

PART 3
RESPONSIBILITY FOR FUNCTIONS

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RESPONSIBILITY FOR FUNCTIONS

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Cabinet
Leader of the Council
Cabinet Members

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

PART 3 – Section 1 - Responsibility for Local Choice Functions

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

PART 3 – Section 2 – Responsibility for Council Functions

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

	Functions relating to high hedges under the Anti-social Behaviour Act 2003	Officers as set out in Part 3
	Functions relating to public rights of way – Part D Functions Regulations	Confirmation of unopposed orders – Director Legal and Governance
	Local List of Building of Architectural or Historical Interest	None
Council/ Committee/Panel	Functions	Delegation of Functions
Standards and Resources Committee		
	Responsible for making appointments to all posts below Chief Executive which are not within the remit of the Appointments Panel, including deciding the salary and the terms and conditions of employment of such.	Chief Executive and officers in Part 3
	Determining the terms and conditions of employment of employees including procedures for dismissal and approving revised structures within a service for which budget provision has been made but which fall outside officer delegations, provided that any restructuring across service areas shall be referred to Council for approval.	Officers as set out in Part 3
	Flexible retirement	Chief Executive/Assistant Director Organisation and People Development
	Functions relating to Local Government Pensions etc., for all employees under Regulations made under Sections 7, 12 or 24 of the Superannuation Act 1972.	Chief Finance Officer
	Receive report from Independent Remuneration Panel	None
	Pensions	Chief Executive/Assistant Director Organisation and People Development
	Power to make payments or provide other remedy maladministration	Chief Executive in consultation with Chief Finance Officer
	Authorisation of Officers	Chief Executive and Director Legal and Governance
	Proper Officer appointment	Chief Executive
	Functions relating to elections and parishes – Functions Regulations	Chief Executive
	Power to pay appropriate expenses duly incurred by the Returning Officer in the organisation of all elections, polls, referenda in accordance with nationally	Chief Executive

determined fees and charges or in accordance with rates of pay agreed by Staffordshire County Council	
To promote and maintain high standards of conduct by Councillors (including Parish Councillors)	
To advise the Council and the Parish Councils on the adoption or revision of their Code of Conduct	
To advise the Council and the Parish Councils on the operation of the Code of Conduct	Monitoring Officer
To monitor that such Codes of Conduct have been adopted by the Council and the Parish Councils and that Members of the Councils concerned have signed to accept the provisions of the relevant Code	Monitoring Officer
To ensure that arrangements are made for advice to be available to assist members to comply with the adopted Codes of Conduct	Monitoring Officer
To ensure that arrangements are put in place for keeping and updating the Registers of Members' Interests for the Council and for the Parish Councils	Monitoring Officer
Advising on training for Councillors, Parish Councillors and co-opted members on matters relating to the Code of Conduct	Monitoring Officer
Functions relating to standards of conduct of councillors under any relevant statutory provision	
To consider and determine allegations the Councillors, including Parish Councillors have breached the Code of Conduct of the relevant authority in accordance with the arrangements approved by the principal Council	Standards (Hearings) Sub-Committee Standards (Assessment) Sub-Committee Monitoring Officer for initial assessment of complaints
The determination of applications from South Staffordshire District Councillors for dispensations in accordance with statutory provision	To Monitoring Officer as set out in Part 3
The Council's formal complaints procedure	Delegations to officers as set out in Part 3
To be the Standards Committee for the Parish Councils in the District of South Staffordshire	

