

## **Part 3**

# **Responsibility for Functions**

# Section A - Functions

## 1. Council Functions

- 1.01 Suffolk Coastal considers it important that full Council operates effectively, and offers both a forum where members can exercise their representative function, and one which can underpin policy formulation and performance review.
- 1.02 It is to Council to which the Leader of the Council and Cabinet must give account for their stewardship.
- 1.03 Council will be the occasion when:
- (i) Council will hold the Cabinet to account for its actions, policy and direction via the receipt of periodic reports;
  - (ii) Minutes of Cabinet, Regulatory, Scrutiny, Standards Committees and Sub-Committees, previously circulated since the last Full Council meeting, are listed and open for members to raise questions on, such questions being directed to the Leader or relevant Chairmen
  - (iii) The Leader of the Council and the chairmen of the scrutiny committees present their reports;
  - (iv) Individual members may ask written questions of the Leader of the Council and the chairmen of committees or sub-committees in pursuance of Council Procedure Rule 9 (2) or verbal questions in pursuance of Council Procedure Rule 9 (1) upon items contained within reports or in the minutes listed on the Agenda and previously circulated since the last Council meeting, of committees, sub-committees and the Governance Review task Group, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant portfolio holder, the relevant task group chairman, to make a brief statement to the Council.
  - (v) Outside Speakers are given the opportunity to address the Council to offer context to policy development and review; and
  - (vi) Individual members may raise important issues and influence the scrutiny agenda.
- 1.04 The Council's Policy Framework will comprise, in addition to those plans specified in legislation:
- (i) Corporate Scorecard;
  - (ii) The Council's Local Agenda 21 Strategy;
  - (iii) Food Safety Service Plan;
  - (iv) Housing Investment Programme
- 1.05 The Council will have responsibility for the following:
- (i) Budget and Council Tax;
  - (ii) Capital Programme;
  - (iii) Approving the Council's Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments;
  - (iv) Members' Allowances (having regard to the advice received from an independent panel);
  - (v) Functions relating to elections;
  - (vi) Functions relating to parishes and parish councils;
  - (vii) Dissolving small parish councils;
  - (viii) Orders for grouping parishes, dissolving groups and separating parishes from groups;

- (ix) Changing the name of the district;
- (x) Changing the name of a parish;
- (xi) Promoting or opposing local or personal Bills;
- (xii) Making payments or providing other benefits in cases of finding of maladministration by the Local Government Ombudsman and;
- (xiii) Making, amending, revoking or re-enacting byelaws
- (xiv) Changing the constitution
- (xv) Appointments to outside bodies in connection with functions that are not the responsibility of the Executive.

## **2. Executive Functions**

### **2.01 Functions**

The Cabinet will give account for its actions, policy and direction to full Council by the submission of periodic reports on its activities.

2.02 The functions of the Cabinet are as set out below. The list of Cabinet members and their portfolios for the time being is set out in Appendix 1 to Article 7 of this Constitution.

2.03 The Cabinet will exercise the following executive functions:

- |      |   |  |
|------|---|--|
| (1)  | Best Value Reviews  | Primary responsibility for making recommendations to full Council on the programme of Best Value Reviews;<br>Determination of scope of individual reviews;<br>Submitting Review recommendations and proposals to full Council. |
| (2)  | Capital Programme   | Preparation and recommendation to full Council.  |
| (3)  | Budgets and Council Tax   | Preparation and recommendation to full Council.  |
| (4)  | Appointments to Outside Bodies  | Appointments to bodies in connection with functions that are the responsibility of the Executive.  |
| (5)  | Forward Plan  | 1. Preparation of a rolling Forward Plan and;<br>2. Submission of quarterly report to full Council.  |
| (6)  | Parish Liaison  | To receive periodic reports from parish liaison meetings.  |
| (7)  | Economic, Environmental or Social well-being  |  |
| (8)  | Community Safety  |  |
| (9)  | Community Development   |  |
| (10) | Theatres, Arts and Cultural Development   |  |
| (11) | Community Liaison and Development   |  |
| (12) | Economic Development and European Issues  |  |
| (13) | Leisure and Sports  |  |
| (14) | Recreation and Associated Services  |  |
| (15) | Tourism Services  |  |
| (16) | Emergency Planning  |  |
| (17) | Car Parks   |  |
| (18) | Travel Concessions  |  |
| (19) | Public Health & Safety, Environmental Services, Public Conveniences, Health Service Liaison |  |

- (20) Control of Pollution and Contamination (in relation to strategic policy, strategy development, and resource prioritisation)
- (21) Food Safety, Health and Safety
- (22) Port Health
- (23) Cemeteries & Closed Churchyards
- (24) Municipal Waste Management including household, commercial and industrial waste reduction, reuse, collection, recycling and disposal, septic tank and cesspool services, abandoned vehicles, pest control and dog warden services
- (25) Local Agenda 21
- (26) Housing Strategy
- (27) Private Sector Housing Matters
- (28) Housing Enabling
- (29) Travellers, Gypsies & Houseboats
- (30) Treasury & Debt Management
- (31) Asset Management
- (32) Revenues & Benefits
- (33) Rating Matters
- (34) All residual financial matters (including the administration of the Council's Capital Grants Scheme and the allocation of Revenue Grants)
- (35) The powers, duties & functions of the Council as Local Planning Authority (insofar as these relate to planning policy, positive planning, conservation)
- (36) Building Control (insofar as this relates to policy and the performance of the service)  
Town Centre Management
- (37) The Maintenance & Lighting of Highways and Footways (residual or agency functions).
- (38) Coast Protection
- (39) Land Drainage
- (40) Transportation
- (41) Local Land Charges
- (42) E-government
- (43) Major Project Co-ordination
- (44) Human Resources (insofar as this relates to policies on recruitment, training, terms of employment, remuneration, employee relations, equal opportunities, health, safety and welfare and the achievement of the Council's objectives)
- (45) Corporate Information & Promotion Functions
- (46) Procurement

### **3. Non-Executive Functions**

3.01 Non-Executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 have been delegated to a number of regulatory committees or to officers as specified in this part of the Constitution.

3.02 The terms of reference of the regulatory committees are as set out below:

#### **3.03 Licensing and Health Committee**

- (1) To be responsible for functions in connection with control of pollution, statutory nuisances and other environmental protection where they involve:
  - (a) The clearance of properties and the making of demolition orders and prohibition orders;
  - (b) The maintenance of proper standards of hygiene and safety in vessels and

cargoes in ports within the District;

- (c) The investigation and abatement of matters prejudicial to health or of statutory nuisances including noise, vibration and smoke and offensive trades and the control of pollution.
  - (d) The maintenance promotion and enforcement of proper standards of safety and welfare in homes, offices, shops and factories;
  - (e) The regulation and enforcement of the opening hours of shops;
  - (f) Matters of home safety and health education; and
  - (g) The regulation of conditions under which pet animals and horses are sold, boarded or kept for hire or riding.
- (2) The formation and review of licensing policy in accordance with the provisions of the Licensing Act 2003 and the Gambling Act 2005.
- (3) The formation and review of licensing policy in relation to:
- (a) Moneylenders, Pawnbrokers
  - (b) Hackney Carriages, Private Hire Vehicles, Private Hire Operators
  - (c) Boat and Boatman
  - (d) Game Dealers
  - (e) Sex Establishments
  - (f) Control and licensing of caravan sites and regulation of moveable dwellings.
  - (g) All other residual licensing functions

### 3.04 Licensing and Health Sub-Committee

- (1) To be responsible for functions in connection with control of pollution, statutory nuisances and other environmental protection where they involve:
- (a) Determining an application from a person for a licence, approval, consent, permission or registration;
  - (b) Direct regulation of a person; or
  - (c) Enforcement of any such licence, approval, consents permission or direct regulation.
- (2) To exercise on behalf of the Council the issue, renewal or revocation or suspension of licences and the registration of persons and premises for public control purposes including:-
- (a) Moneylenders, Pawnbrokers
  - (b) Hackney Carriages, Private Hire Vehicles, Hackney Carriage and Private Hire Drivers, and Private Hire Operators
  - (c) Boat and Boatman
  - (d) Game Dealers
  - (e) Sex Establishments
  - (f) Control and licensing of caravan sites and regulation of moveable dwellings.
  - (g) Scrap Metal Dealers
  - (h) Animal Welfare

- (i) Public slaughterhouses and slaughtermen and;
- (j) Knackers yards.
- (k) Sale and Supply of Alcohol and the provision of regulated entertainments as defined in Licensing Act 2003
- (l) The Gambling Act 2005
- (m) All other residual licensing functions

**(NOTE:** It is an accepted convention that, because of the essential quasi-judicial nature of licensing matters, members of the Licensing and Health Sub-Committees should have been previously trained in appropriate procedures, statute and regulations).

### 3.05 **Development Control Committee**

On behalf of the Council, to exercise responsibility for:

- (1) the control of development, i.e. all planning applications, listed building consents and similar consents. The exercise of this function, however, will be delegated to the relevant area sub-committee, with the exception of:
  - (a) Applications advertised as Departures from the Development Plan, and proposed to be approved contrary to the recommendation of the Head of Planning Services; and
  - (b) Those applications considered to be of significance to the district as a whole (e.g. where traffic would be generated which would affect a number of parishes or where the impact would be visible over a wide area);

Applications falling within these exceptions shall be referred to the Development Control Committee for determination.

- (2) Monitoring the performance of the Development Control Service, including consistency in the decision-making by the area sub-committees;
- (3) Making decisions pertinent to the discharge of the Development Control function, including matters such as the Scheme of Delegation to officers and member issues; and
- (4) Acting as the principal point for the exchange of information and ideas with the Cabinet on Development Control / Development Plan and policy matters.

