this scheme.

(NB: Where an application would normally be delegated in accordance with the above and a Member has acted as agent for the application, then it shall be referred to the Development Management Committee for determination.)

- b. To approve planning applications listed building consent, conservation area consent and advertisement consent, where no objections have been received and/or notification periods have elapsed.

(NB: Where an application would normally be delegated in accordance with the above and a Member has acted as agent for the application, then it shall be determined in accordance with (a) above).

## 2. DELEGATION TO OFFICERS

### D. Head of Development Management

#### 1. Development Management (cont'd)

- c. To determine the following, subject to advising the Chairman of the Committee and the appropriate Ward Member(s) of action to be taken:-
  - i. applications for the demolition of certain classes of building under Class A of Part 31 of Schedule 2 of the General Permitted Development Order;
  - ii. notifications of certain telecommunications development under Class A of Part 24 of Schedule 2 of the General Permitted Development Order;
  - iii. applications for agricultural and forestry buildings and operations under Class A of Part 6 of Schedule 2 and Class A of Part 7 of Schedule 2 of the General Permitted Development Order.
- d.
  - i. In consultation with the relevant local Member(s) (who shall be given 7 days to respond), to forward to the County Council a recommendation on each planning application upon which the Council is consulted by the County Council.(Where a local Member has an interest, the Chairman of the Committee shall instead be consulted).
  - ii. To make recommendations to a neighbouring local planning authority when consulted on a planning application, subject to the concurrence of the Member(s) of the neighbouring Ward within South Hams to the development or, in the absence of the Ward Member(s), the Chairman of the Committee.
- e. Where the Committee approves conditionally an application which the Head of Development Management has recommended should be refused, if the appropriate conditions of approval are the normal or standard requirements, the Head of Development Management is authorised to issue the Approval Notice forthwith including on it the normal or standard conditions.
- f. Where conditions other than the normal or standard ones are imposed by the Committee, the Head of Development Management and Chairman of the Committee shall agree them, but if agreement cannot be reached, the matter shall be referred back to the Committee.

## 2. DELEGATION TO OFFICERS

### D. Head of Development Management

#### 1. Development Management (cont'd)

- g. Where the Development Management Committee refuses an application which the Head of Development Management recommended to be approved, the Head of Planning and Building Control shall agree the wording of the reasons for refusal with the Chairman of the Committee.
- h. To agree in writing details submitted in response to a planning, listed building, advertisement, conservation area or works to a protected tree or hedgerow condition imposed on a consent.
- i. In respect of the Council's own planning applications, such applications will be determined by the Development Management Committee, unless the local Member(s) have requested the matter to be determined by the full Council.

Authority also to be exercised by Area Planning Officers.

#### 2. Hazardous Substances

To consider applications for deemed consent under the Planning (Hazardous Substances) Act 1990.

#### 3. Affordable Housing for Local Needs and Access Housing

To determine to which planning applications the policy approved in the agreed local plan/local development framework should apply and, in consultation with the Chairman of the Development Management Committee, to agree the proportion of affordable housing and/or actual features to provide an element of access housing to be sought in negotiations with developers in new schemes.

Authority also to be exercised by Area Planning Officers.

#### 4. Rights of Entry Under Sections 196A & B, 214 B and D and 324 of the Town and Country Planning Act 1990; Section 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, Regulations 12 and 13 of the Hedgerow Regulations 1997 and any Statutory Amendment or Replacement Thereof

To enter land and issue authorisations in writing to other persons to enter land under the legislation referred to.

Authority also to be exercised by all Planning Officers.

## **2. DELEGATION TO OFFICERS**

### **D. Head of Development Management (cont'd)**

#### **5. Section 106 Agreements**

- a. To authorise the execution of a section 106 agreement, where required in advance of the grant of planning permission under delegated powers.
- b. If the decision of the Development Management Committee to grant consent subject to prior completion of a Section 106 Agreement proves to be inappropriate, to vary the agreement or take such action as is necessary to secure the objectives of the Committee in consultation with the Chairman of the Committee.
- c. To authorise the execution of a section 106 agreement where an application is subject to an appeal, to take effect in the event that the appeal is allowed:-
  - i. Where the agreement relates to drainage matters and/or an education infrastructure contribution; or
  - ii. where the appeal is against refusal or non-determination following an officer recommendation that permission be granted, where the agreement is substantially in the form set out in the recommendation, subject to any instruction to the contrary by the Committee; or
  - iii. in consultation with the Chairman of the Committee and the appropriate Ward Member(s), in all other cases.

Authority also to be exercised by Area Planning Officers.

#### **6. Enforcement Action**

- a. To take action against breaches of the controls applying to development, conservation areas, listed buildings, advertisements, trees, hedgerows and untidy sites (including in any of these cases breaches of condition);
- b. To serve and issue formal notices (including but not limited to enforcement and stop notices), and the authorisation of prosecution or injunction proceedings;
- c. References to informal action or no action shall be construed in the same way:-
  - i. To take informal action by way of undertaking investigations and negotiations.

## **2. DELEGATION TO OFFICERS**

### **D. Head of Development Management (cont'd)**

#### **6. Enforcement Action (cont'd)**

- ii. In consultation with the Chairman of the Development Management Committee, (or in his absence, the Vice-Chairman), and the Ward Member(s) to agree to take no action with or without amelioration or remedial measures where development had taken place for which a planning application should have been submitted.
- iii. In consultation with the Chairman of the Development Management Committee, (or in his absence, the Vice-Chairman), the Ward Member(s) and the Shared Head of Corporate Services (or an officer authorised by him/her) to take enforcement action.
- iv. In conjunction with the Shared Head of Corporate Services, to withdraw, vary or substitute any notice or proceedings.
- v. To respond on behalf of the Council to consultations by the Dartmoor National Park Authority in connection with enforcement action or prosecution proceedings.

Authority also to be exercised by Area Planning Officers.

#### **7. Prosecutions**

In consultation with the Shared Head of Corporate Services, to authorise prosecutions in respect of the failure to comply with enforcement notices on listed buildings, tree preservation, and advertisements.