Council/ Committee/Panel	Functions	Delegation of Functions
Licensing and Regulatory Committee/ Licensing Sub-Committee	Functions relating to the licensing and registration of taxis, gaming, entertainment, food, licensing activities under the Licensing Act 2003, and miscellaneous matters as set out in Part B of Schedule 1 to the Functions Regulations	Officers as set out in Part 3 Licensing Act 2003 – see Appendix A Gambling Act 2005 – see Appendix B
	Hackney Carriage and Private Hire Licensing Policy	None
	Functions relating to health and safety under any “relevant statutory provisions” within the meaning of Part I of the Health and Safety at Work etc., Act 1974, to the extent that these functions are discharged otherwise than in the Council’s capacity as employer.	Officers as set out in Part 3
	Health Act 2006 functions	Officers as set out in Part 3
	Determining the amount of any charge to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.	Officers as set out in Part 3
	In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Officers as set out in Part 3
	To carry out all functions within Schedule 1 to the Functions Regulations if not specified elsewhere in the Constitution	None
	To exercise the powers and duties of the Council pursuant to the Clean Neighbourhoods and Environment Act 2005 or subsequent legislation which may not be the responsibility of a Member of the Cabinet including the institution of legal proceedings	Officers as set out in Part 3
	Power to make, amend or revoke byelaws	None
	Power to promote or oppose local or personal Bills	None
To monitor and to advise the Council on its Regulation of Investigatory Powers Act (RIPA) Policy	None	
Council/ Committee/Panel	Functions	
Overview and Scrutiny Committee	As set out in Part 2 Article 6 of the Constitution	

Wellbeing Select Committee	To make reports and/or recommendations to the Overview and Scrutiny Committee.
	To carry out the work programme for the Select Committee as agreed by the Overview and Scrutiny Committee.
	To review and/or scrutinise decisions made or actions taken in connections with the discharge of any of the Council's functions within the terms of reference of the Select Committee (including those resulting from partnership arrangements).
	To make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any function within the terms of reference of the Select Committee.
	To consider any matter affecting the area or its inhabitants referred to it by the Overview and Scrutiny Committee.
	To discharge the Council's responsibilities under the Health and Social Care Act 2011 and the National Health Service Act 2006 (or subsequent legislation) in accordance with the agreement between Staffordshire County Council and South Staffordshire Council (including the scrutiny of proposals for and by health service organisations and for the promotion of health and wellbeing activities in the district).
	To discharge the duties of the Council's Crime and Disorder Committee in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations (or subsequent legislation).
Audit & Risk Committee	Audit Activity: to consider internal and external audit plans and make recommendations thereon; to receive the Internal Audit Charter; to consider any reports relating to the management or arrangements for the provision of the internal audit service and make recommendations thereon; to comment on the scope and depth of internal and external audit work and to ensure it gives value for money; to consider a quarterly summary of internal audit work, recommendations made and performance and make recommendations thereon; to consider the annual internal audit report and opinion and a summary of audit activity and the level of assurance it can give over the Council's corporate governance arrangements and make recommendations thereon; to consider external audit reports and make recommendations thereon; to approve arrangements for appointment of the Council's External Auditor; to commission work from internal and external audit; to monitor the effectiveness of the control environment including the arrangements for ensuring value for money and for managing the authority's exposure to the risks of fraud and corruption. In respect of this, to consider the external audit opinion on value for money, to review the authority's fraud risk profile; to review the annual counter fraud plan of activity; and to monitor performance of the counter-fraud function.
	Regulatory Framework: to maintain an overview of the Council's Constitution in respect of contract procedures, financial regulations and to review the adequacy of policies and practices to comply with statutory requirements and guidance; to review the Council's Annual Governance Statement and to bring any matters to concern to the attention of the Council; to review any issues referred to it by the Chief Executive, Chief Finance Officer, Monitoring Officer in connection with their statutory duties or by any other Council body; to monitor the effective development and operation of risk management and corporate governance and make recommendations thereon; to review and recommend appropriate development of policies on raising concerns at work and the anti-fraud and anti-corruption strategy; to monitor and advise the Council on its Confidential Report Code "Whistleblowing Policy"; to consider the Council's compliance with its own and other published standards and controls including its corporate governance arrangements; duty to make arrangements for proper administration of financial affairs etc as required by Section 151 Local Government Act 1972 (or subsequent legislation); duty to approved authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be) as required by the Accounts and Audit Regulations.
	Accounts: to review the annual statement of accounts – specifically to consider whether appropriate accounting policies have been followed