### 3.06 **Area Development Control Sub-Committees (North and South)**

- (1) To exercise delegated functions on behalf of the Development Control Committee in respect of all planning applications and similar Development Control consents, other than the exceptions set out above.
- (2) To work under the general guidance of the Development Control Committee (and within the framework of the Planning Acts) to ensure that so far as is reasonably practicable there is consistency between different area sub-committees' decisions.
- (3) To recommend to the Development Control Committee on:-
  - (a) Matters likely to involve grant, compensation or other payment by the Council (except where such matters are specifically delegated to the sub-committee for determination);

- (b) Building Preservation Notices;
  - (c) Planning applications involving development considered by the sub-committee and / or the Head of Planning Services to be of significance to the district as a whole;
  - (d) Planning applications advertised as departures from the Development Plan and which the sub-committee proposes should be approved, contrary to the recommendation of the Head of Planning Services.
- (4) To exercise on behalf of the Development Control Committee, subject to the general guidance of that committee and following the appropriate consultation, the determination and enforcement of all matters (other than those referred to in paragraphs 3.04(1) and 3.05(3) above) relating to development control, listed building control and dangerous buildings, hazardous substances control including:-
- (a) The District Council's responsibilities as a consultee in relation to minerals / waste disposal applications to be determined by Suffolk County Council –
  - (b) Applications accompanied by an Environmental Impact Assessment;
  - (c) Member / officer applications;
  - (d) District Council development;
  - (e) Demolition of Listed Buildings;
  - (f) Confirmation of Tree Preservation Orders;
  - (g) Certificate of Appropriate Alternative Developments;
  - (h) Discontinuance, Revocation or Modification Orders;
  - (i) Enforcement Notices under the Planning Acts which have not been the subject of a previous decision;
  - (j) Authorisation of works under Section 178 (as amended) of the Town and Country Planning Act 1990 - relating to the use of default powers to rectify breaches of planning control - subject to budget not being exceeded;
  - (k) Notices concerning dangerous or dilapidated buildings, excavations or structures;
  - (l) The institution of proceedings under the Caravan Sites and Control of Development Act 1960 in respect of unauthorised caravans where the sub-committee has authorised the service of an Enforcement Notice;
  - (m) Except where delegated to the Head of Planning Services the determination of applications for hazardous substances consent and applications to vary conditions attached to such consents;
  - (n) Authorisation of prosecution or determination of hazardous substances notices under the Planning (Hazardous Substances) Act 1990;

- (o) Revocation or modification to hazardous substances consents where there is no right to compensation; and

- (5) To determine notifications under the Hedgerow Regulations 1997 relating to District Council land.

### 3.07 **Rights Of Way Committee**

To determine all regulatory matters concerning public rights of way which are within the District Council's powers and responsibilities including dealing within applications for the creation, diversion and extinguishment of footpaths and bridleways.

## 4. **Scrutiny Committees**

- 4.01 There shall be two scrutiny committees:

### **Community, Customers and Partners Scrutiny Committee** **Corporate Services Scrutiny Committee**

- 4.02 These shall exercise the functions set out in Article 6: Scrutiny Committees.

- 4.03 The two scrutiny committees will be supported in detailed work on policy and service review or performance review by specific, time-limited task and finish groups. The number of members comprising a given task group will be determined when the task group is established.

- 4.04 No member of the Cabinet will be able to sit on task groups convened for the purpose of scrutiny or performance review, but may sit on a task group established for policy development.

## 5. **Standards Committee**

- 5.01 In response to The Relevant Authorities (Standards Committees) Regulations 2001 and the new Ethical Framework:-

- (a) promoting and maintaining high standards of conduct by councillors and officers;
- (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of an employees' code of conduct;
- (d) advising the Council on the adoption or revision of a Member / Officer Protocol;
- (e) assisting the councillors to observe the Members' Code of Conduct;
- (f) monitoring the operation of the Members' Code of Conduct;
- (g) advising, training or arranging to train councillors on matters relating to the Members' Code of Conduct;
- (h) granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct; and
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer.
- (j) Raising awareness of ethical and conduct issues in authorities
- (k) Overview role following Ombudsman cases

- (l) To review
  - The Council's Whistleblowing Policy on harassment and bullying
  - Protocols for councillors dealing with planning and rights of way matters
- (m) Receive monitoring reports on declarations of interest made and gifts/hospitality received by members
- (n) To receive and deal with written allegations that a member or co-opted member (or former member or co-opted member) of the District Council or parish/town councils within the District area, has failed, or may have failed, to comply with the authority's code of conduct, in accordance with Part 10 of the Local Government and Public Involvement in Health Act 2007.

## **6. Appellate Bodies**

- 6.01 Appeal Committees will be set up from time to time as required to hear appeals from employees under the Council's procedures for dealing with discipline, redundancy, ill-health or other dismissals and grievances.
- 6.02 These will be composed of non-executive members of the Council.

(**NOTE:** It is an accepted convention that, because of the essential quasi-judicial nature of staff appeals matters, members of Appeals Committees should have been previously trained in appropriate procedures and regulations).

## **7. Appointments Committee**

- 7.01 To recommend to Council the appointment of the Head of Paid Service;
- 7.02 To appoint Strategic Directors and Heads of Service;
- 7.03 The Committee must include at least one member of the Cabinet.

## **Section B: Scheme of Delegation**

### **1. COMMITTEES AND SUB-COMMITTEE FUNCTIONS**

#### **GENERAL DELEGATION**

**To exercise on behalf of the Council the following functions:-**

- (1) To incur expenditure in respect of matters referred to the committee or sub-committee provided that:-
  - (a) expenditure exceeding £50,000 which has not been provided for in the Revenue Estimates under a head of estimate shall only be incurred if a supplementary estimate has been submitted to the Cabinet and approved by it or the full Council;
  - (b) overspending up to £50,000 on one occasion may be incurred without a supplementary estimate provided that the total overspending by a committee in one year does not exceed £100,000; and
  - (c) To vire expenditure between budget heads within a given year.
- (2) To implement any policy or change of policy in respect of matters referred to it provided that such policy or change of policy has been approved by the Council.
- (3) To deal with and carry out all matters of routine administration in respect of matters allocated to it.
- (4) To nominate or appoint representatives on behalf of the full Council to serve on bodies directly associated with its work.

### **2. CABINET FUNCTIONS**

#### **MATTERS DELEGATED TO INDIVIDUAL CABINET MEMBERS**

##### **2.01 General Principle**

All matters falling within the responsibility of the Cabinet shall be determined by the Cabinet acting collectively unless:

- (a) they are specifically delegated in this Constitution to a committee of the Cabinet or to an individual Cabinet member, or
- (b) they are delegated to an individual member of the Cabinet by the Leader by giving notice to that effect to the relevant Cabinet member, to the Chief Executive and to the Monitoring Officer.

The Leader of the Council may withdraw any delegation made by him to an individual Cabinet member by giving notice to the relevant Cabinet member, to the Chief Executive and to the Monitoring Officer.

##### **2.02 Delegations to Individual Cabinet Members**

The following matters shall be delegated to the relevant individual Cabinet members:

- (a) To deal with matters (including minor changes in service delivery) in respect of which a Strategic Director or Head of Service seeks guidance from an individual Cabinet member;
- (b) To approve minor changes to the provision of services where it has been demonstrated that current provision and delivery does not meet the needs of the communities which the Council serves;
- (c) To approve submissions / applications for external funding or support aimed at facilitating the achievement of the Council's objectives;
- (d) To approve any variation in fees or charges levied by the Council outside the annual review of charges where such a variation supports the achievement of the Council's objectives (unless otherwise specified in this Part of the Council's Constitution);
- (e) To determine, following consultation with any task group established for the purpose, the award of capital or revenue grant assistance;
- (f) To exercise the powers laid down in the Contracts Procedure Rules to determine whether specific tendering procedures require to be followed in particular cases;
- (g) To accept tenders and / or quotations received in accordance with the Contracts Procedure Rules;
- (h) To deal with any matter falling within the responsibility of the Cabinet which requires urgent attention during any Council recess;
- (i) To authorise the Chief Executive to settle proceedings of any description, including the payment of damages, compensation, etc, and legal costs for claims in excess of £15,000;
- (j) To approve the purchase of specific properties in connection with Housing Enabling activity;
- (k) To determine applications for grants under any specific Council Grant Aid Scheme for applications in excess of £5,000;
- (l) To agree draft Supplementary Planning Guidance documents for the purpose of public consultation;
- (m) To write off debts over £15,000 in value - subject to report to the next meeting of the Cabinet; and
- (n) To authorise Housing Renovation grants in excess of £20,000
- (o) To approve the disposal of Council-owned property valued at more than £15,000 and less than £25,000 provided the sale price is not less than the market value and, in the case of a lease, is not for a term exceeding seven years.
- (p) The Leader of the Council will appoint members to attend conferences, seminars etc of a political nature or where the delegate is authorised to vote on behalf of the District Council (See page 66).

- (q) To determine appeals against the refusal to give the renovation grant or minor works grant in accordance with the Private Sector Housing Renewal Strategy.
- (r) To determine whether renovation grant or minor works grant applications, which generally comply with the Private Sector Housing Renewal Strategy, but fall outside the spirit of the Strategy, should be refused.

In all cases, individual Cabinet members will exercise their delegated powers within established Council policies and procedures, and with the objective of furthering the achievement of the Council's strategy.

Before exercising such delegated powers, Cabinet members will seek the advice of the relevant Strategic Director or Head of Service and, except in cases of urgency, of any task group established for the purpose of advising on particular aspects of Council activity.

### 2.03 **Current Specific Delegations**

The Leader of the Council will maintain a list, annexed to Article 7 (The Executive), setting out which individual members of the Cabinet are responsible for the exercise of particular executive functions. This list includes their ward reference, and full address.

## 3. **OFFICER FUNCTIONS**

### 3.01 **Delegations to Officers - Executive Functions**

#### **NOTE**

- (a) *All Executive Functions delegated to officers shall be delegated by the Leader of the Council by notice to that effect to the officer, to the Chief Executive and to the Monitoring Officer.*
- (b) *Save in the cases of statutory appointments, or in instances where a specific, named member of staff is authorised to undertake a function, or where delegated powers are given to a specific, named member of staff, a function delegated to a Strategic Director or Head of Service shall be validly exercised if carried out on behalf of that Strategic Director or Head of Service and in that Strategic Director or Head of Service's name by staff authorised by him / her for that purpose. The exercise of a function in the name of a Strategic Director or Head of Service will not be invalidated by the absence of the Strategic Director or Head of Service at the time when the function was exercised.*
- (c) *The Leader of the Council may withdraw any delegation made by him to an individual officer by giving notice, to the Chief Executive and to the Monitoring Officer*
- (d) *Term "Head of Service" will include the Strategic Director with responsibility for Strategic Services.*

There shall be delegated power to:-

#### **1. To the Chief Executive/Strategic Directors**

- (a) To approve minor changes in partnership agreements.
- (b) To commence public consultation exercises on matters which have previously been before member-level bodies.

- (c) To respond to any national, regional or local consultation documents falling within a specific portfolio responsibility after consultation with the appropriate member of the Cabinet.
- (d) To formulate responses to consultation not falling within a specific Cabinet member's responsibility, provided that in cases where the Council is consulted on significant matters, officers should decline to exercise this delegated power or (where the meeting timetable for the appropriate member level body does not permit the matter to be referred to it), there should be prior consultation with the spokespersons of the all political groups.
- (e) To be responsible for providing a planned overview for strategic service procurement and delivery models.

**2. Section 151 Officer**

***(definition: The officer responsible for the proper administration of the Councils financial affairs)***

- (a) To write off debts up to the value of £15,000 – except in cases where individual debts are below £25,000 but the total owed by the debtor is above £25,000.
- (b) To write out of the accounts any future credit balances below £15,000 where the beneficiary cannot be traced.

