

Part 2B

Scheme of Delegation to Officers

	Page
1 Introduction	2
2 Delegations	2
3 Licensing and Safety Committee	18
4 Licensing Sub-Committee (Alcohol and Regulated Entertainment)	21
5 Planning Committee	22

1. Introduction

The Chief Executive, the Deputy Chief Executive and every chief officer shall have authority subject to the requirements of the provisions of this constitution and within approved budgets to:

- (a) Take any necessary steps for the day-to-day management and routine administration of the functions or services for which they are responsible and any other service within the authority when deemed necessary.
- (b) Exercise the powers delegated to them and to authorise such other officers as they think appropriate to exercise on their behalf the powers delegated to them.

The Deputy Chief Executive shall have authority to undertake all authority/powers that have been granted to the Chief Executive. All such powers shall only be exercised in the absence of the Chief Executive and in the event that the Chief Executive is not absent such powers shall be exercised in consultation with the Chief Executive.

2. Delegations

Emergency Decision Making

2.1 The Chief Executive is authorised subject to 2.2 to exercise the following:

- (a) For Full Council in cases of urgency in consultation with the Leader (or Deputy Leader) of Cabinet and the relevant portfolio holder and the Leader (or nominee) of the main opposition group, to make decisions which shall include key decisions and shall require the approval of the chair of Scrutiny Committee and shall be reported to the next ordinary meeting of Full Council.
- (b) For Cabinet in cases of urgency and in consultation with the Leader (or Deputy Leader) of Cabinet and the relevant portfolio holder and the nominee of the main opposition group, on behalf of Cabinet, all such decisions to be reported to the next ordinary meeting of Cabinet.
- (c) For committees in cases of urgency and in consultation with the chair and vice-chair of the relevant committee and the Leader or, in his absence, another nominee of the main opposition group, to make decisions on behalf of the committee, all such decisions to be reported to the next ordinary meeting of the relevant committee.

2.2 When exercising the powers set out in 2.1 the Chief Executive must consult the Monitoring Officer and both alongside all required consultees shall be satisfied of the following:

- (a) It is within the overall best interest of the Council, and it is reasonably impracticable to delay the decision until such time that the required Council, Cabinet or committee meeting can take place.
- (b) There is no abuse of power by the Chief Executive to prohibit the democratic decision-making process and this shall be determined by the Monitoring Officer.
- (c) Make public statements on controversial matters or where there is no decided council policy, after consultation where necessary with the Leader, the relevant portfolio holder or the chair of the relevant committee.
- (d) Publish material (after consultation when necessary with the Leader, the relevant portfolio holder or the chair of the relevant committee) in accordance with decided council policy to inform others of the council's work, its initiatives and achievements.
- (e) In connection with the council's functions relating to elections:
 - (i) Assign officers in relation to requisitions of the registration office (Section 8 (2) of the Representation of the People Act 1983)
 - (ii) Fulfil the duty to provide assistance at European Parliamentary elections (Parliamentary Elections Act 2002)
 - (iii) Fill vacancies in the event of insufficient nominations (Section 21 of the Representation of People Act 1985)
 - (iv) Declare vacancies in office in certain cases (Section 86 of the Local Government Act 1972)
 - (v) Give public notice of a casual vacancy (Section 87 of the Local Government Act 1972)
 - (vi) Determine fees and conditions for the supply of copies of, or extracts from, elections documents (Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986)

2.3 Head of Paid Service

The Chief Executive shall be granted all such powers in respect of the Head of Paid Service and shall be granted the following powers:

- (a) Subject to the provisions of the Officer Employment Standing Orders set out in Part 3H of this constitution, take all necessary steps in respect of the appointment of chief officers (or any such role that should be the equivalent).

- (b) Exercise wherever appropriate, the functions allocated to the chief officers in paragraphs 2.5 to 5.2 of this scheme.
- (c) Carry out the functions of the Head of Paid Service dealing with the management of human resources, including the following:
 - (i) Arranging, in conjunction with the Chief Officer for Communities and Homes, the housing of staff in cases approved by Cabinet.
 - (ii) Arranging, in conjunction with the Chief Officer for Communities and Homes and any other chief officer concerned, service tenancies.
 - (iii) Authorising payment of relocation expenses, etc. to employees in accordance with the council's scheme.
 - (iv) Interpreting and implementing local and national conditions of service within principles laid down by Cabinet.
- (d) Grant additional or accelerated increments to staff within their existing grade as a result of appropriate examination successes or where staff have shown particular merit in the performance of their duties.
- (e) Grant any statutory allowances to statutory officers up to a maximum of £5,000 and if applicable any allowances shall be reported in respect of the council's annual pay policy statement.
- (f) Grant, after consultation with the Chief Financial Officer, honoraria for employees who perform duties outside the scope of their post or where they undertake duties and responsibilities which are exceptionally onerous in circumstances not covered by the National Conditions of Service subject to all of the following:
 - (i) The payment not exceeding £3,000 per annum, subject to (iii) below.
 - (ii) The period during which the work is undertaken not exceeding 24 months, subject to (iii) below.
 - (iii) In the case of maternity leave cover, the payment not exceeding £3,000 in each instance and the period during which the work is undertaken not exceeding 52 weeks.
 - (iv) The expenditure being funded from existing salary budget provision and Cabinet authority being obtained if any of the limits in (i) – (iii) above will be exceeded.
- (g) Deal with requests for certificates of opinion in relation to politically restricted posts under Section 3 of the Local Government and Housing Act 1989.
- (h) Approval of market supplements in accordance with any approved policy and in the absence of such in consultation with Leadership Team.
- (i) All other duties reasonably associated with the Head of Paid Service provided any such decision does not exceed the key decision threshold.