Authority also to be exercised by Area Planning Officers.

#### **8. Historic Buildings and Conservation**

To serve Building Preservation Notices in accordance with Section 3(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to notify Ward Members of the serving of Notice.

Authority also to be exercised by Area Planning Officers.

#### **9. Conservation Area Character Appraisals**

To approve for consultation and adopt such appraisals in consultation with the local Ward Member(s) and the lead Executive Member.

## **2. DELEGATION TO OFFICERS**

### **D. Head of Development Management (cont'd)**

#### **10. Conservation Area Management Plans**

To approve for consultation and adopt such appraisals in consultation with the local Ward Member(s) and the lead Executive Member.

#### **11. Appeals**

To recommend to the Planning Inspectorate whether planning appeals should be dealt with by written representations, Informal Hearings or Public Inquiry, subject to consultation with the Chairman of the Development Management Committee and Ward Member(s) if it appears to the Head of Development Management that there are implications which require such consultation.

Authority also to be exercised by Area Planning Officers.

#### **12. Caravan Sites and Control of Development Act 1960 – Exempted Organisations**

To determine applications for issue of certificates, in consultation with appropriate officers and Ward Member(s).

Authority also to be exercised by Area Planning Officers.

#### **13. Applications to Work on Trees and Hedgerows Covered By a Planning Condition**

To determine all applications.

Authority also to be exercised by the Landscape and Recreation Manager.

#### **14. Planning Applications Within Dartmoor National Park**

To make recommendations to the Dartmoor National Park Committee subject to the concurrence of the Ward Member(s), or in the absence of the Ward Member(s), the Chairman of the Development Management Committee.

Authority also to be exercised by Area Planning Officers.

## 2. DELEGATION TO OFFICERS

### D. Head of Development Management (cont'd)

**15. Fly Posting – Local Government (Miscellaneous Provisions) Act 1982 (Section 37), Town and Country Planning Act 1990 (Section 225) and Anti Social Behaviour Act 2003**

To issue Notices and arrange for the removal or obliteration of illegal placards or posters. Planning staff are designated "authorised officers" for the purposes of Section 324 of the 1990 Act (Rights of Entry).

Authority also to be exercised by Area Planning Officers.

**16. Repeat Applications**

In conjunction with the Shared Head of Corporate Services to decline, pursuant to Section 70A of the Town and Country Planning Act 1990, to determine applications.

**17. Lawful Development Certificates**

To determine applications in conjunction with the Shared Head of Corporate Services subject to the subsequent notification to Members of the decisions taken.

Authority also to be exercised by Area Planning Officers.

**18. Section 48 of the Listed Buildings Act**

To serve repair Notices under this Section of the Act in consultation with the Chairman of the Committee and Ward Member(s).

**19. Environmental Impact Assessment Regulations 1999**

To exercise the powers and duties of the Council.

Authority also to be exercised by Area Planning Officers.

**20. Anti Social Behaviour Act 2003**

(or the Head of Landscape and Leisure)

To issue decisions against high hedge complaints and to authorise any other action under Part 8 of the Act.

Authority also to be exercised by Area Planning Officers.

## 2. DELEGATION TO OFFICERS

### E. Head of Environmental Health

In conjunction, where appropriate, with the Shared Head of Corporate Services, the Head of Environmental Health is authorised to enforce compliance with the following Acts and associated legislation including the authorisation of legal proceedings, service of notices and orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and of payment and recovery of costs:-

#### 1. Caravan Sites and Control of Development Act 1960

(Also authorised to approve minor variations to model Standards without overall detriment to the layout or operation of the site or health and safety of those using it).

#### 2. Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002

To register or cancel registrations of Motor Salvage Operators.

#### 3. Clean Air Act 1993

#### 4. Environmental Protection Act 1990

- a. Parts I, III, and VIII:
- b. Parts II and III: Officers authorised by the Head of Environmental Health.
- c. Parts IV and V: Officers authorised by the Head of Environmental Health.
- d. Section 88: Officers authorised by the Head of Environmental Health and the Head of Environment Services.
- e. Section 149:

#### 5. Remainder of Housing Act 1985 (Parts VI, VII, IX, X, XI, XII, XVII, XVIII) (as amended by Housing Act 1988), Local Government and Housing Act 1989 and Housing Act 1996 Houses in Multiple Occupation (HMOs)

To amend standards adopted by the Council for HMOs (7.11.96) where this is considered appropriate.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **6. Food Act 1984**

#### **7. Food and Environment Protection Act 1985 – Part III**

All Environmental Health Officers employed by the Council authorised to enforce the provisions of pesticides legislation.

#### **8. Food Safety Act 1990**

Officers authorised by the Head of Environmental Health.

- a. Sections 8 and 14: Officers authorised by the Head of Environmental Health.
- b. Sections 8, 10 and 12: Officers authorised by the Head of Environmental Health.
- c. Sections 10 and 12: Official Veterinary Surgeon (responsible to the Head of Environmental Health) to issue Improvement and Emergency Prohibition Notices.
- d. Section 29: Officers authorised by the Head of Environmental Health.
- e. Section 30: Officers authorised by the Head of Environmental Health.
- f. Section 32: Officers authorised by the Head of Environmental Health.

#### **9. Officers, Shops and Railway Premises Act 1963**

#### **10. Health and Safety at Work, etc, Act 1974**

- a. Section 19: Appointment of Inspectors and specification/variation of their powers.
- b. Sections 20(2)(a)-(m), 21, 22, 23, 25, 33, 38 and 39. Authority to prosecute under S.33 for failure to comply with Sections 2-7, Section 20(2)(a)-(m): Officers authorised by the Head of Environmental Health.