**3. Strategic Director**

- (a) To issue notices, to terminate leases and licenses of Council-owned property where there are arrears of rent or breaches of conditions, or to comply with the Council's policy or strategy.
- (b) To operate, in consultation with the Section 151 Officer, the Council's Death Gratuity Scheme under discretionary powers contained in the Local Government Superannuation (Miscellaneous Provisions) Regulations 1987 - subject to a maximum payment of one year's salary at death.
- (c) With regard to property, in liaison (where appropriate) with the Head of Legal and Democratic Services and subject to terms to ensure protection of the Council's interests:-
  - (i) To acquire land by purchase or lease at not more than market value in implementation of the Council's strategy and within the constraints of the capital budget;
  - (ii) To dispose of Council-owned property valued at not more than £15,000 at not less than market value and, in the case of a lease, for a term not exceeding seven years;
  - (iii) To negotiate terms for the grant of, or entry into, licences for the use of and access over any property;
  - (iv) To renew, surrender or vary leases or licenses of Council-owned property to others, or of property owned by others to the Council;
  - (v) To terminate leases and licenses of Council-owned property to others

where there are arrears of rent or breaches of conditions, or to comply with the Council's policy or strategy;

- (vi) To grant or enter into wayleaves and easements in respect of supplies of services (e.g. electricity, gas, telephone, telecommunications, fibre-optics and sewerage connections), and of access over land; and
  - (vii) To invite offers for, or to negotiate the renewal of, the licences for the letting of kiosks etc. as appropriate in each case and to conclude agreements on the basis of the most favourable terms to the Council.
  - (viii) To release restrictive covenants imposed on property previously owned by the Council where the value of the covenant is no more than £15,000.
  - (ix) To dedicate Council-owned land as highway to be maintained by the local highway authority.
- (d) To review the Relocation Assistance Scheme for newly-appointed staff in order to respond more readily to changing situations.

#### **4. All Heads of Service**

- (a) To deal with all routine matters of administration affecting their service areas and all other matters within the purview of their service areas except those which are specifically required to be determined by the Cabinet or an individual Cabinet member.
- (b) To authorise, where appropriate, entry onto land or premises by Council officials in the course of their duties.
- (c) To employ (where necessary and practicable and subject to no internal secondment being possible) temporary additional assistance during a prolonged period of sickness of a permanent member of staff, the details of such assistance and of the number of long term absences due to sickness being subsequently reported to the appropriate member level body or individual.
- (d) To open tenders in accordance with Contract Procedure Rules.
- (e) To accept tenders in accordance with Contract Procedure Rules.
- (f) With regard to Revenue Budget Virement and Carry Forwards (and after consultation with the Head of Finance):
  - (1) To vire between approved budgets under his or her control up to a sum of £15,000 on each occasion; and
  - (2) To carry forward to the next financial year any unspent budget provisions which were provided for specific works or services and where it was not possible to complete these works or services during the budget year, subject to individual carry forwards not exceeding £15,000
- (g) With regard to contracts:-
  - (1) to issue variation orders in connection with contracts being undertaken by

the Council except where any additional expenditure involved in complying with such variation orders exceeds 2%, subject to a minimum of £10,000 of the original contract figure;

- (2) after consultation with the relevant Cabinet Member, to issue variation orders in connection with contracts being undertaken by the Council where any additional expenditure involved in complying with such variation orders exceeds 2% of the original contract figure.
  - (3) together with the Head of Finance (and subject to Financial Procedure Rules), to approve all prime cost items included in contracts entered into by the Council; and
  - (4) to engage consultants to further General Fund Schemes (subsequently advising Cabinet of action taken).
- (h) To contract to provide services to other public agencies as part of the Council's enabling role or to optimise use of the Council's resources.
  - (i) To approve minor changes in partnership agreements.
  - (j) To commence public consultation exercises on matters which have previously been before member-level bodies.
  - (k) To respond to any national, regional or local consultation documents falling within a specific portfolio responsibility after consultation with the appropriate member of the Cabinet.
  - (l) To formulate responses to consultation not falling within a specific Cabinet member's responsibility, provided that in cases where the Council is consulted on significant matters, officers should decline to exercise this delegated power or (where the meeting timetable for the appropriate member level body does not permit the matter to be referred to it), there should be prior consultation with the spokespersons of all the political groups.
  - (m) To require information as to the ownership of property.
  - (n) To be responsible for providing a planned overview for strategic service procurement and delivery models.

## **5. To the Head of Housing and Benefits**

- (a) To issue notices to quit to licensees / tenants of Council premises
- (b) To determine requests for the consent of the Council to the resale of former Council dwellings situated within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty within the ten year resale restrictive covenant provided that the prospective purchaser has throughout a period of three years immediately prior to seeking such consent:-
  - (i) had his place of work in a National Park etc. or the county of Suffolk;
  - (ii) had his only or principal home in a National Park or such area; or
  - (iii) an aggregate of (i) and (ii).
- (c) To represent the Council at Council Tax and Valuation Tribunals

- (d) To represent the Council in Magistrates' Court proceedings for the recovery of Council Tax, National Non-Domestic Rates and committal proceedings in default of payment.
- (e) To determine all matters relating to administration, billing and enforcement in respect of Council Tax and National Non-Domestic Rate.
- (f) To administer the Council's Collection Fund established under Section 89 of the Local Government Finance Act 1988 (reporting as necessary to the Cabinet).
- (g) In exceptional circumstances to make arrangements other than in accordance with the statutory scheme for payment of Council Tax and National Non-Domestic Rates.
- (h) To determine the award of relief from non-domestic rates where it is in accordance with the Council's agreed criteria.
- (i) With regard to Housing:-
  - (1) To approve Disabled Facilities Grants to owner-occupiers, landlords and tenants under the Housing Grants, Construction and Regeneration Act 1996.
  - (2) To approve Housing Grants in accordance with the Council's approved Private Sector Housing Renewal Strategy.
  - (3) To approve minor changes in housing grant practices.
  - (4) To determine questions relating to requirement to repay all forms of Housing Grants.
  - (5) To authorise minor changes to the Housing Enabling Programme consistent with the policies in the Housing Strategy Statement.
  - (6) To approve minor changes to the housing allocation points system.
  - (7) To exercise on behalf of the District Council the powers contained in Part VII of the Housing Act 1996 (as amended) relating to homeless persons and in particular the notifications required under Section 184, and referrals made under Section 198 of that Act.
  - (8) To grant licences allowing homeless persons to occupy accommodation controlled by the Council.
  - (9) To act under the provisions of Section 77 of the Criminal Justice and Public Order Act 1994 regarding unauthorised encampments of travellers.

**6. To the Head of Community and Economic Services**

- (a) To use selected car parks in pursuance of the special event policy authorised by the Cabinet.
- (b) To consider draft Traffic Orders proposed by the Highway Authority and to determine the District Council's observations, other than where these would be substantially different from the known views of any interested person or body.
- (c) To determine fees and charges for Leisure facilities within such guidelines as may be set by the Cabinet from time to time.

- (d) With regard to the Council's positive planning initiatives :-
  - (i) To authorise minor changes (subject to prior consultation with the relevant local member); and
  - (ii) To carry out detailed scheme design (subject to prior consultation with the relevant local member).
- (e) To administer and award Landscape and Conservation Grants to both buildings and public open spaces from the Conservation Grants Budget in line with criteria approved from time to time by the Cabinet.
- (f) To be responsible for the day-to-day management of public car parks owned or managed by the Council, and for the enforcement of the Council's Off-Street Parking Places Order.

**7. To the Head of Legal and Democratic Services**

- (a) To perform the District Council's functions under the relevant sections of the Towns Improvement Clauses Act 1847 relating to the numbering and renumbering of properties.
- (b) To apply to the appropriate Magistrates' Court for an Anti-Social Behaviour Order (ASBO) in accordance with the provisions established under Section 1 of the Crime and Disorder Act 1998, after consultation with the Police in all cases and with such other agencies as are appropriate in each case and to take all such other steps as may be necessary or desirable in order to obtain and enforce an ASBO subject in each case to reporting to, the Cabinet at its next appropriate meeting, brief details of any ASBO sought and the terms of any ASBO made.
- (c) Appoint members to attend conferences, seminars etc., after consulting the appropriate member of the Cabinet or Strategic Director or Head of Service, where these are not of a political nature or where the delegate is not voting on behalf of the District Council (see page 60).
- (d) To institute, carry on or defend proceedings in relation to:
  - (1) the collection or recovery of all moneys owing or alleged to be owing to or by the Council; and
  - (2) any offence or alleged offence relating to false or fraudulent claims for benefit, or failure to notify a change of circumstances in relation to benefit entitlement.
- (e) To institute, carry on or defend any proceedings in any competent court or tribunal having jurisdiction in the United Kingdom.
- (f) To settle proceedings of any description, including the payment of damages, compensation, etc. and legal costs for claims of less than £25,000, following consultation with the Head of Finance.
- (g) To obtain the opinion of Counsel on any matters where this is considered to be necessary.
- (h) To require information as to ownership of property and to prosecute should that information not be forthcoming.

- (i) With regard to car parks:-
  - (1) to require information as to the identity of the driver of any vehicle from the registered keeper of such vehicle or from any person believed to be the driver of such vehicle found to be unlawfully parked in one of the Council's parking places;
  - (2) if the circumstances warrant it, to prosecute the person who was the driver of the vehicle referred to in (i)(1) above at the time of the offence under the Order;
  - (3) to prosecute the registered keeper of any vehicle unlawfully parked as aforesaid or any other person, where appropriate, for failure to give the required information as to the identity of the driver of the vehicle in question; and
  - (4) to prosecute any person who contravenes any provision of the Suffolk Coastal District Council (Off-Street Parking Places) Order 1995 (as amended) or any subsequent order varying, modifying or replacing the said order.
  - (5) to take appropriate action against any motorist persistently parking on the Central Council Offices car park other than as an officer of the Council, a visitor to the office or as a District Councillor.
- (k) To institute proceedings in the Magistrates' Court regarding any failure to comply with a direction given under Section 78 of the Criminal Justice and Public Order Act 1994.
- (l) To institute, carry on and defend any proceedings to protect Council-owned land.
- (m) To be responsible for day to day corporate procurement activity and to regularly review the Procurement Strategy and Action Plan and recommend any revisions to Cabinet.
- (n) To make minor changes to the Scheme of Delegation in Part 3B of the Constitution arising from legislative changes following consultation with the Leader of the Council and Head of Paid Services.

## **8. To the Head of Health**

- (a) With regard to Food and Safety:-
  - (1) To act in matters arising under Section 5(6) Food Safety Act 1990.
  - (2) To introduce and implement, in liaison with the Head of Finance, an appropriate charging policy, relating to veterinary checks on products of animal origin, within the terms of the Charging Regulations.
  - (3) In liaison with the Head of Finance to introduce port health charges (where charges are required to be in line with EU regulations).
  - (4) To seize dangerous dogs under Section 5 of the Dangerous Dogs Act 1991.