Criteria for the key decision threshold are set out in paragraph 13.4 of Part 1B of this constitution.

2.4 Leadership Team

Leadership Team shall comprise of the Chief Executive, the Deputy Chief Executive and various chief officers within the organisational structure within Appendix A.

Each member of Leadership Team shall be authorised to do the following:

- (a) Exercise wherever appropriate, the functions allocated to any officer that reports directly or indirectly to a chief officer and detailed within paragraphs 2.6 to 2.15 of this scheme.
- (b) Select, interview and appoint candidates to all posts on the establishment which are below chief officer level. In the case of the Chief Executive and the Deputy Chief Executive, to appoint chief officers. This authority may be delegated further to relevant managers.
- (c) Take disciplinary action, including oral, written and final warnings, appeal hearings, relegation and fair dismissal in respect of staff and manual workers. This authority may be delegated further to relevant managers.
- (d) Manage their services in accordance with the council's policies, practices and procedures, including Local Conditions of Service, within the approved budget for each service.
- (e) Refuse requests for environmental information and waive the charges for requests for environmental information about the condition of land.
- (f) Settle, after consultation with the Chief Officer for Legal and Governance and the chief officer concerned, claims by employees for personal damage or loss incurred in the course of their work subject to the settlement being ex-gratia and without admission of liability and the payment not exceeding the lower of 50% of the value of the claim or £100.
- (g) Appoint and authorise such officers as are appropriate to carry out the council's statutory responsibilities.
- (h) Serve or issue such notices and certificates as considered appropriate.
- (i) Make public statements concerning the discharge of the functions of their services on matters which are likely to be non-controversial or within the terms of decided council policy.

2.5 Each chief officer is authorised to do the following:

- (a) Take any action on matters relating to the day-to-day administration of services within their remit including the issuing of all notices, licences, orders and other legal action as appropriate.
- (b) Take any action to maintain the operation and effectiveness of services within their remit.
- (c) Take any action incidental to, or to give effect to, decisions taken by elected members within their sphere of responsibility.
- (d) Determine the allocation of, and responsibility for, matters within their remit.
- (e) Delegate any of their powers and appointments to employees within their service who possess the relevant qualification, experience and skills for the task. A list of such powers indicating the post to which they have been delegated, must be kept by the Monitoring Officer and made available for public inspection.
- (f) Make any minor changes to the establishment or job titles within their service, subject to the proposed changes:
 - (i) being able to be met from existing staffing budgets.
 - (ii) being subjected to the appropriate consultation requirements with the affected officers and unions.
 - (iii) not leading to any risk of redundancy.
- (g) Incur normal expenditure up to the limit of provision within the budgets under their control subject to compliance with contracts standing orders, financial standing orders, financial regulations and financial instructions.
- (h) Appoint engineers, surveyors, architects, valuers or such other experts as may be necessary to fulfil the functions delegated to them and obtain such specialist reports and advice as appropriate.
- (i) Invite and accept tenders or quotations for contracts, subject to contract standing orders, financial standing orders, financial regulations and instructions.
- (j) Accept tenders or quotations received for schemes within the approved capital programme where the tender or quotation does not exceed the provision made by more than £7,500.
- (k) Review fees and charges as necessary and at least annually.
- (l) Apply for planning permission for council development within their sphere of responsibility, in consultation with the Chief Officer for Growth and Investment.

- (m) Programme and implement the construction of engineering, building and landscape works and carry out other works in approved schemes and within approved budgets.
- (n) Take decisions and any appropriate action, after consultation with any appropriate chief officer, in relation to the repair, maintenance and alteration of buildings and plant that is relevant to the service.
- (o) Write off any debts and associated costs after consultation with the Chief Officer for Finance and Performance.
- (p) In consultation with the Chief Officer for Legal and Governance, enforce or refuse the waiver of covenants in respect of property in which the council has an interest.
- (q) Keep all public registers required by law.
- (r) Approve, but not refuse, the temporary use of land under the control of his or her service for a period not exceeding one month and subject to satisfactory insurance arrangements.