#### **11. The Health and Safety (Enforcing Authority Regulations 1989): (Transfer and Assignment of Enforcement Responsibility)**

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

- 12. Prevention of Damage by Pests Act 1949**
- 13. Public Health Act 1936 (Parts II, IV and XI)**
- 14. Public Health Act 1961 (Parts II and VI)**
- 15. Rag, Flock and Other Filling Materials Act 1951**
- 16. European Communities Act 1972 – Meat Products (hormonal Substances) Regulations 1989**
- 17. Places of Private Entertainment (Licensing) Act 1967**
  - a. Local Government (Miscellaneous Provisions) Act 1982:
  - b. Section 1 and Schedule 1 paras 1 and 2 (Public Entertainment):
    - i. To determine first time applications, after reference to Ward Member(s).
    - ii. To suspend, revoke or refuse licences, after reference to a representative of the Executive, and the local Member(s). If no Member of the minority political groups would otherwise be referred to, after reference to a Member nominated by the Leader or Deputy Leader of those groups.
    - iii. To vary the standard charge from 80p to 20p per head for occasional indoor or outdoor public amplified music events (over 1,000 people attending), after consultation with the local Member(s) and a representative of the Executive.
  - c. Schedule 1 and Schedule 1, para 3 (Public Entertainment Open Air): After consultation with a representative of the Executive and Ward Member(s) to determine applications for licences.
- 18. Section 4 (Takeaway Food Shops)**

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **19. Performing Animals (Regulation Act 1925)**

Power to register animal trainers and exhibitors.

#### **20. (Closing Orders)**

After consultation with a representative of the Executive and Ward Member(s).

#### **21. Part VIII (Acupuncture, Tattooing, Ear Piercing and Electrolysis)**

#### **22. Section 29 (Protection of Buildings)**

In conjunction with the Building Control Manager.

#### **23. Local Government (Miscellaneous Provisions) Act 1976 Part 1 (Sanitary Accommodation)**

#### **24. Requisitions for Information**

#### **25. Local Government (Miscellaneous Provisions) Act 1976 Part II, Town Police Clauses Acts 1847 and 1889, Public Health Act 1875**

After consultation with a representative of the Executive to suspend, revoke or refuse licences. Otherwise to approve Hackney Carriage licence applications and private hire licence applications.

#### **26. Transport Acts 1980 and 1985 (Hackney Carriage and Private Hire Provisions)**

After consultation with a representative of the Executive to reduce the fee for the transfer of a licence for Hackney Carriages and private hire vehicles in circumstances where he considers it appropriate, a minimum fee of £25 being chargeable in such circumstances.

#### **27. Road Traffic Act 1991 S.47**

Head of Environmental Health (Access to Criminal Records).

#### **28. Zoo Licensing Act 1981**

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **29. Control of Pollution Act 1974 Part III**

#### **30. Animal Boarding Establishments Act 1963**

Including issuing of conditional licences and:-

- a. varying conditions as necessary to meet individual circumstances where such variation will not be detrimental to the welfare of the animals;
- b. specifying a period, not exceeding 5 years, for compliance with one or more of the conditions or such variation as considered appropriate.

#### **31. Pet Animal Act 1951**

#### **32. Breeding of Dogs Act 1973**

#### **33. Breeding of Dogs Act 1991**

To apply to a Justice of the Peace for a Warrant allowing persons authorised by the Head of Environmental Health to enter premises where an offence against Section 1 (1) of the Breeding of Dogs Act 1973 is suspected.

#### **34. Riding Establishments Act 1964-1970**

#### **35. Game Act 1831**

#### **36. Games Licences Act 1860**

#### **37. Late Night Refreshments Houses Act 1969**

#### **38. Scrap Metal Dealers Act 1964**

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **39. Theatres Act 1968**

#### **40. Cinemas Act 1985**

#### **41. Gaming Act 1968 (Gaming Machines) as amended by the Licensing Act 2003**

The Licensing Manager has power to grant amusement with prize permits in accordance with the Licensing Policy under the Licensing Act 2003.

#### **42. Dangerous Wild Animals Act 1976**

#### **43. Licensing Act 2003**

- a. The Licensing Manager has delegated authority in the following circumstances:
  - i. To consider applications for a personal licence unless the police object;
  - ii. To consider applications for premises licence/club premises certificate unless a relevant representation is made;
  - iii. To consider applications for a provisional statement unless a relevant representation is made;
  - iv. To consider applications to vary premises licence/club premises certificate unless a relevant representation is made;
  - v. To consider applications to vary a designated premises supervisor unless the police object;
  - vi. To consider requests to be removed as a designated premises supervisor;
  - vii. To consider applications for the transfer of a premises licence unless the police object;
  - viii. To consider applications for interim authorities unless the police object;
  - xix. To decide whether a complaint is irrelevant, frivolous, vexatious etc;
  - x. To consider AWP permits in conjunction with two or less Committee Members.
  - xi. To consider all minor variations to premises licences / club premises certificates; and
  - xii. To consider the disapplication of certain mandatory conditions for community premises unless the police object.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **43. Licensing Act 2003 (cont'd)**

- b. Power for The Licensing Manager, in conjunction with the Chairman of the Licensing Committee, to make minor amendments to the peripheral contents of the Licensing Policy Statement.

#### **44. Gambling Act 2005**

- a. The Licensing Manager has delegated authority in the following circumstances:
  - i. To consider applications for premises licences where no representation have been received or representations have been withdrawn;
  - ii) To consider applications for a variation to a licence where no representations have been received or representations have been withdrawn;
  - iii) To consider applications for a transfer of a licence where no representations have been received from the Commission;
  - iv) To consider applications for a provisional statement where no representations have been received or representations have been withdrawn;
  - v) To consider applications for club gaming / club machine permits where no objections have been made or objections have been withdrawn;
  - vi) To consider applications for other permits;
  - vii) To consider applications for Small Lottery Registration where no objections have been made or objections have been withdrawn;
  - viii) Cancellation of licensed premises gaming machine permits;
  - ix) Consideration of temporary use notice.
- b. Power to make minor amendments to the peripheral contents of the Statement of Principles in consultation with the Chairman of the Licensing Committee

#### **45. (Byelaws Hackney Carriages)**

## 2. DELEGATION TO OFFICERS

### E. Head of Environmental Health (cont'd)

46. **(Byelaws – Crop Burning)**

47. **Merchant Shipping Act 1970 (Section 76)**

Officers authorised by the Head of Environmental Health.

