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South Hams
District Council

SOUTH HAMS DISTRICT COUNCIL

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 or 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

1.1 General Delegation of Functions and Definitions

1.1.1 The Head of Development Management has responsibility for discharging those of the functions assigned to the Development Management Committee under the Town and Country Planning Acts, Orders and Regulations (as set out in Part 3 of the Constitution: Roles and Functions) which are delegated to him/her in this Scheme.

1.1.2 In this Scheme the term “the Town and country Planning Acts” shall include:-

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning (Consequential Provisions) Act 1990
- Planning and Compensation Act 1991
- Planning Act 2008
- Planning and Energy Act 2008
- Caravan Sites and Control of Development Act 1960
- Local Government (Miscellaneous Provisions) Act 1982
- Anti Social Behaviour Act 2003

and any statutory re-enactment, amendment or variation of any of them as from time to time determined by Parliament.

1.1.3 In this Scheme, the powers delegated to the Head of Development Management (or such of them as he/she determines) may also be exercised by any officer nominated by him/her whose name appears in a list of delegates maintained by the Head of Development Management.

1.1.4 In delegating functions to the Head of Development Management, the Council requires that in exercising delegated powers he or she will:-

- consult Ward Members or the Chairman of the Development Management Committee as required by this Scheme or otherwise as he or she deems appropriate, and
- consult the Head of Corporate Services for legal advice in appropriate cases in order to safeguard the Council’s position.

1.1.5 In this Scheme –

- An ‘application’ is any application made to the Council under any of the provisions listed in paragraph 1.1.2 above;
- A ‘non-contentious application’ is an application made by a person (or their agent) about which the Council has received no negative representations or adverse comment, or about which all adverse representations or comments have been withdrawn.

2. DELEGATION TO OFFICERS

D. Head of Development Management

1. Development Management (cont'd)

1.2 Role of Ward Members

- 1.2.1 Ward Members are expected to act as consultees for the Head of Development Management on applications which affect their Wards.
- 1.2.2 Because the development management process is a quasi-judicial function which affects individuals' and organisations' rights, and because of the importance of getting decisions right, Ward Members are required to have undergone such training as the Council shall from time to time stipulate in order to participate in the consultation process.
- 1.2.3 In multi-member wards, the Head of Development Management shall consult all the Ward Members unless any Member has indicated their wish not to be consulted.
- 1.2.4 Unless a Ward Member requests an extension of time (of up to 48 hours) for response, he or she has three working days ('the notification period') from receipt of any request for consultation either to advise the Head of Development Management of their views or to request that the matter be referred to the Development Management Committee for determination.
- 1.2.5 A Ward Member who is expecting to be unavailable for consultation (for example because of being on holiday or possessing a prejudicial interest) should nominate and notify the Head of Development Management of an alternate Member who will fulfil that role in their absence.
- 1.2.6 Where a Ward Member has a prejudicial interest in an application under consideration,
 - (a) he or she must forthwith notify the Head of Development Management of that interest and must take no further part in consideration of the application (but may, if he or she so requests, be informed afterwards of the decision taken) and
 - (b) the consultation responses on that application may be given by the nominated alternate Member, another Ward Member (in a multi-member ward) or by the Chairman of the Development Management Committee but
 - (c) if the Ward Member's interest arises because he or she acts personally as agent or other professional advisor to the applicant, the application must be referred to the Development Management Committee.

2. DELEGATION TO OFFICERS

D. Head of Development Management

2. Applications

2.1 Refusal under delegated powers

2.1.1 After due consultation, the Head of Development Management may REFUSE any application.

2.2 Approval under delegated powers

2.2.1 After due consultation, the Head of Development Management may APPROVE with or without conditions –

- any non-contentious application, or
- any contentious application which the Ward Member does not require to be referred to the Development Management Committee

2.3 Other matters

2.3.1 Subject to advising the Chairman of the Development Management Committee and the appropriate Ward Member(s) of action to be taken, the Head of Development Management may deal with notifications of certain telecommunications development under Class A of Part 24 of Schedule 2 of the General Permitted Development Order.