2.6 Managers appointed directly reporting to chief officers:

Each manager shall be authorised to exercise any powers within each section that is within the sphere of responsibility of a chief officer provided the following is satisfied:

- (a) They report directly to the chief officer within the organisational structure of the specific section.
- (b) Where necessary and reasonable to consult the relevant chief officer prior to the exercising of the decision.
- (c) Signed delegation has been granted by the relevant chief officer and this has been forwarded and has been confirmed by the Chief Officer for Legal and Governance.
- (d) Any decisions that have been exercised are reported to the relevant chief officer on a monthly basis or such other period stipulated by a chief officer provided it is no less than six weeks and such reporting shall be subject at any time for inspections by the Chief Officer for Legal and Governance or the Corporate Assurance Manager and Transformation Lead.

2.7 Legal and Governance

The relevant manager shall be authorised to do the following:

- (a) Commence, conduct, defend, settle or withdraw legal proceedings and issue and serve all notices and orders after consultation with the

appropriate chief officer, together with any steps required to achieve this.

- (b) Order the affixing of the Common Seal of the Council to any documents necessary in the exercise of any powers and duties authorised by a committee, Cabinet or the Council or expressly delegated to officers.
- (c) Sign on behalf of the Council documents which are not required to be executed by the affixing of the Common Seal of the Council.
- (d) Serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 for the obtaining of particulars of persons interested in land.
- (e) Carry out the procedures and transactions, including the service of notices, in connection with the sale of a council house after the tenant's right to buy has been admitted.
- (f) Allow legal charges to approved lending institutions, given in respect of former council properties, to take priority over the statutory charge under the Housing Acts protecting the discount repayment.
- (g) Allow further charges to approved lending institutions, given in respect of properties already in mortgage to the council, to take priority over the council's legal charge subject to being satisfied that there is sufficient equity in the property to protect the council's interest.
- (h) Make arrangements for civic functions after consultation with the Mayor.
- (i) Authorise direct surveillance and the use of covert human intelligence sources under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

2.8 Finance and Performance

The relevant manager shall be authorised to do the following:

- (a) Conduct internal audits of all financial transactions of the council.
- (b) Ensure that adequate insurance is taken out to cover the council's interest and deal with all matters relating to the insurance of any risk and subsequent claims.
- (c) Make contributions of up to £1,000 towards another authority's legal expenses in cases involving matters of significance to local authorities generally which are brought to the attention of the council by the Local Government Association.
- (d) Vire across budget heads where each individual virement does not exceed £20,000.

- (e) After consulting the appropriate chief officer, write off sums not exceeding £2,000 in respect of any debtor.
- (f) Write off rates, Council Tax, housing benefit and other miscellaneous debts not exceeding £2,000 and any court costs associated with such debts.
- (g) Amend the Employees' Allowances Scheme.
- (h) Amend the Councillors' Allowances Scheme.
- (i) Manage and direct the financial affairs of the council in accordance with Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988, including the issue of financial instructions and the declaration of the estimated surplus on the Collection Fund for Council Tax purposes.
- (j) Manage all funds under the control of the council, including investment of surplus funds.
- (k) Make all payments on behalf of the council.
- (l) Make safe and efficient arrangements on all financial matters and security.
- (m) Supervise the accounts of the council, prepare financial accounts, control of equipment, furniture and stores, the checking and certification of invoices, contract certificates, time sheets and other vouchers initiating the disbursement of council monies.
- (n) Conduct all financial negotiations with government departments, other local authorities and all other persons.
- (o) Manage all the council's bank accounts.
- (p) Negotiate loans raised by the council.
- (q) Manage the council's loan debt including dealing with the register of stocks and bonds, mortgage register, negotiations of terms with lenders and advertising for loans.
- (r) Take all necessary steps relating to the demand, collection, imposition of penalties and recovery of rates, Council Tax and business improvement district scheme charges and issue all necessary notices and statements and the signing of any documents on behalf of the council as rating, business improvement district schemes, Council Tax and billing authority.

- (s) Require the valuation officer to apportion the rateable value of partly unoccupied property in accordance with Section 44 of the Local Government Finance Act 1988.
- (t) Act as the council's duly authorised officer to appear before the Valuation Tribunal.
- (u) Determine charitable status under Sections 43(6) and 45(6) of the Local Government Finance Act 1988.
- (v) Write-off irrecoverable debts in accordance with Financial Standing Orders.
- (w) Arrange for the collection and recovery of all monies due to the council.
- (x) Settle terms for issues of negotiable bonds up to the maximum amount obtainable, having regard to advice of the council's brokers and appointment of a registrar for the council in any proposed new bond issues.
- (y) In consultation with the chief officer concerned, review and implement charges made to cover expenses incurred in providing minor administrative services for third parties and the early discharge of loans to the council.
- (z) Determine the level of grant to be paid in respect of rent payable by voluntary organisations for land leased from the council.
- (aa) Approve and pay death grants under schemes adopted by the council.
- (bb) Serve all notices under the Pension Acts.
- (cc) Implement national awards affecting wages, salaries and conditions of service.
- (dd) Administer and review the council's car loan, car leasing and car user allowance schemes.
- (ee) Assess value for pension purposes of emoluments in kind paid to employees and give effect to them.
- (ff) Implement, in consultation with the Chief Officer for Communities and Homes, changes in the rates of interest on loans for housing purposes.
- (gg) Implement, in consultation with Chief Officer for Communities and Homes, an improvement for sale scheme in accordance with government circulars and acquire and dispose of property in accordance with the scheme.