48. **Public Health (Control of Diseases) Act 1984**

49. **(Port Health Duties, Disposal of Bodies)**

50. **Public Health Act 1875**

51. **(Control of Infectious Disease)**

Consultant in Communicable Disease Control or his appointed deputy.

52. **National Assistance Acts 1948 / 1951**

Consultant in Communicable Disease Control or his appointed deputy.

53. **Persons Incapable of Looking After Themselves Because of Age or Infirmity and are Living in Unsanitary Conditions**

Consultant in Communicable Disease Control or his appointed deputy.

54. **Milk and Dairies (General Regulations) 1959**

Consultant in Communicable Disease Control or his appointed deputy.

55. **Refuse Disposal (Amenity) Act 1978**

Head of Environment Services to take all necessary action regarding abandoned vehicles.

56. **Building Act 1984 (Part III and Part IV)**

57. **House to House Collections Act 1939**

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

**58. Lotteries and Amusements Act 1976**

**59. Police, Factories etc (Miscellaneous Provisions) Act 1916 (Street Collections)**

**60. Guard Dogs Act 1975**

**61. Dogs Act 1906 (as amended)**

**62. Dangerous Dogs Act 1991**

**63. Dogs (Fouling of Land) Act 1996**

To enforce the provisions of the Act, including (in consultation with the Shared Head of Corporate Services) the power to authorise prosecution proceedings, to authorise employees of the Council to issue fixed penalty notices in respect of failure to remove faeces from designated land and to make adjustment to the areas designated under the Act, in consultation with the Shared Head of Corporate Services and a representative of the Executive.

**64. Noise and Statutory nuisance Act 1993**

Power to grant consent for the operation of a loudspeaker.

**65. Meat Products (Hygiene) Regulations 1994**

Power to approve meat product premises.

**66. Minced Meat and Meat Preparations (Hygiene) Regulations 1995**

Power to approve premises for the production of minced meat or meat preparations.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **67. Dairy Products (Hygiene) Regulations 1995**

Power to approve dairy establishments.

#### **68. Egg Products Regulations 1993**

Power to approve egg product establishments.

#### **69. Food Safety (General Food Hygiene) Regulations 1995**

Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.

#### **70. Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998**

- a. Power to approve fish products premises;
- b. Power to approve dispatch or purification centres;
- c. Power to register fishing vessels on board which shrimps or molluscs are cooked;
- d. Power to approve factory vessels and fishery product establishments;
- e. Power to register auction and wholesale markets.

#### **71. Food Premises (Registration) Regulations 1991**

- a. Duty to keep register of food business premises.
- b. Power to register food business premises.

#### **72. Housing Grants, Construction and Regeneration Act 1996 Part (IV)**

To receive, consider and determine any representation following the service of notices under Section 86 of the Act and Article 3 of the Housing (Fitness Enforcement Procedures) Order 1996 or Section 377A of the Housing Act 1985 (as amended) and Article 3 of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **73. The Environmental Protection (Stray Dogs) Regulations 1992**

In cases of exceptional hardship, to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays. The Community Wardens are authorised to act on behalf of the Head of Environmental Health in the seizure of dogs.

#### **74. Building Act 1984 (Dangerous Structures)**

Building Control Manager.

#### **75. The Water Industry Act 1991 and Relevant Regulations**

- a. Functions of the District Council with regards to wholesomeness and sufficiency of public and private drinking water supplies:
- b. Entry into premises and analysis of samples of water supplied to premises within the South Hams District: All Environmental Health Officers and Technical Officers of the Environmental Health Service.
- c. Private Water Supplies Regulations 1991: To receive and determine applications for authorisation for relaxations of Part III of the regulations in relation to private water supplies and the revocation or modification of such authorisations.

#### **76. Hypnotism Act 1952**

To determine applications under this Act after consultation with a representative of the Executive and the local Member(s).

#### **77. Anti Social Behaviour Act 2003**

to take all necessary action with regard to the power to close noisy premises where public nuisance is being caused.

#### **78. Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Trees)**

To take any required action relating to dangerous trees.

#### **79. Licensing – Insurances**

In consultation with a representative of the Executive and Head of Financial Services to decide the level of insurance required for licence purposes.

#### **80. Dangerous Trees**

To take any required action relating to dangerous trees.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **81. Informal Open Air Gatherings and Entertainments**

To determine the Council's response to events of this nature after consultation with a representative of the Executive and the Ward Member(s).

#### **82. Pest Control**

To waive charges in cases of hardship.

#### **83. Restoration of Supplies of Water, Gas or Electricity**

To make arrangements with statutory undertakers for the restoration of water, gas and electricity supplies, where the disconnection is due to non-payment by the landlord which will leave the tenant without an essential service after consultation with a representative of the Executive.

#### **84. Cryptosporidiosis**

To sample water supplies for Cryptosporidium as deemed appropriate.

#### **85. Authorisation of Officers**

To act and to issue authorisation to other persons to act under the legislation and any statutory amendment or replacement thereof listed in item 9:-

Animal Boarding Establishments Act 1963  
Anti Social Behaviour Act 2003  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Building Act 1984  
Caravan Sites and Control of Development Act 1960  
Cinemas Act 1985  
Control of Smoke Pollution Act 1989  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Deer Act 1980  
Deregulation and Contracting Act 1994  
Dog Act 1906  
Environmental Protection Act 1990  
Environment Act 1995  
European Communities Act 1972  
Factories Act 1961  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Game Act 1853

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **85. Authorisation of Officers (cont'd)**