- (5) To discharge the Council's functions for litter control and dealing with abandoned shopping trolleys under the Environmental Protection Act 1990.
- (b) With regard to the Environment
  - (1) To set the level of discretionary fixed penalties under the Clean Neighbourhoods and Environment Act 2005 following consultation with the relevant Cabinet Member
  - (2) To authorise the making/issue of, and to serve, Notices and Orders and to grant authorisations and consents and where appropriate, attach conditions, and alter, amend, renew, revoke and authorise the transfer (as appropriate) of such consents pursuant with the Clean Neighbourhoods and Environment Act 2005
- (c) With regard to Port Health
  - (1) To authorise appropriate officers to be able to act as an authorised Person for the purposes of enforcing the Environmental Protection (controls on Ozone-Depleting Substances) Regulations 2002 as amended in 2008.

**9. To the Head of Finance and Central Services**

- (a) To carry out the day to day administration of the Council's financial requirements on the best possible terms, and to report thereon from time to time to the Cabinet.
- (b) To approve or refuse housing advances within the terms of the Council's approved scheme, subject to his / her actions being reported periodically to the Cabinet.
- (c) To determine applications for the letting of mortgaged property on such terms and conditions as protect the Council's interests.
- (d) To apply the national standard rate of interest, as set out by the Secretary of State, to all the Council's variable rate mortgages whilst ever the Council does not have a local average rate determined by its own long term borrowings.
- (e) To make loans within the terms of the Council's approved scheme under the Fire Precautions (Loans) Act 1973.
- (f) To determine the conditions to be attached to the Council's Car Contract Hire and Car Loans Schemes for Employees and to make the necessary administrative arrangements for their operation.
- (g) To use additional benefit subsidy earned from fraud investigation work for one-off projects to improve benefits administration, including prevention and detection of fraud, subject to the subsidy not being required to finance staff needed to allow existing benefit work to be maintained.
- (h) To determine the award of relief from non-domestic rates where it is in accordance with the Council's agreed criteria.
- (i) To add or delete organisations from the 'Approved Organisations for Investment' list

after consultation with the Cabinet Member responsible for Fiscal and Democratic Services

- (j) To determine appropriate investment limits as part of changes to the list of 'Approved Organisations for Investment' after consultation with the Cabinet Member responsible for Fiscal and democratic Services

**10. To members of staff**

See list of other officer functions as set out in Schedule 1 hereto.

**3.02 Delegations to Officers – Non-Executive Functions**

**NOTE** *Save in the cases of statutory appointments, or in instances where a specific, named member of staff is authorised to undertake a function, or where delegated powers are given to a specific, named member of staff, a function delegated to a Strategic Director or Head of Service shall be validly exercised if carried out on behalf of that Strategic Director or Head of Service and in that Strategic Director or Head of Service's name by staff authorised by him / her for that purpose. The exercise of a function in the name of a Strategic Director or Head of Service will not be invalidated by the absence of the Strategic Director or Head of Service at the time when the function was exercised.*

There shall be delegated power to:-

**1. To the Strategic Director**

- (a) To apply, where appropriate, for planning permission for Council development under the terms of Town and Country Planning General Regulations 1992.
- (b) To submit applications for public path order and creation agreements in implementation of the Council's strategy or policies on land owned or occupied by the District Council where the proposals meet the required criteria for the making of a public path order.

**2. All Heads of Service**

- (a) After consultation with the appropriate chairman or vice-chairman to deal with any matters allocated to a committee or sub-committee which require urgent attention during any Council recess or in the periods between committee or sub-committee meetings provided that this consultation shall be with the Chairman and / or Vice-Chairman of the Council, as appropriate, in relation to matters in which the chairman or vice-chairman of the committee or sub-committee concerned has a prejudicial interest or where for any reason the chairman and vice-chairman of the committee or sub-committee are not available. This action to be reported to the next appropriate meeting of the relevant committee or sub-committee.
- (b) In accordance with approved Redundancy Procedures, to take the decision to make the employee(s) concerned redundant.
- (c) To deal with all changes to staffing establishment within budget.
- (d) To deal with all routine matters of administration affecting their service area and all other matters within the purview of their service area except those which are specifically required to be determined by a committee or by the Council.

- (e) To authorise, where appropriate, entry onto land or premises by Council officials in the course of their duties.
  - (f) To employ (where necessary and practicable and subject to no internal secondment being possible) temporary additional assistance during a prolonged period of sickness of a permanent member of staff, the details of such assistance and of the number of long term absences due to sickness being subsequently reported to the appropriate member level body or individual.
  - (g) To open tenders in accordance with Contract Procedure Rules.
  - (h) To accept tenders in accordance with Contract Procedure Rules.
  - (i) With regard to Revenue Budget Virement and Carry Forwards (and after consultation with the Head of Finance:
    - (1) To vire between approved budgets under his or her control up to a sum of £15,000 on each occasion.
  - (j) With regard to contracts:-
    - (1) to issue variation orders in connection with contracts being undertaken by the Council except where any additional expenditure involved in complying with such variation orders exceeds 2%, subject to a minimum of £10,000 of the original contract figure;
    - (2) after consultation with the relevant committee chairman, to issue variation orders in connection with contracts being undertaken by the Council where any additional expenditure involved in complying with such variation orders exceeds 2% of the original contract figure;
    - (3) together with the Head of Finance (and subject to Financial Procedure Rules), to approve all prime cost items included in contracts entered into by the Council; and
    - (4) to engage consultants to further General Fund Schemes (subsequently advising Cabinet of action taken).
  - (k) To contract to provide services to other public agencies as part of the Council's enabling role or to optimise use of the Council's resources.
  - (l) To approve minor changes in partnership agreements.
  - (m) To commence public consultation exercises on matters which have previously been before member-level bodies.
  - (n) To sign certificates on behalf of the Council for the purpose of the Civil Evidence Act 1995 Section 9 and to make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.
- (See also the list of officer functions as set out in Schedule 2 hereto).
- (o) To require information as to the ownership of property.

- (p) To appoint, dismiss, and take all relevant disciplinary action in the case of all staff below Heads of Service.

### **3. To the Head of Legal and Democratic Services**

- (a) To institute, carry on or defend proceedings in relation to:
  - (i) the collection or recovery of all moneys owing or alleged to be owing to or by the Council;
  - (ii) any offence or alleged offence relating to false or fraudulent claims for benefit, or failure to notify a change of circumstances in relation to benefit entitlement.
  - (iii) any offence or alleged offence in relation to licensing
- (b) To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Head of Finance.
- (c) To authorise officers to appear in any civil or criminal court or tribunal, and to act as “authorised officers” for the purposes of licensing legislation.
- (d) To obtain the opinion of Counsel on any matters where this is considered to be necessary.
- (e) To approve all bona fide applications for licences, permits and registration in accordance with the appropriate legislation and any related policy adopted by the Council where no complaint, objection or representation has been made.
- (f) To require information as to ownership of property and to prosecute should that information not be forthcoming.
- (g) To apply for a Justices’ Warrant to enter following the service of a statutory notice etc. if this proves to be necessary.
- (h) To agree the making and confirmation of public path orders in all cases where no objections or representations have been received or are likely to be received and where the proposals meet the required criteria for the making of a public path order.
- (i) To determine applications for the temporary closure of a highway during public processions, rejoicings etc. when the streets are thronged.
- (j) To determine the District Council’s response on public rights of way consultation matters other than where there was an objection to the proposal by either the local district councillor, or by the majority of other consultees who had responded to the consultation.
- (k) With regard to membership of committees, sub-committees, etc. which are subject to the operation of the Local Government (Committees and Political Groups) Regulations 1990, and following Council approval of the allocation of seats on committees, sub-committees and other appropriate bodies to political groups and individuals in accordance with the statutory provision:-
  - (1) to allocate members of political groups to seats on committees, sub-committees and other appropriate bodies in accordance with the nominations made by the political groups; and

- (2) to allocate members, who have not formed themselves into a political group, to seats on committees, sub-committees and other appropriate bodies reserved for such members in accordance, so far as possible, with their stated preferences which he shall obtain from them.
- (l) To institute proceedings pursuant to Regulations made under the Representation of People Act 1983 for failure to return an electoral registration form.
- (m) With regard to meetings of the Licensing and Health Sub-Committee:
- (1) To determine whether a complaint or objection made under the Licensing Act 2003 is not relevant, vexatious, frivolous or repetitious.
  - (2) To appoint three members of the Licensing and Health Committee (including substitutes) to a Licensing and Health Sub-Committee when necessary.
  - (3) To authorise appropriate members of staff as members of the "licensing authority" for the purpose of the Licensing Act 2003 and the (Hearings) Regulations.
- (n) With regard to planning control:-
- (1) to institute proceedings in respect of the failure to supply information following the service of a statutory notice requiring that information;
  - (2) to institute proceedings for failure to comply with:-
    - (i) an enforcement notice or stop notice;
    - (ii) a listed building notice or stop notice;
    - (iii) a notice served under Section 215 of the Town and Country Planning Act 1990;
    - (iv) a planning contravention notice; and
    - (v) a breach of conditions notice.
  - (3) To determine certificates of lawful development under the Planning and Compensation Act 1991.
  - (4) After consultation with the Chairman or Vice-Chairman of the Development Control Committee - To seek an injunction where urgent action is required (as, for example, against imminent demolition of a listed building).
  - (5) To institute proceedings under the Caravan Site and Control of Development Act 1960 in respect of unauthorised caravans where a Development Control Sub-Committee has authorised the service of an enforcement notice or when an enforcement notice has been issued under the delegated powers.
  - (6) To institute proceedings for offences in contravention of the Hedgerow Regulations 1997.
  - (7) To enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 on such terms and conditions as are deemed appropriate.

- (o) To institute proceedings for contravention's of the Building Regulations, for dangerous buildings or structures, ruinous and dilapidated buildings or neglected sites, and in respect of the control of demolition.
- (p) With regard to Municipal Waste Management:-
  - (1) to institute proceedings in relation to:-
    - (i) Municipal Waste Management
    - (ii) Failure to comply with directions in respect of containers for waste storage
    - (iii) Failure to comply with requisitions to produce duty of care documentation;
    - (iv) Abandonment of vehicles
    - (v) Fly-tipping of waste
    - (vi) Deposit of litter
    - (vii) Fouling of land by dogs
    - (viii) Causing graffiti
    - (ix) Fly-posting
- (q) To approve the making of an Order under Section 16 )(1) of the Local Government Act 1972 to vary the number of members of a town or parish council.
- (r) To suspend licensed hackney carriage and private hire drivers who fail to produce valid medical certificates or renew criminal record checks in accordance with the licensing scheme.
- (s) To suspend hackney carriage and private hire vehicle licences where valid mechanical inspection certificates or insurance cover have not been produced in accordance with the licensing scheme.