- (hh) Approve, but not refuse, requests for the assignment or transfer of mortgages securing advances under the Housing Acts.
- (ii) Instruct estate agents to dispose of property in respect of which the council is mortgagee in possession.
- (jj) Let properties in mortgage to the council for up to two years.
- (kk) Determine rent and Council Tax rebates, eligible rents and service charges in the light of applicants' personal circumstances and payment of rent allowances, in accordance with the scheme adopted by the council under the Social Security Act, 1992.
- (ll) Act within the scope of their duties and responsibilities, as Contract Administrator as defined by the JCT Conditions of Contract.
- (mm) Settle the terms for leases to utilities companies of sites for sub-stations, easements, wayleaves and similar matters.
- (nn) Maintain the list of assets of community value in accordance with Sections 87-108 of the Localism Act 2011 and regulations made under the Act and:
 - (i) agree or refuse nominations for inclusion on the list of assets of community value; and
 - (ii) make decisions on compensation claims in respect of listing.
- (oo) Take decisions and appropriate action in relation to the write-off of rent arrears in accordance with Financial Standing Orders.

2.9 Communities and Homes

The relevant manager shall be authorised to do the following:

- (a) Approve and refuse applications for mandatory and minor works assistance grants and loans under the Local Government and Housing Acts.
- (b) Seek a nominal amount as repayment of a house renovation grant in cases where there has been a breach of the grant conditions and where a lender is selling as mortgagee in possession and where the proceeds of sale do not exceed the mortgage debt and the lender's costs.
- (c) Approve but not refuse applications for discretionary grants to make accommodation fit for use by a registered disabled person or for other work not directly related to the needs of his or her disability.
- (d) Authorise and serve time and place notices and other notices in relation to demolition orders, and do any of the following:

- (i) Revoke demolition orders on the completion of approved works.
 - (ii) Determine closing orders if premises are rendered fit.
 - (iii) Accept, but not refuse, undertakings to carry out work within 12 months to unfit houses for the purpose of such revocation or determination provided that any request to extend the time limit be decided by Cabinet.
- (e) Allocate tenancies, garages and parking spaces to applicants on the waiting list and, in consultation with the Chief Executive, to the council's employees in accordance with the policies of the Council.
 - (f) Authorise the transfer and exchange of tenancies.
 - (g) Fix the rents of new housing properties.
 - (i) Assess service charges for leases under the provisions of the Housing Acts and conduct their regular review.
 - (j) Conduct consultation with tenants.
 - (k) Issue notices of intention to seek possession and notices to quit in accordance with policies of the council.
 - (l) Use distraint to recover arrears of rent on council dwellings.
 - (m) Take such action as he or she considers necessary to ensure compliance with the conditions of tenancy of council houses.
 - (n) Determine tenants' claims to exercise the Right to Buy and determine tenants' claims to exercise the right to a mortgage.
 - (o) Exercise the council's powers in relation to homeless persons.
 - (p) Exercise the council's powers and responsibilities as landlord in relation to the management of gypsy and traveller sites.
 - (q) Approve 364-day grazing licences.
 - (r) Administer any scheme adopted by the council for the disregard of income received from the War Pensions Scheme and the Armed Forces Compensation Scheme when calculating entitlement to Council Tax reduction and housing benefit.
 - (s) Administer, in accordance with established council policy, a discretionary housing payments scheme.
 - (t) Act within the scope of their duties and responsibilities as Engineer as defined by the ICE Conditions of Contract.

2.10 Digital and Communications

The relevant manager shall be authorised to do the following:

- (a) Take decisions on the management and compliance of software and hardware licensing and maintenance agreements.
- (b) Take decisions on the management and provision of corporate ICT services and contracts.
- (c) Take decisions on contract and hardware management for mobile phones.
- (d) Approve any amendments to Government Connect Secure Extranet and Employee Authentication Service Compliance.
- (e) Ensure compliance with the Payment Card Industry Data Security Standard.
- (f) Approve any changes to hardware maintenance agreements and hosting for the corporate web site infrastructure.
- (g) Approve changes to data links for the wide area network, internet service links and other data links.
- (h) Ensure compliance of electronic data/network security arrangements in accordance with the Public Services Network requirement.
- (i) Manage secure disposal of the ICT (electrical) equipment.

2.11 Regulation and Safety

The relevant manager shall be authorised to do the following:

- (a) In connection with the council's car parking functions, operate, and administer car parks including the issue of parking permits to officers, councillors, visitors to the Town Hall and other council offices and car parks and this shall include any necessary enforcement action relating to the discharge of such functions and management.
- (b) Grant consent under the council's charter market rights for the holding of markets (including car boot sales) in consultation with a council solicitor.
- (c) Exercise the council's powers and duties in connection with the following:
 - (i) The inspection of the council's area to detect any statutory nuisance.
 - (ii) The investigation of any complaint as to the existence of a statutory nuisance.