2.3.2 The Head of Development Management may decline to determine repeat applications.

2.4 Applications to the County Council and neighbouring authorities

2.4.1 In consultation with the Ward Member(s), the Head of Development Management may forward to the County Council a recommendation on any planning application upon which the Council is consulted by the County Council.

2.4.2 In consultation with the Ward Member(s), the Head of Development Management may make recommendations to a neighbouring local planning authority when consulted by them on a planning application.

2.5 Applications by Council Officers

2.5.1 Applications made by officers of the Council may be determined under the above provisions by the Head of Development Management in consultation with the Chairman of the Development Management Committee or may at the discretion of the Head of Development Management be referred to the Development Management Committee.

2. DELEGATION TO OFFICERS

D. Head of Development Management

2. Applications

2.5 Applications by Council Officers (cont'd)

2.5.2 Personal applications made by the Head of Development Management will be referred to the Development Management Committee.

2.6 Applications by the Council

2.6.1 The Council's own planning applications will be determined by the Development Management Committee, unless the relevant Ward Member(s) have requested the matter be determined by the full Council.

3. Action on decisions of the Development Management Committee

3.1 Where the Committee approves an application, the Head of Development Management shall issue the Approval Notice forthwith containing such conditions as are required to give effect to the Committee's decision.

3.2 Where the Development Management Committee refuses an application which the Head of Development Management recommended should be approved, the Head of Development Management shall settle the wording of the reasons for refusal.

4. Applications involving Affordable Housing for Local Needs and Disabled Access Housing

4.1 In consultation with the Chairman of the Development Management Committee, the Head of Development Management may agree the proportion of affordable housing or other features to provide an element of disabled access housing or affordable housing to be sought in negotiations with developers in new schemes in accordance with Council policy.

5. Section 106 Agreements

5.1 The Head of Development Management may –

- (a) authorise the execution of a Section 106 Agreement where required in advance of the grant of planning permission under delegated powers;
- (b) in consultation with the Chairman of the Development Management Committee, vary the terms of the Section 106 Agreement or the heads of terms of a draft agreement or take such other action as is necessary to secure the objectives of the Committee;

2. DELEGATION TO OFFICERS

D. Head of Development Management

5. Section 106 Agreements

5.1 The Head of Development Management may – (cont'd)

- (b) 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.

6. Enforcement Action

6.1 The Head of Development Management may investigate the complaints of breaches of statutory control under the functions for which he is responsible, and –

6.1.1 Where there is no evidence of a breach, may determine to take no further action;

6.1.2 Where there is evidence if a breach, may determine in consultation with the Ward Member(s) –

- (a) that it is not expedient to take enforcement or other action; or

- (b) that appropriate enforcement action may be taken, including:

- undertaking negotiations for the carrying out of amelioration measures or the submission of an application;
- serving and issuing statutory notices (including but not limited to enforcement and stop notices);
- taking direct action, or
- authorising prosecution or injunction proceedings for breaches thereof on the advice of the Head of Corporate Services.

6.2 On the advice of the Head of Corporate Services, the Head of Development Management may approve the withdrawal, variation or substitution of any notice or proceedings.

6.3 In connection with investigation of breaches of planning control, and in accordance with the statutory requirements, the Head of Development Management, or any person duly authorised by him or her, may enter land or buildings in order to pursue enquiries and may instruct the Head of Corporate Services to obtain appropriate warrants for entry where so advised.

2. DELEGATION TO OFFICERS

D. Head of Development Management (cont'd)

7. Conservation Areas

In consultation with the local Ward Member(s) and the Chairman of the Development Management Committee, the Head of Development Management may approve for consultation and adopt –

- Conservation Area Character Appraisals, and
- Conservation Area Management Plans

8. Appeals

The Head of Development Management may recommend to the Planning Inspectorate whether planning appeals should be dealt with by written representations, informal hearings, or public enquiry.

9. Charges for Pre-application Planning Advice

In consultation with the lead Executive Member having responsibility for the Development Management Service, the Head of Development Management may from time to time amend charges for pre-application planning advice, bearing in mind the need to respond to changes in the market or customer feedback received.

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 Infirmary 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 distraint 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.

2. DELEGATION TO OFFICERS

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

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.

2. DELEGATION TO OFFICERS

5. Home Telephones

Payment of allowances.

6. Special Leave

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

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.