**4. To the Head of Finance and Central Services**

- (a) To carry forward to the next financial year any unspent budget provisions which were provided for specific works or services and where it was not possible to complete these works or services during the budget year, subject to individual carry forwards not exceeding £15,000, after consultation with the Cabinet Member for Fiscal and Democratic Services.

**5. To the Head of Housing and Benefits**

- (a) With regard to Housing:-
  - (1) To authorise the revocation of operative undertakings, Demolition Orders or Closing Orders, where premises have been restored to a condition fit for human habitation.
  - (2) To act on behalf of the District Council under the provisions of Sections 326(b), 335 and 338 of the Housing Act 1985 to abate overcrowding in dwellings including the authorisation of service of a Statutory Notice, and the issue of certificates.
  - (3) To issue certificates stating the number and floor areas of rooms under the provision of Section 326(6) of the Housing Act 1985.

- (4) To act on behalf of the District Council under the provisions of Section 11-19 Housing Act 2004 (Improvement Notices) and take any necessary action.
- (5) To act on behalf of the District Council under the provisions of Section 23-27 Housing Act 2004 (Prohibition Notices) and take any necessary action.
- (6) To act on behalf of the District Council under the provisions of Section 28 and 29 Housing Act 2004 (Hazard Awareness Notices) and take any necessary action.
- (7) To act on behalf of the District Council under the provisions of Section 31 Housing Act 2004 (Carrying out work in default of the owner) and take any necessary action.
- (8) To act on behalf of the District Council under the provisions of Section 40-45 Housing Act 2004 (Emergency Remedial Action) and take any necessary action.
- (9) To act on behalf of the District Council under the provisions of Part 2 Housing Act 2004 (licensing HMOs) with the exception of Section 63 (3) (Determining the level of fee to be charged) and take any necessary action.
- (10) To act on behalf of the District Council under the provisions of Section 139-144 Housing Act 2004 (Overcrowding in HMOs) and take any necessary action.
- (11) To act on behalf of the District Council under the provisions of Section 232 Housing Act 2004 (Maintaining a register of licensed HMOs) and take any necessary action.
- (12) To act on behalf of the District Council under the provisions of Section 235 Housing Act 2004 (Require documents to be produced) and take any necessary action.
- (13) To act on behalf of the District Council under the provisions of Section 239 (Power of entry for the purpose of survey or examination).
- (14) To act on behalf of the District Council under the provisions of Section 255 to 260 (Determination of Houses in Multiple Occupation) and take any necessary action.
- (15) To act in respect of any regulations made under the Housing Act 2004 in relation to the Enforcement of Housing Standards, HMO standards and the Licensing of HMOs.
- (16) To authorise service of a notice under the provisions of Section 76 of the Building Act 1984, intimating the Council's intention to remedy the defective state of a dwelling and specifying the defects which are to be remedied; at the expiration of 9 days from the service of the notice to authorise the execution of the necessary repairs and the recovery of the expenses reasonably incurred in so doing.

- (17) To issue Camping Site Licenses where planning approval has been obtained.
- (18) To arrange for the restoration or continuation of supply of water, gas or electricity under the provisions of Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, including the recovery of any cost reasonably incurred.
- (19) To authorise action under the provisions of Section 29 of the Local Government (Miscellaneous Provisions) 1982 including the service of notices, arranging to undertake works in respect of vacant premises and the recovery of any cost reasonably incurred.
- (20) To issue Caravan Site Licences where planning approval has been obtained.
- (21) To authorise service of a notice under Section 17 of the Public Health Act 1961 requiring the repairs to drains or private sewers which are not sufficiently maintained and kept in good repair and can be sufficiently repaired at a cost not exceeding £250, at the expiration of 7 days from the service of the notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of the costs reasonably incurred in so doing.

**6. To the Head of Planning Services**

- (a) To make Tree Preservation Orders in respect of trees, groups of trees or woodlands, meeting the agreed criteria of the Development Control Committee.
- (b) To consider proposals by the relevant railway authority at level crossings within the district and to determine the District Council's observations, other than where these would be substantially different from the known views of the relevant town or parish council.
- (c) To take all necessary action to implement authority given by a development control sub-committee in connection with prosecution or hazardous substances notices under the Planning (Hazardous Substances) Act 1990.
- (d) To determine (inter alia):
  - 2 'Major' and 'Minor' applications other than where a Town or Parish Council Statutory Consultee or three or more interested parties raise material planning objections within the prescribed consultation period when officers are minded to approve or where officers are minded to refuse and the Town/Parish Council or three interested parties have written in within the prescribed consultation period raising material planning issues in support of the case. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
  - 3 'Other' applications other than where following receipt of an objection where officers are minded to approve and where a ward member for the ward concerned expresses concern, the chairman or vice-chairman of the appropriate Development Control Sub-Committee requests that the application should be

reported to the relevant Development Control Sub-Committee.

- 4 Submissions by the Crown under Circular 18/84, applications arising from the Tree Preservation Orders, miscellaneous applications e.g. telecommunications, agricultural notifications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
- 5 Consultations on Suffolk County Council applications for deemed planning applications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.

NB This delegation does not apply to:

- Applications where the recommendations of the officers are contrary to the provisions of the Development Plan;
- Applications submitted by the District Council or a member or employee of the District Council;
- Applications accompanied by an Environmental Impact Assessment.
- Applications which are of more than local significance e.g. where traffic would be generated which would affect a number of parishes or which would have an impact over a wide area.

## DEFINITIONS

**“Householder Applications”**: Applications for development within the curtilage of residential property, which are not a change of use.

'Major'- Applications include, for example, proposals for 10 or more dwellings, 1,000 square metres or more of commercial development

'Minor' - Applications include, for example, proposals for 1-9 dwellings, smallscale commercial buildings

'Other' - Applications include, for example, proposals for changes of use, householder development, listed building consent, advertisement

- (e) To respond to consultations on the Pastoral Measure Act 1983, following consultation with the appropriate ward members.
- (f) To respond on behalf of the Council to consultations relating to works which involve alteration or extension of a church which is a listed building to such an extent as is likely to affect its character as a building of special architectural or historic interest.
- (g) With regard to planning control:-
  - (1) To serve notices under Section 215 of the Town and Country Planning Act 1990, in respect of land which has been the subject of a previous Notice authorised by Development Control Sub-Committee.

- (2) To determine whether to take action or not in respect of untidy sites by way of the service of a Section 215 Notice in accordance with the following criteria:-
- (i) The prominence and sensitivity of a site will be key factors in determining whether to take action to protect the amenity of the public at large by the service of an appropriate Notice. It may, for example, be more acceptable to view stacked materials or a partially overgrown development site awaiting building on an industrial estate or a mixed use area than would necessarily be the case in a residential area or a very sensitive rural location such as the Heritage Coast or the AONB;
  - (ii) The number of members of the public who are likely to be affected by the condition of a site will be material to the issue or the service of a notice;
  - (iii) Whether there is adequate boundary screening and, if so, does this reduce the visual impact to such an extent as to render the service of a notice unnecessary;
  - (iv) The actual condition of the site itself will be a material consideration. For example, a site that is slightly overgrown would seldom justify action by the Council
  - (v) The period during which the land has been untended and, by inference, how long has the visual amenity of the area been adversely affected. Often landowners do not seek to leave their sites in a disreputable state but are delayed in undertaking action to tidy matters up. Hasty action by the Council in these circumstances, if the site has been untended for only a short period, would be inappropriate and an inefficient use of the Council's resources. Often a polite reminder to the owner of his or her civic duties and a reasonable time to comply will suffice; and
  - (vi) The nature of the materials that are stored, deposited or left on the site and how unsightly are they by their very nature.
- (h) To issue enforcement notices and listed building enforcement notices for non-compliance with conditions attached to planning permissions or listed building consents.
- (i) To issue Breach of Condition Notices where a planning condition has not been complied with.
- (j) To issue planning contravention notices.
- (k) To issue enforcement notices and listed building enforcement notices for unauthorised development which has previously been the subject of a refusal of planning permission or listed building consent by the Local Planning Authority should it be considered expedient to do so.
- (l) To determine whether to take action, and if so what action, in respect of unauthorised householder extensions, alterations to buildings and boundary fences, walls and hedges, along with minor infringements of planning conditions and advertisements, where they involve:
- (i) Increases in the height of boundary fencing subject to a maximum increased height of 0.5 metres above "permitted development" limits;
  - (ii) Erection of gates and fences on highway boundaries not affecting

- highway safety, not exceeding 0.25 metres above the permitted height;
  - (iii) Changes in materials used in the construction of buildings where not in accordance with the original specification;
  - (iv) The provision within the curtilage of a dwelling house of any ancillary building or enclosure which would be classed as "permitted development" were it not for a minor infringement of the permitted category by reason of size or position;
  - (v) Minor amendments to approved developments where there will be no adverse impact upon the amenities of adjoining owners;
  - (vi) Minor changes to landscaping schemes, for example the omission of a few shrubs or a tree from a large scheme;
  - (vii) Failure to complete access roads in their entirety prior to the commencement of development;
  - (viii) Advertisements of a temporary nature advertising local events;
  - (ix) Signs on highway footways;
  - (x) Estate Agents' for sale boards;
  - (xi) Advertisements for non-profit making charity events; and
  - (xii) Directional advertisements displayed within the highway for residential development sites.
- (m) For the purposes of Regulations 5 and 10 of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 to make "screening" and "scoping" determinations in respect of the necessity and scope of Environmental Statements under the aforementioned regulations, having regard to the advice within Circular 02/99 entitled "Environmental Impact Assessment".
- (n) Having due regard to criteria agreed from time to time approved by the Development Control Committee to lodge formal objection to applications for goods vehicle operators licences where amenity would be threatened by the grant of such a licence following consultation with the relevant town or parish council.
- (o) In so far as the Building (Local Authority Charges) Regulations 1997 shall allow, to waive payment of a Building Control charge where the waiving of that charge will not be detrimental to the Council's overall ability to "break even" in respect of the building regulations service for which it is empowered to make a charge.
- (p) To approve or refuse applications under the Building Regulations, and the approval or rejection of other notices submitted under the Building Act.
- (q) To approve or refuse applications for dispensation of the Building Regulations.
- (r) To serve notices in respect of a contravention of the Building Regulations, ruinous and dilapidated building or neglected site, control of demolition or a dangerous excavation.
- (s) To instigate emergency procedures in respect of a dangerous building or structure, including the serving of any notice.
- (t) To issue Completion Certificates in accordance with the Building Regulations.
- (u) To determine validity of deemed consent applications made under Section 11 of the Planning (Hazardous Substances) Act 1990 (as amended).
- (v) To determine applications for hazardous substances consent and applications to vary conditions attached to hazardous substances consents where no identifiable person

or body dissents to any substantial or relevant degree from the course of action proposed.