- (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The control of pollution and the management of air quality.
- (d) Approve the installation of furnaces and plant for arresting grit and dust and approve the heights of furnace chimneys under the Clean Air Act 1993.
 - (e) Exercise the powers of the council to control rodents, foxes, pigeons, and other pests.
 - (f) Register and determine noise levels for premises in noise abatement zones.
 - (g) Act as Liaison Officer under the Rabies Contingency Plan.
 - (h) Deal with the day-to-day management of health and safety matters and take any appropriate enforcement action on them.
 - (i) Operate food hygiene schemes.
 - (j) Do the following in connection with the provisions of the Environmental Protection and Pollution Prevention and Control Acts:
 - (i) Approve, but not refuse authorisations or permits except for revocations through mutual consent or cessation of the activity.
 - (ii) Deal with stray dogs and their registration.
 - (iii) Waive up to half the council's charges in connection with the keeping of stray dogs in relation to people who are in receipt of state pension or who are registered disabled.
 - (k) Exercise the council's functions in connection with the Water Acts.
 - (l) Carry out the procedures for individual burials or cremations where no arrangements have been or are likely to be made.
 - (m) Exercise the powers of the council under the National Assistance Acts.
 - (n) In connection with the council's land drainage, sewers and sewerage functions, serve or issue such notices or certificates as he or she considers appropriate.
 - (o) In connection with the council's waste collection and environmental cleansing functions, take all necessary steps for the collection of refuse and abandoned vehicles.
 - (p) Issue street litter control notices and litter abatement notices.
 - (q) Authorise expenditure to carry out works in cemeteries under an approved scheme and in accordance with the approved budget.

- (r) Manage and regulate the council's cemeteries and crematorium including the approval but not refusal of applications to waive conditions imposed under the council's cemetery regulations in connection with erection of memorials.
- (s) Exercise the powers of the council under the Public Health (Control of Disease) Act 1984 as amended and accompanying regulations.
- (t) Authorise the service of notices and the taking of any other action, in connection with the council's powers in relation to unsatisfactory housing conditions overcrowding and houses in multiple occupation, including the granting and refusal of licences under the houses in multiple occupation regime.
- (u) Approve, but not refuse, scrap metal dealer licences under the Scrap Metal Dealers Act 2013.

2.12 Growth and Investment

The relevant manager shall be authorised to do the following:

Technical Issues

- (a) Make observations to other Local Planning Authorities on development proposals subject to any views expressed being indicated as those of the Chief Officer for Growth and Investment and subject to any other views expressed by Planning Services Working Group.
- (b) Respond to consultations from adjoining or other sub-regional authorities / external bodies.
- (c) Make observations on applications made by the county council.
- (d) Make observations on those applications which are matters for Warwickshire County Council.
- (e) Respond to government consultations on policy and legislative changes relevant to the Growth and Investment portfolio, subject to any views expressed being indicated as those of the Chief Officer for Growth and Investment and subject to any other views expressed by the Planning Services Working Group.
- (f) Determine, in consultation with a council solicitor where appropriate, as to whether planning or associated permissions or consents are required.
- (g) Determine whether consultation with the County Planning Authority is required under Schedule 1 Town and Country Planning Act 1990.
- (h) Grant rights of entry under the Town and Country Planning Acts.

- (i) Undertake the duties relating to the making of determinations of planning applications as set out in paragraph 16.1 (e) of Part 2A of this Constitution.
- (j) Pay the removal expenses and disturbance allowances to owners and occupiers of properties affected by a compulsory purchase order.
- (k) Pay home loss payments under the Land Compensation Act 1973 and pay sums equivalent to home loss payments where the owners of properties wish to sell to the council in advance of any compulsory purchase order made by the council being confirmed.
- (l) Approve, after consultation with any appropriate chief officer, owner occupier supplement compensation negotiated by the council's valuer for a property which is subject to a closing order.
- (m) Hold and maintain a register of the refusal of requests for information in the Environmental Information Regulations.
- (n) In connection with the provisions of the Planning (Hazardous Substances) Act 1990, serve contravention notices under Section 24.
- (o) Exercise the powers relating to permitted development rights as set out in paragraph 16.1 (g) of Part 2A of this constitution.
- (p) Decline to determine repetitive planning applications in accordance with Section 70A of the Town and Country Planning Act 1990.
- (q) Serve notices and take such other steps as may be necessary for the effective administration of the Community Infrastructure Levy under The Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008.