	and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council; to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
Council/ Committee/Panel	Functions
Complaints Panel	To hear and determine complaints against the authority in accordance with the Council's complaints procedure.
Independent Remuneration Panel	To recommend annually to the Standards and Resources Committee a scheme for the payment of allowances to members of South Staffordshire Council and to constituent Parish Councils.
Lottery Advisory Panel	To advise the Leader of the Council in respect of the administration of revenue from the general fund of the South Staffordshire Community Lottery.
Housing Review Panel	To consider and make recommendations to the Cabinet Member (Welfare Services) on the determination of any review of a decision taken by the Local Authority concerning: a) whether a person is eligible for assistance under Part VII Housing Act 1996 as amended by the Homelessness Act 2002 (or subsequent legislation) b) any decision of a housing authority as to what duty is owed (if any) to an applicant, under the homelessness legislation. Whether the case should be referred to another authority for consideration and if the conditions of referral have been met c) any decision as to the suitability of accommodation offered to the applicant under the homelessness legislation d) any decision as to ineligibility to be included on the Housing Register
	To review decisions to refuse, suspend, or cancel membership of the Property Accreditation Scheme or Private Landlord Accreditation Scheme
Personal Development Review and Appointments Panel	To carry out the personal development reviews of the Chief Executive and Corporate Directors on a yearly basis. To make recommendations to Council as to the appointment of the Chief Executive, Monitoring Officer and Officer holding the post as section 151 officer and to make appointments in so far as the Head of Paid Service is not authorised to do so by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001
Investigatory and Disciplinary Committee	To investigate and make a determination on any disciplinary action (including dismissal) against any member of the Council's Corporate Leadership Team; excluding decisions on dismissal regarding the Chief Executive, Monitoring Officer and the Section 151 Officer.
Council/ Committee/Panel	Functions
Disciplinary and Grievance Appeals	To consider appeals against dismissals and grievances by employees of the Council.

Committee	
<p>Council Challenge Panels</p> <ul style="list-style-type: none"> (a) Your Council (b) Your Place (c) Your Community 	<p>To carry out informal reviews of services/functions. These are informal working groups and have no decision-making power and no formal role in the Council's governance arrangements although their work may inform the actions of Cabinet or the consideration of matters by the Overview and Scrutiny Committee and the Wellbeing Select Committee.</p>

Appendix A

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

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

Appendix B

Gambling Act 2005

Function	Delegation to Sub-Committee	Delegation to Officers
All functions excluding the passing of a "no casinos" resolution and the production of the three year gambling policy		
Making recommendations to Council regarding the adoption of (1) a "no casinos" resolution or (2) the approval/adoption of the three year gambling policy		
Determination of an application for a premises licence in respect of which representations have been made under s161 (and not withdrawn)	All cases	
Determination of an application for the variation of a premises licence in respect of which representations have been made under s161 as applied by s187 (and not withdrawn)	All cases	
Determination of an application to transfer following representations by the Gambling Commission	All cases	
Determination of an application for a provisional statement under s204 in respect of which representations have been made under s161 as applied by s204 (and not withdrawn)	All cases	
A review of a premises licence under s201	All cases	

Part 3 – Section 3 – Responsibility for Cabinet Functions

Who is responsible	Functions	Delegation of Functions
Cabinet	The preparation of the policy framework and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of full Council.	Delegation to officers set out at Part 3 Delegation to individual Members of the Cabinet as set out below.
	Determination of recommendations and reports from members of the Cabinet not in accordance with their delegations.	
	The approval of a) Local Development documents that comprise the Local Development Framework and b) supplementary planning documents for submission to Council	
	Determination of recommendations from the Overview and Scrutiny Committee where the recommendation of that Committee is not accepted by the relevant Cabinet Member.	
	Response to inspection reports from the External Auditor	
Leader of the Council	Functions undertaken as agents for or on behalf of other authorities or organisations	
	Making appointments to outside bodies (other than those reserved to Council)	
	Determination of applications for a ban on organised marches in the District	
	Consideration of matters arising from a “Community Call for Action” under the Police & Justice Act 2006 requesting/requiring action by the Council	
	Preparation of the Council Plan	
	Relationships with external organisations	
	Locality Working (including Community Development, Health & Wellbeing activities and priorities; Energy conservation and 3 rd Sector commissioning and delivery)	Chief Executive
	The determination of applications for financial assistance from voluntary bodies, individuals and other organisations.	Assistant Director Community Services as set out in Part 3
The management of all Council owned land and property not delegated to/within the portfolios of another Cabinet Member.	Corporate Director Communities and Wellbeing as set out in Part 3	