- (w) To determine whether prior approval is required for the demolition of buildings, as set out in Class A Part 31 of the Town and Country General Development (Amendment) (No. 3) Order 1992.
- (x) To determine all matters under Part 8 of the Anti Social Behaviour Act 2003 in respect of high hedges, including notification of interested parties, processing of complaints, issuing of Remedial Notices and dealing with all appeals associated with such Notices.
- (y) Authority to issue temporary stop notices in accordance with the Town and Country Planning Act 1990 sections 171E, 171F, 171G and 171F and any Regulations made thereafter.
- (z) To decide which buildings should be offered grants, and at what rate, under the Council's Historic Buildings at Risk Grant Scheme.

## **7. To the Head of Health**

- (a) To take any necessary action on the Council's behalf to remove to suitable premises persons in need of care and attention under Section 47 of the National Assistance Act 1948.
- (b) To act in all matters arising under the Health and Safety at Work Act 1974, or any regulations made there under, for which the Council has enforcement responsibility.
- (c) To authorise the making/issue of, and to service Notices and Orders pursuant to the Public Health Act 1936, Control of Pollution Act 1974, Building Act 1984, Housing Act 1985, Environmental Protection Act 1990 or Water Industries Act 1991, or Environment Act 1995.
- (d) To enforce all relevant imported food regulations made under the European Communities Act 1972.
- (e) With regard to Food and Safety:-
  - (1) For the purposes of the Health and Safety (Enforcing Authority) Regulations 1989 to endorse any transfer of enforcement responsibility, or premises or activities which may be agreed with the Health and Safety Executive.
  - (2) To act in matters arising under the Food and Environment Protection Act 1985 together with regulations made thereunder for which the Council has responsibility for enforcement.
  - (3) To authorise an order prohibiting homework on premises where a 'Notifiable' disease exists, under Section 28 of the Public Health (Control of Disease) Act 1984.
  - (4) To authorise the service of a notice under the provisions of Section 30 of the Public Health (Control of Disease) Act 1984, on the occupier or owner of a house in which he / she is aware that there is a person suffering from 'Notifiable' disease.

- (5) To service notices under the Public Health (Control of Disease) Act 1984, and regulations made under that Act to require disinfection of premises or the destruction of articles to control the spread of infectious disease.
- (6) To issue Knacker's Yard licences.
- (7) To exercise the powers contained in Part 7 of the Milk and Dairies (General) Regulations 1959.
- (8) To grant an exemption under Section 46 of the Offices, Shops and Railway Premises Act 1963 from the provisions of Sections 5(2), 6 and 9.
- (9) To appoint persons as inspectors under Section 19(1) of the Health and Safety at Work etc Act 1974, until such time as the Licensing and Health Committee can confirm or renew the appointment.

**NOTE:** See list of Proper Officer functions as set out in Schedule 3 hereto.

- (10) To authorise the service of notices under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Section 20, on the owner or occupier of 'relevant place' to provide, maintain, cleanse sanitary appliances and make the said sanitary appliances available to members of the public resorting to that place.
- (11) To appoint Environmental Health Officers, Technicians and Technical Officers employed in the Food and Safety Team as Inspectors for the purposes of the Sunday Trading Act 1994.
- (12) To act in all matters arising under the Food Safety Act 1990 together with regulations made thereunder for which the Council has responsibility for Enforcement.

(f) With regard to Animal Welfare:-

- (1) To grant licences:-
  - (i) For premises, under Section 1 of the Breeding of Dogs Act 1973;
  - (ii) For pet shops, under Section 1 of the Pet Animals Act 1951;
  - (iii) For animal boarding establishments, under Section 1 of the Animal Boarding Establishment Act 1963;
  - (iv) Under Section 1 of the Dangerous Wild Animals Act 1976; and
  - (v) Under Section 1 of the Riding Establishments Act 1964 or, where appropriate, provisional licences under Section 1 of the Riding Establishment Act 1970.
- (2) To enter and inspect any premises subject to an application for a licence or which is licensed under the Dangerous Wild Animals Act 1976, and to inspect anything or an animal on those premises, under Section 3 of the said Act.
- (3) To serve notices under Section 149 of the Environmental Protection Act 1990, advising of the seizure, detention, disposal and liability for payment of expenses in respect of stray dogs.

- (4) Under Section 4 of the Dangerous Wild Animals Act 1976 to seize, retain, dispose of or destroy any dangerous wild animals and recover the cost of so doing, if the said animal has been kept in contravention of any condition of a licence or contrary to Section 1(i) of the Dangerous Wild Animals Act 1976.
- (5) To authorise the service of notices under the provisions of Section 4 of the Prevention of Damage by Pests Act 1949 on the owner or occupier of the land requiring him to take steps for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice; to authorise the carrying out of the work in default of the owner or occupier and the apportionment and recovery of any expenses reasonably incurred in so doing.
- (6) To authorise the carrying out of the work in default of the owner or occupier where a notice under Section 4 of the Prevention of Damage by Pests Act 1949 has not been complied with and the apportionment and recovery of any expenses reasonably incurred in so doing.
- (7) To act on behalf of the District Council under the provisions of Section 6 of the Prevent of Damage by Pests Act 1949 and to take such steps for the destruction of rats and mice or keeping land free from rats and mice, where land is in the occupation of different persons, if it is expedient to do so; to apportion and recover the cost of such steps, to authorise and serve any notices stating it is the Council's intention to act in this way.
- (8) To exercise the powers available to reduce the numbers of pigeons and other birds in built up areas, under Section 74 of the Public Health Act 1961.
- (9) To take action under the Breeding and sale of Dogs (Welfare) Act 1999 where the keeper of a licensed breeding establishment commits offences as detailed in section 8 of the Act.

(g) With regard to pollution:-

- (1) To authorise the service of a Statutory Notice under Section 83, Public Health Act 1936, requiring the owner or occupier of the premises to take such steps as may be specified to remedy the condition of the premises by cleansing or disinfection; the arranging for the necessary works in default of the owner or occupier and the recovery from them of the cost reasonably incurred in so doing.
- (2) To authorise under Section 84 of the Public Health Act 1936 the cleansing, purification, disinfection or destruction of filthy or verminous articles, at the expense of the Council.
- (3) To authorise the cleansing of verminous persons and their clothing with their consent under the provisions of Section 85 of the Public Health Act 1936; or the application to a Magistrates' Court for an order for the cleansing of their person and their clothing in compliance with that order.
- (4) To recover the costs of action taken by the Council relating to a verminous article by having it disinfected or destroyed, under Section 37 of the Public Health Act 1961.

- (5) To cause the body of a person who has died or been found dead in the Suffolk Coastal District to be buried or cremated, where no suitable arrangements for the disposal of the body have been made under Section 46 of the Public Health (Control of Disease) Act 1984, to recover costs for the burial or cremation as appropriate, and to refer cases to the Treasury Solicitor as required.
- (6) To authorise the service of a notice under Section 79 of the Water Industry Act 1991, requiring a water undertaker to provide a wholesome water supply to premises for domestic purposes.
- (7) To authorise service of a notice under Section 80 Water Industry Act 1991, where water supplied from a private water supply is not, was not, or is likely not to be wholesome.
- (8) To authorise service of a notice to modify or revoke the effect of any notice served under Section 80 of the Water Industry Act 1991, under the provisions of Section 82(6) of the Water Industry Act 1991.
- (9) To authorise a relaxation of the provisions of Part II of the Private Water Supplies Regulations 1991, under Regulation 4 of the Private Water Supplies Regulations 1991.
- (10) To revoke an authorisation given to relax the provisions of Part II of the Private Water Supplies Regulations 1991, under Section 5 of the Private Water Supplies Regulations 1991.
- (11) To designate powers to officers in writing for the purposes of entering premises and carrying out the functions specified in Section 84(3) of the Water Industry Act 1991.
- (12) To serve notices under Section 85 of the Water Industry Act 1991 requiring any person to provide information for the purposes of exercising any power or duty conferred on or imposed under any of Sections 77 to 82 of the Water Industry Act 1991.
- (13) To exercise the powers relating to rubbish on land in the open air under Section 6 of the Refuse Disposal (Amenity) Act 1978 and Section 34 of the Public Health Act 1961.
- (14) To issue notices under the Refuse Disposal (Amenity) Act 1978 requiring the removal of abandoned vehicles and to authorise the removal of such vehicles where the notice is not complied with.
- (15) To serve notice under Section 60 of the Control of Pollution Act 1974 imposing requirements as to the way works are carried out on construction or demolition sites to reduce noise.
- (16) To grant or refuse consent in respect of an application regarding the level of noise on construction or demolition sites under Section 61 of the Control of Pollution Act 1974.
- (17) To grant authorisations, to refuse applications for authorisation, to determine requests for variation, vary or revoke authorisations for

processes in Part I of the Environmental Protection Act 1990 using powers detailed in Sections 6 to 12 of that Act.

- (18) To authorise the service of Enforcement Notices under Section 13 of the Environmental Protection Act 1990 for contraventions of conditions attached to any authorisation.
- (19) To appoint under Section 16(6) Environmental Protection Act 1990 as inspectors such persons having suitable qualifications as is thought necessary for carrying out this part of the Act in the area, until such time as the Licensing and Health Committee can confirm or renew the appointment.
- (20) To exercise the following powers under the Environmental Protection Act 1990:-
  - (a) To designate land as Contaminated Land under Section 78B;
  - (b) To designate land as a Special Site under 78C;
  - (c) To authorise the service of a Remediation Notice under Section 78E;
  - (d) To exercise the power to carry out Remediation under the circumstances detailed in Section 78N; and
  - (e) To authorise the recovery of the cost of any Remediation carried out by Suffolk Coastal District Council under Section 78P.
- (21) To authorise the service of prohibition notices under Section 14 of the Environmental Protection Act 1990 where the process concerned involves imminent risk of serious pollution to the environment.
- (22) To maintain a public register of information as required by Section 20 of the Environmental Protection Act 1990.
- (23) To approve proposals of grit and dust arrestment plant for new furnaces under Section 6 of the Clean Air Act 1956 and Section 3 of the Clean Air Act 1968 and to institute legal proceedings for offences under Section 5 of the Clean Air Act 1956 and Section 3 of the Clean Air Act 1968 and to grant exemptions under Section 4 of the Clean Air Act 1968.
- (24) To approve proposals for chimney heights under Section 10 of the Clean Air Act 1956 and Section 6 of the Clean Air Act 1968.
- (25) To authorise the service of a notice under the provisions of Section 80 of the Control of Pollution Act 1974 requiring the occupier of any premises to furnish information as to the emission of pollutants from that premises into the air.
- (26) To exercise the following powers under the Clean Air Act 1993:-
  - (a) Section 4(3); Power to approve furnaces installed in accordance with plans and specifications submitted to the local authority.
  - (b) Section 6(1); Power to approve arrestment plant for new non-domestic premises.