Game Licences Act 1860  
Gaming Act 1968  
Guard Dogs Act 1975  
Health and Safety at Work etc Act 1974  
House to House Collections Act 1939  
Housing Act 1985  
Housing Act 1988  
Hypnotism Act 1952  
Landlord and Tenant Act 1985  
Late Night Refreshment Houses Act 1969  
Licensing Act 1964  
Licensing Act 2003  
Local Government Act 1972  
Local Government (Miscellaneous Provisions) Act 1971  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government and Housing Act 1989  
Lotteries and Amusements Act 1976  
Mobile Homes Act 1983  
National Assistance Act 1948  
Offices, Ships, and Railway Premises Act 1963  
Pet Animals Act 1951  
Police, Factories etc (Miscellaneous Provisions) Act 1916  
Prevention of Damage by Pests Act 1949  
Private Places of Entertainment (Licensing) Act 1967  
Public Health Act 1936  
Public Health Act 1961  
Public Health (Control of Disease) Act 1984  
Rag Flock and other Filling Materials Act 1951  
Refuse Disposal (Amenity) Act 1978  
Riding Establishments Act 1964 and 1970  
Scrap Metal Dealers Act 1964  
Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Sunday Entertainment Act 1972  
Sunday Trading Act 1994  
Theatres Act 1968  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Transport Act 1980  
Transport Act 1985  
Water Industry Act 1991  
Zoo Licensing Act 1981  
Any other legislation which is from time to time introduced.

## **2. DELEGATION TO OFFICERS**

### **E. Head of Environmental Health (cont'd)**

#### **86. Housing Renovation Grants, Disabled Facilities, Grant and Home Repair Assistance**

- a. To undertake all necessary works in accordance with the Council policy and criteria (minute 85/96 refers) and the requirements of the Local Government Housing Act 1989 and Housing Grants, Construction and Regeneration Act 1996;
- b. Waiving of the requirement for repayment (in conjunction with the Head of Financial Services).
- c. Enforce conditions and seek recovery of grant upon any breach in relation to grants paid under the Housing Act 1985, the Local Government and Housing Act 1989 and the Housing Grants, Construction and Regeneration Act 1996, in conjunction with the Head of Financial Services.

#### **87. Home Energy Conservation Act 1995**

To determine initiatives and to enter into appropriate partnerships in relation to the undertaking of the Council's home energy strategy within the resources identified for this purpose.

#### **88. Health Act 2006**

To enforce the provisions as specified within Part 1 of the Health Act 2006.

### **F. Head of ICT Services**

#### **1. Licensing Agreement**

To enter licensing agreements on behalf of the Council for information, communication and technology services and supplies up to a value of £30,000, in line with Part 4: Contract Procedure Rules.

#### **2. Enter Into Contracts**

To enter contracts for information, communication and technology services and supplies, in line with Part 4: Contract Procedure Rules

## **2. DELEGATION TO OFFICERS**

### **G. Head of Customer Services**

#### **1. Car Park Fines**

To determine all appeals made against the issuing of a standard charge for failure to comply with car parking rules.

#### **2. Housing Benefit Scheme**

To operate and administer the scheme of Housing Benefit on behalf of the Council, including the taking of all decisions or action required of the Council under the provisions of statute and Statutory Instruments regulating the Scheme.

#### **3. Rent Arrears**

- a. Accept payments of arrears by instalments.
- b. Serve Notice to Seek Possession.
- c. Serve Warrant for Private Bailiff to distrain upon goods.
- d. Apply for Warrant to Evict after consultation with the Head of Housing and Community Delivery or the Housing Resources Manager and Leader or Deputy Leader of the Council. (Note: Ward Member(s) to be advised of proposed action).

#### **4. Discretionary Housing Payments**

To operate and administer the scheme of Discretionary Housing Payments on behalf of the Council, including the taking of all decisions or action required of the Council under the provisions of statute and Statutory Instruments regulating the Scheme.

#### **5. Council Tax Benefits Scheme**

To operate and administer the Scheme of Council Tax Benefit on behalf of the Council, including the taking of all decisions or action required by the Council under the provisions of statute and Statutory Instruments regulating the Scheme.

#### **6. Formal Cautions**

The power to administer formal cautions in relation to over payments of housing benefit and/or council tax benefit.

#### **7. Anti Fraud and Corruption**

To decide whether to offer an administrative penalty or to prosecute in cases of the fraudulent claiming of housing benefit.

## **2. DELEGATION TO OFFICERS**

### **G. Head of Customer Services (cont'd)**

#### **8. Youth Advice Services**

In consultation with a representative of the Executive, to approve appropriate expenditure within the overall budget for youth housing-related services.

#### **9. Housing Applications**

In accordance with approved conditions, policies and points scheme of the Council:-

- a. Acceptance/refusal of all applications for housing.
- b. Acceptance of applications outside those conditions with the concurrence of a representative of the Executive.
- c. Assessment of priority including the award of discretionary points.

#### **10. Homelessness**

- a. To undertake the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to Registered Social Landlords as required.
- b. In consultation with the Shared Head of Corporate Services and a representative of the Executive, to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.
- c. To arrange and recharge as necessary, the removal and storage of personal possessions.
- d. To authorise legal action, in consultation with the Shared Head of Corporate Services, to obtain possession of any dwelling occupied by a person accommodated under the Housing Act 1996 (Part VII, Homelessness) who has refused one reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

#### **11. Housing Allocation Scheme**

In consultation with a representative of the Executive to make any necessary amendments to the scheme.

## **2. DELEGATION TO OFFICERS**

### **G. Head of Customer Services (cont'd)**

#### **12. Maintenance of the Statutory Housing Register**

In accordance with approved Council policy and the requirements of the Housing Act 1996:-

- a. The nomination to RSLs of those with the highest level of points for whom the dwelling would be suitable.
- b. Conclusion and termination of all agreements granting temporary tenancies, licences for use and occupation.
- c. To nominate to RSLs applicants for low cost housing schemes in accordance with the policy set out in Minute HO.25/88.

#### **13. General**

- a. Apply for a Warrant to Evict applicants in temporary accommodation after consultation with a representative of the Executive.
- b. In consultation with a representative of the Executive and the relevant Ward Member(s), determine requests for purchase of former Council houses where the standard covenant regarding residence or employment within Devon has not been satisfied.