	Part 5 of the Localism Act 2011	Director Legal and Governance as set out in Part 3
	To appoint any member of the Council to the Cabinet on a temporary basis with responsibility for any identified area of duties of Cabinet members if no member of the Cabinet would be able to act in the matter due to a Disclosable Pecuniary Interest, subject to such a temporary appointment not increasing the size of the Cabinet to more than 10 members, including the Leader and Deputy Leader of the Council.	
Relevant Cabinet Member or Leader of the Council	After consultation with the appropriate officers to make any decisions within their areas of service responsibilities listed below which are not already delegated to an officer, a key decision or a non-executive decision and to monitor budget compliance and overall performance in those areas.	All decisions must be in accordance with the Cabinet Procedure Rules, Financial Regulations and the Contract Procedure Rules

Part 3 – Section 3 – Cabinet Responsibilities

Councillor	Role	Key Corporate Priority responsibility	Service Responsibilities
Roger Lees	Leader	Overall strategic direction of the Council, External partnerships / agencies, Voluntary Sector, Liaison with County Council and Government, the Council Plan, the Constitution, Asset Strategy, MTFS	Oversees work of the Chief Executive, Human Resources, Policy and Performance, Finance and Accountancy, Procurement and Legal Services. Estates and Assets (including commercial property, industrial units, Hinksford Park Mobile Home Park)
Rita Heseltine	Deputy Leader	Regulatory Services	Oversees the work of licensing, food safety, environmental health, pest control, environmental crime and community safety (including anti-social behaviour and CCTV)
Terry Mason	Cabinet Member	Planning and Business Enterprise: Strategic health and Health & Safety Local Plan	Oversees the work strategic housing, development management (executive functions only), local plans, building control and Land Charges, enterprise and growth, transport, highways and rural accessibility, conservation and design and landscape planning, health and safety (executive functions only), planning enforcement (executive functions only)
David Williams	Cabinet Member	Business Transformation: Digital Strategy and Agile Working Localities+	Oversees the work of ICT, Business Improvement Team, programme and project management/transformation programme and internal audit
Robert Reade	Cabinet Member	Welfare Services: Building Better Opportunities, Work Clubs	Oversees the work of housing operations and homelessness, Council Tax, revenues and benefits including debt recovery, customer services, welfare support, safeguarding and Disabled Facilities Grants Customer Services
Len Bates	Cabinet Member	Community Services: Emergency Planning and Business Continuity, Climate Change	Oversees the work of waste and street scene, drainage systems, flood protection, leisure, street lighting, grounds maintenance, bereavement services, street cleansing, energy saving and the local environment, Council Office management to include catering services, countryside management; public open spaces
Victoria Wilson	Assistant Cabinet Member	Planning	Assists the Cabinet Member Planning and Business Enterprise in respect of strategic housing, development management (executive functions only), local plans and planning enforcement (executive functions only).