- (c) Section 7(2); Power to exempt a furnace from the provisions of Section 6, if emission of grit and dust will not be prejudicial to health or a nuisance, and give written notification of the decision to the applicant.
- (d) Section 7(4); Power not to grant an exemption under subsection 7(2) and to give the applicant written notification of the decision.
- (e) Section 8(1); Power to approve plant for arresting grit and dust in a solid fuel domestic furnace.
- (f) Section 10 (1); Power to direct an occupier of a building, in which a furnace is installed, to make specified measurements.
- (g) Section 10(6); Power to revoke a direction under Section 10(1).
- (h) Section 12(1); Power to serve a notice to require occupiers of buildings to provide information regarding furnaces or the fuel burnt.
- (i) Section 14; Power to approve the height of chimneys serving a furnace and attach any conditions.
- (j) Section 15; Power not to approve the height of a chimney or attach conditions and power to give written notification of that decision to the applicant.
- (k) Section 16; Power to reject plans for the height of other chimneys other than one serving a furnace.
- (l) Section 34; Power to investigate, research and publicise the problem of air pollution.
- (m) Section 35; Power to obtain information about emission of pollutants by the service of notice and consult the relevant persons and organisations specified.
- (n) Section 36; Power to issue notices concerning the emission of pollutants into the air from premises.
- (o) Section 38; Responsibility to keep registers, as specified, and levy a reasonable charge for copies of register entries.
- (p) Section 46; Power to report emissions from Crown Premises, premises which cause smoke nuisance to the neighbourhood and dark smoke from Her Majesty's Navy, to the responsible Minister.
- (q) Section 51; Power to notify occupiers of an offence under Sections 1, 2 or 20 of this Act.
- (r) Section 56; Power to authorise officers to enter land or vessels to carry out the functions of this Act, as specified.

Power to apply to a Justice of the Peace to request a warrant to enter premises.

- (s) Section 58; Power to require information, by notice, to enable the local authority to carry out its function under Parts IV or V of this Act.
- (27) To examine and test drains and other apparatus believed to be defective under Section 48 of the Public Health Act 1936.
- (28) Under the provisions of Section 62 of the Building Act 1984, to exercise the powers in relation to drains which become disused, or unnecessary, to be disconnected and sealed.
- (29) To authorise the service of Statutory Notices under Section 59 of the Building Act 1984 requiring the owner of a building to make satisfactory provision for the drainage of the building, or as the case may be required either the owner or occupier of a building, to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance or for filling up or otherwise rendering innocuous the disused cesspool, sewer or drain; the carrying out of works in default of the owner or occupier, the apportionment of the cost of those works, and the recovery of the costs.
- (30) To authorise service of a notice under Section 17(1) of the Public Health Act 1961 requiring the repairs to a drain, private sewer, water closet, waste pipe or soil pipe which are not sufficiently maintained and kept in good repair, and can be sufficiently repaired at a cost not exceeding £250; at the expiration of 7 days from the service of the Notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of costs reasonably incurred in so doing.
- (31) To authorise the service of a notice under Section 17(3) of the Public Health Act 1961 to require a stopped up drain to be remedied within forty-eight hours of the service of the notice; to carry out work in default if the notice is not complied with; To recover the expenses reasonably incurred in so doing and to institute any necessary legal proceedings.
- (32) To authorise service of a notice under Section 17 of the Public Health Act 1961 requiring the repairs to drains or private sewers which are not sufficiently maintained and kept in good repair and can be sufficiently repaired at a cost not exceeding £250, at the expiration of 7 days from the service of the notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of the costs reasonably incurred in so doing.
- (33) To authorise the service of notices under the provisions of Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 on the owners or occupiers of premises served by a private sewer requiring the removal of an obstruction in that private sewer, for the carrying out of necessary works in default to remove the obstruction and recovering the cost incurred from the said owners and occupiers.
- (34) To authorise the service of Statutory Notice under Section 45 of the Public

Health Act 1936 upon the owner or occupier of a building in respect of any closet provided for or in connection with the building which is in such a state as to be prejudicial to health or a nuisance, but can without reconstruction be put into a satisfactory condition; the carrying out of the necessary works in default of the owner or occupier and arranging for the recovery from them of the costs of the necessary works.

- (35) To authorise the service of statutory notices under the provisions of Section 64 of the Building Act 1984, upon the owner of a building or part of a building which is without sufficient closet accommodation or in respect of any closet provided for or in connection with the building, which is in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition; the carrying out of works in default of the owner and the recovery from the owner of the costs of those works.
- (36) To authorise the service of statutory notices under the provisions of Section 66 of the Building Act 1984, on the owner of a building requiring that any closet other than water closets be replaced by water closets.
- (37) To authorise the service of Statutory Notices under the provisions of Section 50 of the Public Health Act 1936, upon the person by whose act, default or sufferance the soakage or overflow from an overflowing or leaking cesspool occurs or continues, requiring the execution of such works, or to take such steps as may be necessary to prevent the soakage or overflow; the carrying out of the works in default, the apportionment and the recovery of the costs of the works required.
- (38) To serve notice under Section 84 of the Building Act 1984 requiring the execution of all such works as may be necessary to provide satisfactory drainage to courts, yards or passageways giving access to a building used in common, but which is not a highway maintained at public expense; the carrying out of the necessary work in default of the owner and arranging for the recovery from them of the cost of the necessary work.
- (39) To exercise the power under Section 97 of the Building Act 1984, on application by an owner or occupier of any premises on behalf of the Council to execute any work the Council have required the owner or occupier to execute under that Act or work the owner or occupier is entitled to execute in connection with the construction, laying, alteration or repair of a sewer or drain.
- (40) To authorise the service of Abatement Notices under Section 80, Environmental Protection Act 1990 and where such notices are not complied with, to execute works in default and to recover, under Section 81 of the Act, any costs incurred in so doing.
- (41) To authorise officers to enter or open vehicles, machinery or equipment, if necessary by force, or remove a vehicle, machinery or equipment from a street to a secure place, for the purposes of taking any action or executing any work authorised by Part III of the Environmental Protection Act 1990 in relation to a Statutory Nuisance within Section 79(ga) caused by noise emitted from or caused by the vehicle, machinery or equipment, under paragraph 2A of Schedule 3 of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993.

- (42) To authorise officers to exercise any of the powers specified in Section 108 (4) of the Environment Act 1995 (examination of premises etc).
- (43) To issue Scrap Metal Dealers Licences under the Scrap Metal Dealers Act 1964.
- (h) To register persons and premises in accordance with Section 14 (3) of the Local Government (Miscellaneous Provisions) Act 1982 ,as amended by the Local Government Act 2003, in respect of the practice of acupuncture and Section 15 (3) of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the business of tattooing, ear piercing or electrolysis.
- (i) To authorise officers to take action under Section 4 of the Dogs (Fouling of Land) Act 1996 (Fixed Penalty Notices).
- (j) With regard to Municipal Waste Management (see pages 49 & 50)
  - (1) To authorise action under the Control of Pollution Act 1974 and Road Traffic Regulation Act 1984.
  - (2) To authorise all action under the Anti-Social Behaviour Act 2003 in respect of graffiti and fly-posting.
  - (3) To authorise any person, as appropriate, who may be an officer of the Council or an employee of Suffolk Coastal Services Limited, to take action in relation to Municipal Waste Management.

**8. To members of Staff**

See list of officer functions as set out in Schedule 2 hereto.

**9. Norfolk County Council**

(a) Non-Strategic Property management services are delegated to Norfolk County Council.

(b) From 1 August 2004, the operation of the following functions are delegated to Norfolk County Council:

- (1) Building maintenance
- (2) Building cleaning
- (3) Street cleansing
- (4) Grounds maintenance
- (5) Workshop services
- (6) Refuse collection
- (7) Refuse recycling
- (8) Asset Management
- (9) Property services
- (10) Associated customer services

**10. Waveney District Council**

With effect from 26 June 2008 the conducting of reviews of decisions taken by Suffolk Coastal District Council's Standards Committee to take no action in relation to a

complaint is delegated to the Standards Committee of Waveney District Council, and the conducting of reviews of decisions taken by Waveney District Council's Standards Committee to take no action in relation to a complaint is delegated to the Standards Committee of Suffolk Coastal District Council under the Local Assessment Provisions introduced by the Local Government and Public Involvement in Health Act 2007

## **INTERPRETATION**

The reference to the various Acts, Sections of Acts, regulations and Statutory Instruments etc. contained in the foregoing Sections A and B, and in the schedules following, shall apply mutatis mutandis to any statutory amendment, extension or re-enactment thereof as if the same were specified herein.

### *References:*

*Chapter 5, DTLR Guidance*

*The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*

*Section 13, Local Government Act 2000*

## SCHEDULE 1 – EXECUTIVE FUNCTIONS

### LIST OF OTHER OFFICER FUNCTIONS DESIGNATED BY THE LEADER OF THE COUNCIL TO INDIVIDUAL OFFICERS

#### CIVIL EVIDENCE ACT 1995

SECTION	SUBJECT	OFFICERS
S9	To make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.	All Heads of Service Senior Solicitor Assistant Solicitor Democratic Services Manager

#### MAGISTRATES' COURTS AND VALUATION TRIBUNALS

SUBJECT	OFFICER(S)
To represent the Council in the Magistrates' Court in respect of Community Charge, Council Tax and Non-Domestic Rates matters.	Officers as indicated in Appendix 1 attached
To represent the Council in the Valuation Tribunals'	

#### HOUSING BENEFITS etc

SUBJECT	OFFICER(S)
To determine applications for discretionary housing payments.	Chief Benefits Officer (or any Benefits Officer authorised by him or her).
To designate appropriate Benefits Officers as benefit decision-makers.	Head of Housing and Benefits Chief Benefits Officer
To approve submissions to the Appeals Service and to undertake all tasks related to the new appeal arrangements.	Chief Benefits Officer Senior Benefits Officer Benefits Officer
Consideration of requests to review discretionary housing payments decisions.	Head of Housing and Benefits

#### SETTLEMENT OF PROCEEDINGS etc

SUBJECT	OFFICERS
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Section 151 Officer.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of more than £15,000, following consultation with the Chairman and Vice-Chairman of the Standards Committee, and the Section 151 Officer (and subject to report to the next meeting of the Standards Committee). <b>Note:</b> With the exception of the power to make payments or provide other benefits in cases of maladministration (Section 92 of the Local Government Act 2000) which is a non-executive function.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services

## SCHEDULE 2 – NON EXECUTIVE FUNCTIONS

### LIST OF OTHER OFFICER FUNCTIONS

#### DESIGNATED BY THE DISTRICT COUNCIL TO INDIVIDUAL OFFICERS

#### CIVIL EVIDENCE ACT 1995

SECTION	SUBJECT	OFFICERS
S9	To make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.	All Heads of Service Senior Solicitor Assistant Solicitor