#### **14. Rent Deposit Guarantee Scheme**

To arrange guarantees in accordance with the Council's policy.

#### **15. Housing Aid**

- a. Harassment: In conjunction with the Shared Head of Corporate Services, investigate and authorise appropriate action under the Protection from Eviction Act 1977, the Housing Act 1985 and the Housing Act 1988.
- b. Certificate for Courts: Provide a Certificate of Suitable Alternative Accommodation under the Rent (Agriculture) Act 1976, and the Rent Act 1977.

## **2. DELEGATION TO OFFICERS**

### **H. Head of Financial Services**

#### **1. Housing Benefit Overpayments**

To write off Housing Benefit overpayments up to £3,000 where the Head of Financial Services is satisfied that it would be either uneconomical or inappropriate for the Council to pursue them, subject to the total amounts written off being subsequently reported to the Executive.

#### **2. Mortgages**

- a. To declare the appropriate interest rates in accordance with Section 110(6) of the Housing Act 1980.
- b. Authorise Court Proceedings for recovery of arrears.

#### **3. Social Housing Grant**

To sign and certify social housing grant claims. The Chief Accountant is also authorised to exercise this power. (See also section D(10) above - scheme certifications).

#### **4. Use of Reserves**

In conjunction with the appropriate Strategic Director or Head of Service to approve the use of specific reserves up to £30,000.

#### **5. Financial Management**

Various matters detailed in the Council's financial regulations.

#### **6. Virement**

Where the sum involved is between £30,000 and £100,000 the appropriate Head of Service and the Head of Financial Services shall sign a virement form in consultation with the appropriate accountant and submit to the Executive for approval.

#### **7. Council Tax**

- a. Signature of Attachment of Earnings Orders:- any other officer whom the Head of Financial Services feels appropriate.
- b. In conjunction with the Chief Executive, to employ any further staff that may be required from time to time in connection with Council Tax, subject to a report to the Executive at its next subsequent meeting.
- c. In conjunction with the Leader of the Council, to agree local discounts.

## **2. DELEGATION TO OFFICERS**

### **H. Head of Financial Services (cont'd)**

#### **8. Rates Relief**

To determine applications for non-domestic rates relief or discretionary relief under the village shop rate relief scheme in hardship cases, in consultation with a representative of the Executive.

#### **9. Business Rates and Council Tax**

To write off business rates and council tax up to £3,000 where the Head of Financial Services is satisfied that it would be uneconomical for the Council to pursue them further, subject to the total amounts written off being subsequently reported to the Executive.

#### **10. Other Debts**

To write off other debts up to £3,000 where the Head of Financial Services is satisfied that it would be either uneconomical or inappropriate for the Council to pursue them, subject to the total amounts so written off being subsequently reported to the Executive.

#### **11. Accounts and Audit Regulations 1996**

To undertake the Council's responsibilities for internal audit.

#### **12. Capital Programme**

To determine the financing of the Capital Programme in order to maximise resources available for social housing related advances at no additional cost to the Council.

## **2. DELEGATION TO OFFICERS**

### **I. Head of Environment Services**

#### **1. Vehicle Fleet**

To dispose of vehicles by way of trade-in or following advertisement, to highest tenderer, and to hire additional vehicles where necessary.

#### **2. Trade Refuse Waste**

To set commercial charges in line with market forces. The Head of Environment Services is also authorised to vary charges in appropriate circumstances.

#### **3. Car and Pannier Markets**

Day to day management within the Council's agreed policies, including dealing with requests for free or concessionary use of car park spaces.

Levying of maximum summer car park charges at the appropriate times.

Letting of car parks for special events in conjunction with the Head of Property Services and after consultation with the local Member(s) and subject to the Council's written procedures relating to events on Council land.

#### **4. Compliance with Relevant Legislation**

In conjunction with the Shared Head of Corporate Services, to enforce compliance with the following legislation including the authorisation of legal proceedings, service of notices and orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and of payment and recovery of costs:-

- a. Environmental Protection Act 1990 – Parts II and IV
- b. Section 88 of EPA 1990
- c. Public Health Acts (Amendment) Act 1901 (Boatman and Pleasure Boat Licences)

#### **5. Refuse Disposal (Amenity) Act 1978**

The Head of Environment Services to take all necessary action regarding abandoned vehicles.

## **2. DELEGATION TO OFFICERS**

### **I. Head of Environment Services (cont'd)**

#### **6. Clean Neighbourhoods and Environment Act 2005**

The appointment of authorised officers of the Council and its agents to enforce the provisions of the Act under:

- Part 2 of the Act in relation to nuisance parking, abandoned vehicles and illegally parked vehicles;
- Part 3 of the Act as it extends to the statutory offences related to litter and refuse;
- Part 4 of the Act which relates to graffiti and fly-posting;
- Part 5 of the Act in relation to miscellaneous provisions affecting waste;
- Part 6 of the Act in relation to the control of dogs;
- Part 7 of the Act in relation to noise nuisance.

To prosecute alleged offenders in the courts under the provisions within Parts 2,3,4,5, 6 and 7 of the Act.

#### **7. Civil Parking Enforcement**

To appoint Civil Enforcement Officers and authorise them to enforce the provisions of the Traffic Management Act 2004, relating to civil enforcement of traffic contraventions by virtue of the Council's agreement with Devon County Council.

#### **8. Lower Ferry Prices**

That in consultation with the Lead Executive Member for a Clean Environment, to be able to vary all the pricing charges on the Lower Ferry as and when deemed necessary.

## **2. DELEGATION TO OFFICERS**

### **J. Head of Human Resources**

#### **1. Remuneration Packages**

In conjunction with the Chief Executive, to operate and administer remuneration packages agreed from time to time, within the approved salary budgets.

#### **2. Ill Health Requirements**

To approve, in consultation with the Chairman of Personnel Panel, cases of early retirement on the grounds of ill health.