SCHEME OF DELEGATIONS TO OFFICERS

Powers Delegated to Officers

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

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

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

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

- (g) any matter which the Chief Executive, Corporate Director, Director or Assistant Director concerned considers inappropriate to be dealt with under delegated powers or in which the Officer concerned has an interest.
 - (h) any matter which constitutes a Key Decision within Article 13.3(b) of the Constitution.
6. Where it is a legally permissible an Officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an Officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
 7. Where functions are delegated by officers, this must be in writing and a copy of the scheme of delegation must be deposited with the Director Legal and Governance. This internal scheme of delegation must be regularly reviewed and updated.
 8. The Monitoring Officer is authorised to make any minor variations to this scheme of delegation to Officers at any time as needs and circumstances change; and shall be the final arbiter in relation to the interpretation and application of the scheme.
 9. The delegations below are in addition to any delegations contained elsewhere within the Constitution.
 10. The Assistant Directors have authority to set the fees and charges for matters within their respective areas unless otherwise reserved to another body.
 11. The Assistant Directors have authority to appoint, discipline, suspend or dismiss any employee below Director/Assistant Director/Corporate Support Manager level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Chief Executive/ Assistant Director Organisation and People Development.

SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERS

CHIEF EXECUTIVE

1. To be Head of the Paid Service.
2. To be the Electoral Registration Officer and Returning Officer for Elections.
3. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including specifically policy and partnerships and HR and including those which have been delegated to any other Officer
PROVIDED THAT
 - 3.1 the Chief Executive may not exercise a power which is reserved by statute to another Officer;
 - 3.2 before exercising the power of another Officer, the Chief Executive shall consult with that Officer if available;
 - 3.3 the Chief Executive when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
4. In consultation with the Leader of the Council, the relevant Cabinet Member or the Chairman of the relevant Committee as appropriate, to authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council or Committee meeting, or prior to an executive decision being made; subject to such action being reported to the next Council/Cabinet/Committee meeting.
5. To keep under constant review the needs of the District and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
6. To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council.
7. To be responsible for the overall organisational structure of the Council and to determine job titles.
8. To be responsible via the Assistant Director Organisation and People Development for determining and issuing guidance to Officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
9. To ensure the provision of professional advice to all parties in the decision-making process.
10. Together with the Monitoring Officer to be responsible for a system of record keeping for all local authority decisions.
11. To represent the Council on partnership and other bodies.
12. To be responsible for the health and safety of all employees of the Council.
13. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
14. The appointment of independent persons to serve on complaints panels.

15. To exercise functions and powers relating to anti-social behaviour under the Anti-social Behaviour, Crime and Policing Act 2014.

CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to property and assets, major development and investment projects. Also all functions within the remit of the Assistant Director Enterprise and Growth.

Development Management Functions

2. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to planning, development management, tree preservation, high hedges, conservation, street naming and numbering, grants for the repair of historic building and areas, protection of hedgerows, local list of buildings of Architectural or Historical Interest, major planning infrastructure sites, completion of the current SAD. For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the Planning Act 2008
3. To authorise the issue of Stop Notices, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant Town and Country Planning legislation.
4. Determination as to the expediency of initiating enforcement proceedings, including the authorisation or an Enforcement Notice, Breach of Condition Notice, to require maintenance of untidy land/buildings, Stop Notice, Temporary Stop Notice, Listed Building Enforcement Notice, and Conservation Area Enforcement Notice; subject to consultation/notification provisions set out in internal scheme of delegation.
5. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) or subsequent legislation.
6. To approve direct action pursuant to Section 219 Town and Country Planning Act 1990 or subsequent legislation.
7. The making of Discontinuance, Revocation and Modification orders subject to the completion of a covenant not to claim compensation in respect of the Orders.
8. To carry out or instruct an appropriate contractor to carry out works comprising direct action authorised pursuant to Section 219 of the Town and Country Planning Act 1990 or subsequent legislation; and to take action to recover costs incurred.
9. Power to execute urgent works pursuant to Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990 or subsequent legislation to preserve an unoccupied Listed Building and to recover expenses.