Building Control

- (r) Undertake the council's building control functions as follows:
 - (i) Determine applications and notices and deal with any other matters requiring decisions under the Building Regulations.
 - (ii) Determine the fees for building control services.
 - (iii) Deal with dangerous, ruinous and dilapidated structures and land and the demolition of buildings.
 - (iv) In consultation with a council solicitor, authorise and serve:
 - (aa) Notices requiring a person to cut into, lay open or pull-down work to establish whether the work contravenes the Building Regulations.
 - (bb) Notices requiring the removal or alteration of work not in conformity with Building Regulations or the Building Acts.
 - (cc) Notices of entry under the Building Acts.

- (dd) Notices in respect of ruinous and dilapidated buildings under the Building Acts.

Enforcement

- (s) Undertake the council's planning enforcement functions as follows:
 - (i) Determine the course of action on breaches of planning control including not taking any action or where it is not expedient to take action.
 - (ii) Take any enforcement action including the issue and service of any statutory notice in consultation with the Chief Officer for Legal and Governance relating to the control of development, including but not limited to enforcement notices, stop notices and temporary stop notices, breach of condition notices, listed building enforcement notices, planning contravention notices, hazardous substances contravention notices, advertisement discontinuance notices, untidy site notices, tree replacement notices and injunctions in accordance with enforcement policies.
 - (iii) Exercise any statutory power to withdraw any such notice, to waive or relax any of their contents or extend a period for compliance.
 - (iv) Recover from the owner of the land any expenses reasonably incurred in doing so.
 - (v) Make, confirm, amend, withdraw, revoke and take any necessary enforcement action in relation to legislation regarding tree preservation orders, high hedges and hedgerows.
 - (vi) Instigate prosecutions for failing to comply with the above notices.
 - (vii) Take enforcement action against non-payment of sums due under the Community Infrastructure Levy.

Conservation

- (t) Undertake the council's conservation function as follows:
 - (i) Serve Article 4 notices.
 - (ii) Administer grant schemes for tree planting, landscaping and other environmental improvement works within the borough.
 - (iii) Determine applications for landscape conservation grants, grants for the renovation or repair of listed buildings or other buildings contained in a partnership agreement, or local environmental improvement grants in accordance with policy and budget provision.
 - (iv) Undertake such actions as necessary to support nature conservation matters including in liaison with Natural England and other relevant bodies in relation to the designation of sites of special scientific interest and the establishment of local nature reserves.
 - (v) Exercise functions in relation to Planning (Listed Buildings and Conservation Areas) Act 1990 including serving urgent works notices Consultation and responses.

Development Strategy

- (u) Undertake the council's development strategy function as follows:
 - (i) Commission and publish reports and other evidence base documents to support planning policy preparation.
 - (ii) Undertake such actions as necessary to develop planning guidance and policy in consultation with the Planning Services Working Group.
 - (iii) Serve notices related to preparation of a development plan or other local development document.
 - (iv) Publish the authority monitoring report, five year housing land supply position statement, annual infrastructure statement and other monitoring returns and reports as may be required from time to time.

- (v) Undertake the following actions in relation to Neighbourhood Planning:
 - (i) Agree the boundaries of the neighbourhood area designation or neighbourhood forum designation.
 - (ii) Complete the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening and when it is in force screening for the need to produce an Environmental Outcomes Report under Part 6 of the Levelling Up and Regeneration Act 2023 and regulations made thereunder.
 - (iii) Any tasks related to Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended).
 - (iv) Any tasks related to Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended).
 - (v) In connection with the Chief Officer for Growth and Investment, appoint an examiner for the independent examination of the plan.
 - (vi) Following the report of the examiner in consultation with the Chief Officer for Growth and Investment authorise the plan to proceed to Referendum.

Economic Development

- (w) Undertake the council's economic development function as follows:
 - (i) Operate, manage and promote activities to promote economic activity in the borough within the approved budget and in accordance with the policies approved by Cabinet and Council.
 - (ii) Take decisions to deal with the day-to-day management of the general market.
 - (iii) Produce and implement the council's Economic Development Strategy.
 - (iv) Commission and publish reports and other evidence based documents to support the Economic Strategy creation.

2.13 Operations and Traded Services

The relevant manager shall be authorised to do the following:

- (a) Manage the Property Repairs Service, including all buildings, vehicles and staff.
- (b) Authorise routine repair and maintenance work to be carried out in accordance with approved estimates and the council's financial regulations.
- (c) Grant permission to tenants to improve or alter their council house subject to the tenant obtaining any necessary planning permissions or building regulation consent.
- (d) Manage the Hunter's Lane Depot operations including all buildings, vehicles and plant.
- (e) Manage the entire council's Vehicle Fleet.
- (f) Take any decision regarding the placement of advertising on plant, vehicle, equipment and, in consultation with the Chief Officer for Growth and Investment, any buildings within the Operations and Traded Services area in accordance with any agreement in relation to this and determine the appropriate fees for such advertising ensuring demonstration of value for money.
- (g) Negotiate charges for trade refuse collection.