#### **3. Damage to Employees Personal Property**

Meeting claims up to the amount specified from time to time by the Council's insurers.

#### **4. Assisted Car Purchase Scheme**

Operation of Scheme.

#### **5. Car Contract Hire Scheme**

To approve individual applications for a contract hire vehicle.

#### **6. Personnel Policies and Procedures**

To make minor amendments to policies and procedures which may arise from referred to job or committee title changes (eg due to shared services and management teams, restructures, or similar changes).

## **2. DELEGATION TO OFFICERS**

### **K. Head of Property Services**

#### **1. Employment Estates**

Day-to-day management (including lettings – detailed matters such as leases, licences, agreements, rents, fees, encroachments, etc).

#### **2. Property Management**

- a. To give consent to the assignment, sub-letting or surrender of existing leases (authority also to be exercised by Principal Valuer).
- b. To authorise and take necessary legal proceedings towards the termination and renewal of leases, agreements and licences (authority also to be exercised by Principal Valuer).
- c. To take legal and court action to enforce payment of rent and charges due (authority also to be exercised by Principal Valuer).
- d. To approve the revision of rents and licence fees (authority also to be exercised by Principal Valuer).
- e. To approve amendments to the terms of an existing lease, agreement or licence (authority also to be exercised by Principal Valuer).
- f. To grant or obtain easements and wayleaves (authority also to be exercised by Principal Valuer).
- g. To grant licences, periodic tenancies and leases (not exceeding 15 years) at a fee / rental not exceeding £75,000 per annum (authority also to be exercised by the Principal Valuer).
- h. To approve the conveyancing of land to public utility services in connection with Council development.
- i. Day to day management of Council land and buildings where not delegated to other Head of Services.
- j. Imposition or release of covenants in respect of land where the Council has an interest.
- k. To be able to affect minor freehold disposals of land not required for operational purposes up to £25,000 in value to the owners of adjacent or nearby property or Statutory Undertakers.

## **2. DELEGATION TO OFFICERS**

### **K. Head of Property Services (cont'd)**

#### **3. Public Conveniences**

- a. To be able to enforce short-term closures or reduction in opening hours (for a duration of less than one week);
- b. To be able to enforce short-term immediate closures (for a duration of one week or more) with the Ward Member(s) and the lead Executive Member being advised of the decision, the reasoning and the expected duration of the repair;
- c. Subject to consultation and agreement with the local Members), to enforce either a long-term reduction in hours of opening or permanent closure (due to the scale of vandalism or anti-social behaviour).
  - i. In the event that local Member(s) did not agree with this course of long-term action, the final decision be delegated to the Head of Property Services in consultation with the lead Executive Member, whilst taking into account the views of the local Member(s).
  - ii. In the event that the Head of Property Services and the lead Executive Member(s) could not agree this course of long-term action, the matter would be referred to a meeting of the Executive for a decision.

#### **4. Land Drainage Act 1991**

To take all necessary action in respect of:-

- a. Section 14 (2)(a) – powers to maintain existing works (NB 14 (2)(b) - to improve any existing works and 14 (2)(c) - to construct new works will require full Council/Executive approval)
- b. Section 25 - powers to require works for maintaining flow of watercourse (NB subject to the approval of the Environment Agency)
- c. Section 64 - powers of entry

## 2. DELEGATION TO OFFICERS

### K. Head of Property Services (cont'd)

#### 5. Public Health Act 1936

To take all necessary action in respect of Section 264 - powers to require landowners to repair, maintain, and cleanse culverts in watercourses.

#### 6. Coast Protection Act 1949

To take all necessary action in respect of:-

- a. Section 12 - general powers of maintenance and repair of works
  - (1) - servicing of notice
  - (3) - undertaking urgent works;
- b. Section 13 - recovery of cost of maintenance of works (under 12 above);
- c. Section 16 - consent of coast protection authority required to carrying out of coast protection work (by others)
  - (2) - servicing of notices regarding unconsented works
  - (4) - giving notice to adjoining authorities and others regarding applications for consent received under Section 16;
- d. Section 18 - prohibition of excavation etc of materials on or under the seashore;
- e. Section 25 - powers of entry and inspection.

#### 7. Party Wall etc Act 1996

to act as 'appointing officer' and take all necessary action to comply with the Act.

## **2. DELEGATION TO OFFICERS**

### **L. Head of Strategic Planning and Economy**

#### **1. Development Plans**

- a. In consultation with the Leader of the Council, the Deputy Leader and a nominated Member of the Minority Group, to make necessary final changes to the content of local development documents and supplementary planning documents following their approval by Council and to publish supporting sustainability appraisals in order to secure fitness for purpose prior to publication.
- b. In consultation with the Leader of the Council, the Deputy Leader and a nominated Member of the Minority Group, to make necessary final changes to the content of the local development scheme following approval by Executive in order to secure fitness for purpose prior to publication.

#### **2. Development Plans of Other Agencies or Authorities**

In consultation with the Leader of the Council, the Deputy Leader and a nominated Member of the Minority Group, and consulting Ward Member(s) where appropriate, to respond to the development plans of other agencies or authorities.

#### **3. Development Plans – Surveys**

To enter land and issue authorisations in writing to other persons to enter land under Section 324(1)(a) of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.

#### **4. Strategic Transport**

To respond to consultations under the Transport Acts concerning local transport plans and other strategic transport matters, consulting Ward Member(s) where appropriate.

#### **5. Local Transport**

To respond to non-contentious transport issues and consultations under the Transport Acts, consulting with Ward Member(s) where appropriate.

## **2. DELEGATION TO OFFICERS**

### **M. Head of Service (Salcombe Harbour)**

#### **1. Harbour Property**

Day to day management, in conjunction with the Head of Property Services where required by Section K of this Scheme, subject to the provisions of the Salcombe Harbour Policy Document and other agreed Council policy.

#### **2. Harbour Employees**

Day to day management subject to the provision of Section 9 below of this scheme.