10. To comment on behalf of the Council on County Council determinations on applications to divert/extinguish public rights of way, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system.
11. To determine planning applications in accordance with the scheme of delegation of planning decisions set out in Appendix A attached.
12. Subject to prior consultation with all relevant ward councillors, to authorise the issue of notices under Section 215 of the Town and Country Planning Act 1990
13. To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.
14. To authorise any action necessary in respect of works to dangerous trees under Section 23 the Local Government (Miscellaneous Provisions) Act 1976, and associated powers and functions.
15. To make representations on Licensing Act 2003 applications as the local planning authority.
16. To determine commuted sums for Section 106 agreements.
17. To determine applications for Neighbourhood Plan status for whole parish areas.

APPENDIX A

SCHEME OF DELEGATION OF PLANNING DECISIONS

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.
2. The powers delegated shall be:-
 - 2.1 To determine applications for planning permission and applications for reserved matters (including those applications which do not meet the Council's Space About Dwellings Standards).
 - 2.2 To determine approvals and consents pursuant to any condition imposed on a planning consent and applications to modify or discharge planning obligations, including those imposed in relation to applications made under the Development Consent Order for the West Midlands Interchange.
 - 2.3 To decline to determine an application for planning permission.
 - 2.4 To determine whether prior approval is required (under any relevant part of the General Permitted Development Order).
 - 2.5 To determine approvals to and agreements to certain other matters relating to the exercise of permitted development rights as defined in the General Permitted Development Order.
 - 2.6 Determination of consent for the display of advertisements.
 - 2.7 Determination of applications for a certificate of existing or proposed lawful use or development; for listed building consent and related powers; for conservation area consent and for hazardous substances consent and related powers; Permission in Principle; Demolition Consent Orders;

Certificates of Appropriate Alternative Consents or applications to modify or discharge planning obligations, non-material amendments and minor material amendments.

- 2.8 Determination of applications to fell or carry out works to trees protected by a tree preservation order or trees within conversation areas.
- 2.9 Determination of complaints under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges) or subsequent legislation.
- 2.10 Determination of applications for garages in a domestic curtilage in the Green Belt or Open Countryside.
- 2.11 To determine, following consultation with the Chairman of the Planning Committee, approvals/consents and approval of guarantees/security for compensation under Part 5 of the Order, in relation to applications made under the Development Consent Order for the West Midlands Interchange. If a Councillor wishes an application made under the Development Consent Order for WMI to be determined by Planning Committee, they shall notify the Corporate Director Infrastructure and Business Growth and the Assistant Team Manager for Strategic Projects within 5 days of being notified of the proposal.
- 2.12 Applications for Lawful Development Certificates which are called-in will not be determined by Planning Committee but will be determined by the Corporate Director Infrastructure and Business Growth.

3. PROVIDED THAT any decision:-

- 3.1 shall not approve any application which does not comply with the Council's Space About Dwellings Standards (SAD) or is a disproportionate extension to a building within the Green Belt or Open Countryside, or is for a replacement dwelling(s) in the Green Belt and Open Countryside, where the proposed new building(s) is materially larger than the original, but is acceptable because of the permitted development fallback position, (this does not apply to applications in relation to the West Midlands Interchange Development Consent Order which are subject to separate provisions set out at point 2.11 of this Scheme of Delegation), without having first notified all councillors electronically and affording the councillors three clear working days to request that the application be referred to the Planning Committee for determination.
- 3.2 is not contrary to the policies and proposals of the Development Plan.
- 3.3 where the Council is the applicant or landowner.
- 3.4 where the applicant is a member of the Council.
- 3.5 where the applicant is a member of Development Management or Building Control or a Senior Manager (Corporate Leadership Team/Assistant Directors).
- 3.6 The limit to the delegation above shall not apply:
 - (a) in relation to the approval of matters reserved for subsequent approval by a condition on a planning permission, but excluding the design, siting, means of access or external appearance of a building.

(b) the approval of minor amendments to an approved development where the amendments would not conflict with any consultation responses previously received.