2.14 Leisure and Wellbeing

The relevant manager shall be authorised to do the following:

- (a) Authorise expenditure to carry out works in parks under an approved scheme and in accordance with the approved budget and deal with applications for concessionary use of parks facilities in accordance with council policy.
- (b) Authorise expenditure to carry out works in recreation grounds, allotments or other land under an approved scheme and in accordance with the approved budget and deal with applications for concessionary use of leisure facilities in accordance with council policy.
- (c) Provide the council's arts development services within the approved budget.

- (d) Arrange for the operation and management of leisure centres, the Benn Hall, the Rugby Art Gallery, Museum and Library and the Rugby Visitor Centre.
- (e) Do the following in consultation with the Chief Officer for Finance and Performance/Chief Financial Officer:
 - (i) Fix the charges for the hire of council leisure and cultural facilities.
 - (ii) Approve, but not refuse, sponsorship for cultural activities, where the aid requested does not exceed £1,000.
- (f) Operate, manage and promote the council's recreational facilities within the approved budget.
- (g) Provide the council's sports and recreation services, within the approved budget.
- (h) Approve, but not refuse, sponsorship for sporting activities where the aid requested does not exceed £1,000.
- (i) Make arrangements for the publication of guides and street plans.
- (j) Determine applications to reproduce the Borough's Coat of Arms.
- (k) Exercise the council's powers under the Local Government Acts for the removal of dangerous trees.
- (l) Serve notices to quit on allotment tenants and take action to recover possession.
- (m) Approve applications for circuses and fairs.

2.15 Change Unit/Communities and Homes/Finance and Performance

The relevant officer from either the Change Unit or Communities and Homes shall in consultation with the appointed officer from Finance and Performance be authorised to undertake the following:

- (a) After consultation with the appropriate chief officer or designated manager, purchase and disposal of property in accordance with the relevant policy.
- (b) Approve requests to assign leases or sublet land.
- (c) Grant consent for utilities companies to place any minor apparatus in, on, over or under land or buildings belonging to the council, subject to the concurrence of the appropriate chief officer and agree terms for the necessary easements or wayleaves.

- (d) Agree to vary, waive or give consent under a restrictive covenant in favour of the council where planning or building regulation approval has been given and the implementation of these would otherwise involve breach of covenant.

3. Licensing and Safety Committee

3.1 The Chief Executive is authorised to do the following:

- 3.1.1 Grant but not refuse licences consents and permits and effect but not refuse registrations and renewals under the acts, regulations, orders and byelaws for which Licensing and Safety Committee is responsible (other than those specifically delegated to the Chief Officer for Regulation and Safety).
- 3.1.2 Where necessary for the protection of the inhabitants of the borough, exercise powers under Section 222 of the Local Government Act 1972 and give any undertakings required in an application for an injunction to prevent such functions taking place.

3.2 The Chief Officer for Regulation and Safety is authorised to do the following:

- 3.2.1 Approve but not refuse the registration, issue or renewal of licences, consents or permits as set out in the table below: and take any other action necessary in the exercise of the council's functions under the statutes specified:

Function	Statutory authority
(a) Issue of caravan site licences.	S 3(3) Caravan Sites and Control of Development Act 1960 as amended and added to by the Mobile Homes Act 2013.
(b) Moveable dwellings and camping sites. Power of local authority to control use of moveable dwellings.	S 269 (1) Public Health Act 1936.
(c) Acupuncture, tattooing, electrolysis and ear piercing: (i) Application to Part VIII (ii) Acupuncture (iii) Tattooing, ear-piercing and electrolysis (iv) Provisions supplementary to S14 and S15 (v) Power to enter premises (acupuncture etc)	S13 Local Government (Miscellaneous Provisions) Act 1982 S14 LG(MP) Act 1982 S15 LG(MP) Act 1982 S16 LG(MP) Act 1982 S17 LG(MP) Act 1982

Function	Statutory authority
(d) Pleasure boats and vessels: (i) Power to licence pleasure boats	S94 Public Health Acts Amendment Act 1907
(e) Markets and street trading: (i) Power of the Council to adopt Schedule 4 (ii) Street trading	Part III LG (MP) Act 1982 Part III of, and Schedule 4 to, LG (MP) Act 1982
(f) Registration and licensing of food preparation premises.	S19 Food Safety Act 1990
(g) Dog breeding premises: (i) Licensing of breeding establishments for dogs (ii) Licensing of breeding establishments	S1 Breeding of Dogs Act 1973 (BDA) S1-S7 Breeding and Sale of Dogs (Welfare) Act 1999 (BSDA)
(h) Pet shops and other animal boarding and breeding establishments: (i) Licensing of pet shops (ii) Licensing of boarding establishments (iii) Licensing of riding establishments (iv) Provisional licences for riding establishments (v) Licensing of breeding establishments for dogs (vi) Licensing of breeding establishments	S1 Pet Animals Act 1951 S1 Animal Boarding Establishments Act 1963 S1 Riding Establishments Act 1970 and S1 Riding Establishments Act 1970 Breeding of Dogs Act 1973 Ss 1-8 Breeding and Sale of Dogs Act 1999
(i) Zoos (i) Licensing by zoos by local authorities	S1 Zoo Licensing Act 1981
(j) Dangerous Wild Animals (i) Licences	S1 Dangerous Wild Animals Act 1976
(k) Collections for charitable and other causes (i) Licences	S5 Police Factories etc. (Miscellaneous Provisions) Act 1916 S2 House to House Collections Act 1939
(l) Consent to the operation of loudspeakers in streets or roads	Schedule 2 Noise and Statutory Nuisance Act 1993