#### HOUSING (FITNESS ENFORCEMENT PROCEDURES) ORDER 1996 & HOUSING (ENFORCEMENT PROCEDURES FOR HOUSES IN MULTIPLE OCCUPATION) ORDER 1997

SUBJECT	OFFICERS
To receive representations.	Principal Environmental Health Officer (Housing) Head of Housing and Benefits

#### HEALTH AND SAFETY AT WORK etc ACT 1974

SECTION	SUBJECT	OFFICERS
19(1)	To carry out enforcement work.	Officers as indicated in Appendix 2 attached

#### PARTY WALL ACT 1996

SUBJECT	OFFICER
To act as Appointing Officer on behalf of the Council.	Head of Planning Services

#### SETTLEMENT OF PROCEEDINGS etc

SUBJECT	OFFICERS
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Head of Finance.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of more than £15,000, following consultation with the Chairman and Vice-Chairman of the Standards Committee, and the Section 151 Officer (and subject to report to the next meeting of the Standards Committee).	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services

### SCHEDULE 3

#### APPOINTMENT OF PROPER OFFICERS UNDER THE LOCAL GOVERNMENT ACT 1972

Section of Act	Description of the Duty or Function Involving the Appointment of an officer of the District Council under the Local Government Act 1972.	Firstly, the officer of the Council appointed the Proper Officer for the Duties or Function Referred to and Secondly, the officer of the Council to act in the absence or inability for any reason of the first named officer
13 (3)	The officer to act as a 'Parish Trustee' with the chairman of a parish meeting	Chief Executive
39	The Registration Officer for any constituency or part of a constituency coterminous with or contained in the district.	Chief Executive
41 (1)	The Returning Officer for the elections of councillors of the district and of councillors of parishes or committees within the district.	Chief Executive Head of Legal and Democratic Services
83 (1)	The officer before whom a person elected to the office of Chairman, Vice Chairman or councillor of the district shall make a declaration of acceptance of office in a form prescribed by rules under s.42 of the Act and to whom such declaration shall be delivered.	Chief Executive Head of Legal and Democratic Services
84	The officer to whom a person elected to any office under the Act may at any time give written notice of his resignation from that office.	Chief Executive Head of Legal and Democratic Services
88 (2)	The officer to convene a meeting of the Council on a casual vacancy occurring in the office of Chairman of the Council.	Chief Executive Head of Legal and Democratic Services
89 (1)	The officer to receive notice in writing given by two local government electors for the district of a casual vacancy occurring in the office of councillor.	Chief Executive Head of Legal and Democratic Services
96 (1)	The officer to whom a member of the Council shall give written notice to the effect that he / her or his / her spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person, or that he / she or his / her spouse is the tenant of any premises owned by the Council.	Chief Executive Head of Legal and Democratic Services
96 (2)	The officer to record in a book to be kept for the purpose particulars of any disclosure made under s.94 of the Act and of any notice given under s.96 (1) of the Act.	Chief Executive Head of Legal and Democratic Services
115 (2)	The officer to whom all money due from every officer employed by the Council shall be paid.	Section 151 Officer
146	The officer to make any statutory declaration in connection with the transfer of securities.	Section 151 Officer
151	The officer who shall be responsible for the proper administration of the Council's financial affairs.	Section 151 Officer

191 (2)	The officer to appoint a person to assist in examining, ascertaining and marking out the reputed boundaries of the District for the purposes of the Ordnance Survey Act 1841.	Head of Planning Services
204 (3)	The officer to receive notices of applications for Justices' Licences under Schedule 2 to the Licensing Act 1964.	Chief Executive Head of Legal and Democratic Services
210 (6) and (7)	The officer in whom shall vest the powers with respect to Charities described in this section of the Act.	Chief Executive Head of Legal and Democratic Services
212	The officer to act as local registrar for local land charges.	Chief Executive Head of Legal and Democratic Services
225 (1)	The officer to receive and retain a document of any description deposited pursuant to the Standing Orders of either House of Parliament or to any enactment or instrument.	Chief Executive Head of Legal and Democratic Services
228 (3)	The officer to ensure that the accounts of the Council and of its Officers are open to inspection by councillors.	Head of Finance
229 (5)	The officer to certify a photographic copy of a document in the custody or under the control of the Council or of a document which has been destroyed while in the custody of the Council, or any part of any such document.	Chief Executive Head of Legal and Democratic Services
234 (1)	The officer to sign any such notice, order or other document which the Council are authorised or required by or under any enactment to give, make or issue.	Chief Executive Head of Legal and Democratic Services
236 (9)	The officer to send each parish or community council a copy of every byelaw made by the Council and confirmed.	Head of Legal and Democratic Services Democratic Services Manager
236 (10)	The officer to send to the Suffolk County Council a copy of every byelaw made by the Council and confirmed.	Head of Legal and Democratic Services Democratic Services Manager
238	The officer to certify a printed copy of a byelaw made by the Council.	Head of Legal and Democratic Services Democratic Services Manager
248 (2)	The officer to keep the roll of freemen of any town.	Chief Executive Head of Legal and Democratic Services
Sched. 6 Para. 1	The officer capable of deputising for the registration officer for carrying out his registration duties.	Head of Legal and Democratic Services
Sched. 12 Para. 3 (2) 4 (2)(b) 4 (3)	The officer to call Council meetings in addition to ordinary meetings; The officer to sign the summons to attend meetings of the Council and specifying the business proposed to be transacted thereat; The officer to receive the notice in writing from a member of the Council giving notice that such member desires summonses to attend meetings of the Council to be sent to him / her at some address specified in the notice other than his / her place of residence.	Chief Executive Head of Legal and Democratic Services

Sched. 14	The officer for the purposes of the following provisions of the Public Health Act 1936, viz		
Para. 13	(1)	Section 152 (1) (Restrictions on sending or taking infected articles to laundry or public washhouses, or to cleaners).	Head of Health
	(ii)	Section 157 (Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease).	Head of Health
	(iii)	Section 158 (1) Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect).	Head of Health
	(iv)	Section 163 (1) (Restrictions in certain cases on removal of bodies of persons dying in hospital).	Head of Health
Para. 15	(v)	Section 162 (1) (Power of Justice to order dead body to be removed to mortuary or buried forthwith).	Head of Health
Para. 25 (7)	The officer to certify in writing a true copy of resolution of the Council applying or disapplying various provisions of the Public Health Acts 1875 to 1924.		Head of Legal and Democratic Services Head of Health
Para. 38 (1) (2)	The officer to issue a written certificate for the purposes of the Public Health Act 1971 Section (38) (1) and (2) (Power of Justice to order medical examination).		The registered medical practitioner appointed by the Council for the purpose.
Para. 47 (1) (2)	The officer to issue a written certificate for the purposes of the Health Services and Public Health Act 1968 Section (1) and (2) (Power of Justice of Peace to order medical examination of group of persons believed to comprise a carrier).		The registered medical practitioner appointed by the Council for the purpose.
Sched. 16 Para.2 8	The officer to receive on deposit lists of buildings of special architectural or historic interest.		Head of Planning Services Head of Legal and Democratic Services
Sched. 22	The officer for the purposes of the Housing Act 1957 Section 166 (1) and (2) Authentication of orders, notices etc) to authenticate by his signature orders, notices, demands or other written documents proceeding from the Council.		Chief Executive Head of Legal and Democratic Services
Sched. 29 Para.4 (1) (a) and (c)	The officer referred to as the Clerk of a Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before the 26 October 1972 and in any local statutory provisions.		Chief Executive Head of Legal and Democratic Services

**APPOINTMENT OF PROPER OFFICERS  
UNDER THE LOCAL GOVERNMENT ACT 2000**

Description of the Duty or Function Involving the Appointment of an Officer of the District Council under the Local Government Act 2000.	Firstly, the Officer of the Council Appointed the Proper Officer for the Duties or Function Referred to and Secondly, the Officer of the Council to act in the Absence or Inability for Any reason of the First Named Officer.
The officer to receive, under Article 7 of the Council's Constitution (The Executive), written notice from the Leader of the Council of the removal from the Cabinet of an individual Cabinet member.	Head of Legal and Democratic Services Democratic Services Manager
The officer to call-in a decision for scrutiny by an scrutiny committee if so requested in accordance with the Council's Scrutiny Procedure Rules	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive reasonable notice that the Cabinet is to meet to make a decision.	Head of Legal and Democratic Services Democratic Services Manager
The officer to ensure that an item requested by a Cabinet member is placed on the agenda for the next available meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to ensure that an item requested by a scrutiny committee or by Council is placed on the agenda for the next available meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to call a meeting of the Cabinet requested by the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer in pursuance of their statutory duty.	Head of Legal and Democratic Services Democratic Services Manager
The officer to be responsible for recording and publicising decisions made at a private meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive notice from a member of a scrutiny committee that he / she wishes an item relevant to the functions of the committee to be placed on the agenda for the next available meeting of the committee and; The officer to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive written notice from any three members of the Council who are not members of a scrutiny committee that they wish an item to be included on the agenda of a relevant scrutiny committee. The officer to ensure that such item is included on the next agenda.	Head of Legal and Democratic Services Democratic Services Manager

<p>The officer to receive the report of a scrutiny committee. The officer to allocate such report to either or both Cabinet or appropriate regulatory committee or the Council for consideration.</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>
<p>The officer to inform in writing a member or officer required to attend a scrutiny committee of that requirement</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>
<p>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000</p>	
<p>The officer to make available at the offices of the local authority for inspection by the public a copy of notice given to the chairman of the relevant scrutiny committee that a key decision is to be made which is not included in the Forward Plan (Section 15).</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>

**ALL OTHER PROPER OFFICER FUNCTIONS**

The Chief Executive – or such other officer as may from time to time be so designated by him.

## APPENDIX 1

### Magistrates' Courts and Valuation Tribunals

<b>SUBJECT</b>	<b>OFFICER(S)</b>
To represent the Council in the Magistrates' Court in respect of Community Charge, Council Tax and Non-Domestic Rates matters.	Joanna Andrews Richard Edwards Angela M Hodgkinson Gill Juby Carole Jiggins
To represent the Council in the Valuation Tribunals'	Joanna Andrews Gill Juby

**APPENDIX 2****Health and Safety at Work etc. ACT 1974**

<b>SECTION</b>	<b>SUBJECT</b>	<b>OFFICERS</b>		
19(1)	To carry out enforcement work.	Samm Beacham Helen Collis Christian Cornish Kay Davidson Tim Davidson Kirsty Dawes Michael Eaton Paul Fletcher Stephen Foster Philip Gore Michael Lavender Brenda Hammond	Jennifer Harrison Louise Hewitt Catherine Hickling Teresa Howarth Richard Jacobs Laurence Jarrold V Johnston Martyn Jones Peter Kerridge Daniel Kinsman Anthony Burgess	Brenda McRory Fran Moor Clive Pink Michael Porter Jane Ruffell, Mark Sims Katherine Walters Tracey Wright Joanne Wyatt