4. The delegations in paragraph 2.1 and 2.2 above shall not operate if any Member has notified the Corporate Director Infrastructure and Business Growth of his wish to speak during the consideration of an application in respect of a material objection of a planning nature.
5. To refuse to determine applications submitted in accordance with, and subject to the limitations of, Section 17 of the Planning and Compensation Act 1991.
6. To issue planning contravention notices and, where appropriate, give audience to the recipient(s) of any such notice.
7. To determine all applications for prior approval of the Council as local planning authority for any relevant categories of permitted development in accordance with, and subject to the limitations of, the Town and Country Planning (General Permitted Development) Order 1995 as amended.
8. To determine responses to consultations with the Council as Local Planning Authority of and by other local authorities and statutory bodies, subject to consultation with the ward members. For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the Planning Act 2008.
9. The delegations shall not operate if the Corporate Director Infrastructure and Business Growth does not consider it prudent to exercise his or her delegated authority, in which case he/she shall report the matter to the Planning Committee.
10. The Corporate Director Infrastructure and Business Growth shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of the Council has 21 days in which to make representations on the application and/or request that the application is referred to the Planning Committee for determination, or in the case of applications for a certificate of existing or proposed lawful use or development referral for determination by the Corporate Director Infrastructure and Business Growth.
11. The Corporate Director Infrastructure and Business Growth may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by him/her. Any such delegation may be subject to the receipt and resolution of specified outstanding matters, including receipt of consultees views, expiry of statutory notices and expiry of consultation periods, and on the basis that the outstanding matters referred to, when resolved, did not give rise to any new issue or objection.
12. Any actions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or subsequent Regulations including issuing of Screening and Scoping Opinions.
13. To comment on behalf of the Council on:
 - (a) Consultations from adjoining local planning authorities
 - (b) Overhead lines
 - (c) County Council matters

- (d) County Council applications, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system
- (e) Consultations from outside bodies relating to landscaping/arboricultural matters.

For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the Planning Act 2008.

14. To make minor modifications to the wording of conditions or reasons for refusal wording post committee, following consultation with the Proposer of the Motion that was contrary to the Officers Recommendation, to render them National Planning Policy Guidance compliant and include all relevant planning policies, and formalisation of the Decision Notice in the event of planning permission being granted or refused by the Planning Committee contrary to officer recommendation.

CORPORATE DIRECTOR FINANCE AND RESOURCES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to financial functions unless that function has been specifically delegated to another officer including financial planning audit and fraud (including debt recovery) procurement, corporate efficiency planning, corporate risk management, performance management, policy, human resources and emergency planning and local government pensions, commercial decisions on property and assets, new acquisitions. Also all functions within the remit of the Assistant Director Business Transformation.
2. To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 2003.
3. To be responsible for the health and safety of employees.
4. To authorise employees of the Council to make determinations, notify determinations, notify determinations of overpayment, review a determination or extension of time for making representations or further review in relation to legislation relating to Housing Benefit and local Council Tax Reduction Scheme.
5. To authorise the acquisition, reuse, appropriation and disposal of the Council's land and buildings, in consultation with the Corporate Leadership Team, together with the granting or taking assignment or surrender of leases (not exceeding 5 years), tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings. For avoidance of doubt the disposal by way of sale and acquisition by way of purchase is limited to a value of up to £10,000.
6. In consultation with the Cabinet Member for Welfare Services, to make decisions on the award of national non-domestic rate discretionary relief in accordance with the Council's policy.

CORPORATE DIRECTOR COMMUNITIES AND WELLBEING

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to, communications, locality working, community safety, emergency planning and business continuity. Also all functions within the remit of the Assistant Director Community Services and Assistant Director Welfare Services.
2. To be responsible for the health and safety of employees.
3. To manage the Codsall Community Hub and Jubilee House property holdings.