#### **3. Moorings, Landings, etc**

The letting, allocation and management of all Harbour moorings and issuing of consents to use landing, slipway, pontoon, berthing, and other facilities, subject to charges and policies approved by the Council and any conditions imposed by the Harbour Board.

#### **4. Private Moorings and Navigation Matters**

The issuing of necessary permits and consents regarding the provision of existing / replacement private mooring facilities, the laying-up of vessels and other matters affecting navigation in the Harbour, subject to the provisions of the Harbour Policy Document and other agreed Council policy.

#### **5. Mud Mooring Tackle**

The lifting and impounding of any unauthorised mud mooring tackle.

#### **6. Harbour Byelaws**

Day to day administration and control of matters subject to the approved Harbour Byelaws, including (in consultation with the Shared Head of Corporate Services) the authorisation to prosecute people contravening the byelaws.

#### **7. Local Nature Reserve Byelaws**

In consultation with the Shared Head of Corporate Services and the Head of Landscape and Leisure Services, the authorisation of action to prosecute people contravening the byelaws. (This delegation is also extended to the Marine Conservation Officer).

## **2. DELEGATION TO OFFICERS**

### **M. Head of Service (Salcombe Harbour) (cont'd)**

#### **8. Water Taxi Service**

Operation of the service in accordance with budgets approved by the Harbour Board.

#### **9. Boat Parks**

Day to day management within the Council's agreed policies, including dealing with requests for free or concessionaire use of boat park spaces.

#### **10. Speed Limit Byelaws – River Avon**

In consultation with the Shared Head of Corporate Services, to authorise action to prosecute people contravening the speed.

#### **11. Harbour Fees**

In consultation with the Chairman of the Harbour Board and Head of Financial Services, to waive the payment of harbour fees up to £2,000 with a subsequent report being made to the Salcombe Harbour Board.

**NB:** It should be noted that many of the above powers are vested in the Harbour Master by primary legislation viz The Harbour Docks and Piers Clauses Act 1847 and the Harbour Order (Salcombe) Confirmation Act 1954).

### **N. Head of Housing and Community Delivery**

#### **1. Community Strategy**

Detailed arrangements to support the Council in meeting the duty (Local Government Act 2000, Section 4) to prepare the community strategy for the South Hams locally steered by the South Hams Strategic Partnership and the South Hams Community Planning Forum with delegated authority in conjunction with the Head of Financial Services and in consultation with Ward Members, to provide support and funding for small-scale partnership projects within available budgets for community planning activities.

#### **2. Community Initiatives**

Approval for funding of community projects in consultation with Ward Members within available budgets.

## **2. DELEGATION TO OFFICERS**

### **N. Head of Housing and Community Delivery (cont'd)**

#### **3. Community Involvement**

Detailed arrangements to implement the Council's policy on community involvement.

#### **4. Community Grants**

To authorise payments of up to £5,000 for minor projects to successful candidates to the Community Grant Fund, in consultation with the Chairman of the appropriate Policy Development Group and ward Member(s).

#### **5. Community Loans**

To make advances up to a total of £20,000 in any one year to support community projects with individual advances being between £500 and £5,000.

#### **6. Covenants Affecting ex-Council Dwellings**

In consultation with a representative of the Executive, the Shared Head of Corporate Services and the Head of Property Services, to enter into releases of covenants (other than those relating to residence or employment in Devon) affecting former Council rented or shared ownership dwellings.

#### **7. Dispensations to Purchase ex-Council Dwellings**

In consultation with the Leader of Council and lead Executive Member, to be able to approve an application for the sale to purchasers who do not meet the usual residence and/or work status criteria, in cases of exceptional circumstances.

#### **8. Youth Advice Services**

In consultation with the Head of Financial Services and a representative of the Executive, to approve appropriate expenditure within the overall budget for youth housing-related services.

### **N i. Head of Housing and Community Delivery Housing Manager**

#### **1. Disposal of Land to Housing Associations**

To seek maximum nomination rights and limit the total percentage of nominations to 75% for up to 10 years, and to 50% in perpetuity.

#### **2. Social Housing Grant**

## **2. DELEGATION TO OFFICERS**

To undertake scheme certifications and sign grant confirmation and grant claim supporting documentation on behalf of the Council.

### **O. All Strategic Directors and Heads of Services**

#### **1. Post Entry Training**

- a. Arrangements for staff training, including day release courses.
- b. Payment of two salary increments upon completion of a B.Tech or similar course of study (in conjunction with the Head of Human Resources).

#### **2. Honoraria / Recognition / Merit / Market Supplements**

Awarding of such payments in consultation with the Chief Executive and Head of Financial Services.

#### **3. Staff Recruitment**

- a. Strategic Directors are authorised (in common with the Head of Paid Service) in consultation with the Head of Human Resources, to appoint dismiss and take disciplinary action against any employee other than an employee who, in accordance with the Officer Employment Rules and in law can only be appointed by the Authority's Head of Paid Service;
- b. Heads of Service are authorised (in common with the Head of Paid Service and Strategic Directors) to appoint, dismiss and take disciplinary action against any employee within their respective areas of responsibility, other than an employee who, in accordance with the Officer Employment Rules and in law can only be appointed by the Authority's Head of Service.

#### **4. Virement**

In consultation with the appropriate Accountant, a Head of Service may permit virement between £5,000 and £30,000 from within their budget heads.

#### **5. Home Telephones**

Payment of allowances.

#### **6. Special Leave**

Additional compassionate leave in the event of bereavement, personal or family matters.

## **2. DELEGATION TO OFFICERS**

### **O. All Strategic Directors and Heads of Services (cont'd)**

#### **7. Civil Procedure Rules**

To provide and sign statements of truth in accordance with the Civil Procedure Rules (also delegated specifically to the Shared Head of Corporate Services).

#### **8. Events on Council Property**

Where there is an outstanding concern over whether an event should be authorised, the matter be decided by the appropriate Head of Service, in consultation with the Monitoring Officer and the local Ward Member(s).

For further information, please contact the Shared Head of Corporate Services.