DIRECTOR LEGAL AND GOVERNANCE

1. To be the Monitoring Officer including authority to grant dispensations under section 33 of the Localism Act 2011.
2. To be the Deputy Returning Officer and Deputy Electoral Registration Officer
3. In conjunction with the Chief Executive to be responsible for a system of record keeping for all the local authority decisions.
4. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
5. To be responsible for the health and safety of employees.
6. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating Corporate compliance, Member support and engagement, corporate administration, legal services, democratic and member services, elections and road closures.
7. To be the Senior Responsible Officer in respect of the Regulation of Investigatory Powers Act 2000.
8. To be the Money Laundering Reporting Officer.
9. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Corporate Director/Assistant Director).
10. To authorise Officers of the Council to appear before Magistrates' Courts or County Courts.
11. In consultation with the Corporate Director Finance and Resources, to take such action as is considered appropriate in relation to advance payments, blight notices, home loss payments under the Land Compensation Act 1973, notices to quit, purchase notices and other notices.
12. To deal with the Local Government Ombudsman on issues of maladministration.
13. The appointment of members/independent persons to individual complaint panels in accordance with the complaints procedure.

14. To enter into/vary the terms of an agreement pursuant to Section 106 Town and Country Planning Act 1990 (or subsequent legislation) or any other planning related agreement (including Planning Performance Agreements).
15. To authorise and maintain a list of assets of community value and to make adjudication decisions in relation thereto.
16. To take the following actions in respect of non-compliance with statutory provisions, statutory notices or conditions imposed on grants, licences, permissions and similar matters:
 - i) the institution or defence of legal proceedings
 - ii) the briefing of Counsel within existing budgetary provision
 - iii) the issuing of Formal Cautions pursuant to Home Office regulations
17. Making, amending or revocation of Tree Preservation Orders provided that there are no unresolved objections from Councillors.
18. Obtaining of information under s.330 Town and Country Planning Act 1990 and s.16 Local Government (Miscellaneous Provisions) Act 1976.
19. To act as Data Protection Officer and to have overall responsibility for the Data Protection Register.
20. To issue or serve statutory notices on behalf of the Council in relation to any of its functions (including Completion Notices, Planning Contravention Notices) including the authorisation of works in default where necessary.

ASSISTANT DIRECTOR – ENTERPRISE AND GROWTH

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to development management, planning policy (including Local Plans), strategic housing and employment sites, business infrastructure support and growth (includes regeneration) commercial property and assets (including Hinksford Mobile Home Park), abandoned vehicles, planning enforcement, building control and listed building enforcement, car parking enforcement, Business Insight and Building Control and Land Charges Partnership
2. To be the Registrar of Local Land Charges.

ASSISTANT DIRECTOR – WELFARE SERVICES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to revenue and welfare functions unless that function has been specifically delegated to another officer including revenue and benefits, homelessness and welfare support (including Building Better Opportunities and Work Clubs), community safety including anti-social behaviour and operation of CCTV scheme, customer services and safeguarding.
2. To manage administration of the Council's complaints system.

ASSISTANT DIRECTOR – COMMUNITY SERVICES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to community functions unless that function has been specifically delegated to another officer including waste and street scene, leisure and facilities management (including Council offices), Emergency Planning and Business Continuity (operational) public health, health and safety at work (including Working Time Regulations), environmental enforcement, environmental health, housing standards enforcement, Licensing Act 2003, Gambling Act 2005, hackney carriage and private hire licensing and all licensing and registration functions, scrap metal dealers, Health Act 2006 as it applies to smoke free premises etc, control of pollution, food safety and Sunday trading, stray dogs, pest control and Corporate Health & Safety community well-being.
2. To determine applications for all matters within paragraph 1 where it is not outside any existing policy save that this cannot override any limitation contained elsewhere in the Constitution.
3. In relation to the functions set out in paragraph 1, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject save that this cannot override any limitation contained elsewhere in the Constitution. For the avoidance of doubt, this includes the power to suspend private hire/taxi licences.
4. To determine applications from Friends Groups for small grants relating to environmental projects up to a maximum of £500.
5. To exercise powers and duties under the Clean Neighbourhoods and Environment Act 2005.

ASSISTANT DIRECTOR – BUSINESS TRANSFORMATION

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to business transformation functions unless that function has been specifically delegated to another officer including ICT, Business Improvement Team and District Data/Intelligence.