Function	Statutory authority
(m) Approval of premises as various types of food product establishments.	Various regulations

3.2.2 Appoint Inspectors under the Health and Safety at Work Acts to exercise the powers of an inspector for the purposes of the acts and to institute, after consultation with the Chief Officer for Legal and Governance, such proceedings as they consider necessary.

3.2.3 (a) Operate and manage the council's hackney carriage and private hire, operational and advertising policies, including the approval and renewal, but not refusal, of applications for licences in respect of:

- (i) hackney carriages
- (ii) private hire vehicles
- (iii) drivers of private hire vehicles
- (iv) operators of private hire vehicles

(b) The power to suspend hackney carriage and private hire vehicles licenses, and operator licenses, where there is a serious or imminent risk to public safety that requires immediate action.

(c) The power to suspend and revoke driver licenses, in consultation with the chair or the vice-chair of Licensing and Safety Committee, where there is a serious or imminent risk to public safety that requires immediate action.

3.2.4 Grant and approve applications under the Gambling Act 2005 but not to do any of the following:

- (i) issue licences under Section 166
- (ii) formulate the three-year licensing policy under Section 349
- (iii) determine premises licence fees under Section 212

3.3 The Chief Officer for Regulation and Safety is authorised to do the following:

3.3.1 Make representations on behalf of the council in relation to any premises or other licence application or licence variation, or to request a licence review, as stated under the provisions of the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 and subsequent legislation.

4. Licensing Sub-Committee (Alcohol and Regulated Entertainment)

4.1 The Chief Officer for Regulation and Safety is authorised to do the following:

- (a) Grant or approve, but not refuse, applications or requests made under the Licensing Act 2003 as set out in the table below.

Statutory reference	Type of application	Limit on delegation
S.18 (3)	Application for premises licence	Where no representations have been made
S.31 (3)	Application for provisional statement	Where no representations have been made
S.35 (3)	Application for variation of premises licence	Where no representations have been made
S.39 (3)	Application to vary designated premises supervisor	If no police objection received
S.44 (5)	Application for transfer of premises licence	If no police objection received
S.48 (3)	Interim authority notice	If no police objection received
S.72 (3)	Application for club premises certificate	Where no representations have been made
S.85 (3)	Application to vary club premises certificate	Where no representations have been made
S.120 (7)	Application for personal licence	If no police objection received
S.121 (6)	Application for renewal of personal licence	If no police objection received
Para 4(3) (a) of Schedule 8	Application for the conversion of an existing licence	If no police objection received
Para 16 (a) of Schedule 8	Application for the conversion of an existing club certificate	If no police objection received
Para 26 (3) (a) of Schedule 8	Application by the holder of a justices' licence for a personal licence	If no police objection received

- (b) Determine whether representations made by an interested party (who is not also a responsible party) are frivolous or vexatious.

5. Planning Committee

5.1 The Chief Officer for Legal and Governance is authorised to do the following:

- (a) Make and confirm tree preservation orders to which no objection is made.
- (b) In consultation with the Chief Officer for Growth and Investment, apply for injunctions in connection with breach of planning control and in connection with listed buildings.

5.2 The Chief Officer for Growth and Investment is authorised to do the following:

5.2.1 Trees and hedgerows:

- (a) Approve applications for the removal, or partial removal of hedges under the Hedgerow Regulations 1997.
- (b) Approve applications to undertake work to trees, the subject of a tree preservation order or within a conservation area under the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

5.2.2 Development

Determine the following categories of applications below:

- (a) Applications for planning permission under the Town and Country Planning Act 1990 (as amended) including applications to discharge conditions attached to existing planning permissions and to amend or vary existing planning permissions, including non-material amendments, or any conditions attached to such permissions and the revocation of any such permissions.
- (b) Applications for a certificate of lawful existing or proposed use or development under the Town and Country Planning Act 1990, (as amended) subject to consultation with the Chief Officer for Legal and Governance regarding applications for certificates of lawful existing use or development only.
- (c) Applications for listed building consent under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), including applications for the demolition of a building within the curtilage of a listed building and applications to discharge conditions associated with those consents.
- (d) Applications for advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- (e) “Prior approval/notifications” under the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- (f) Observations on national significant infrastructure projects and development consent orders as defined in the Planning Act 2008, “county matters” applications and neighbouring Council applications.
- (g) Applications by a local authority under the Town and Country Planning General Regulations 1992.
- (h) Applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 (as amended) and the revocation of any hazardous substances consent.
- (i) For clarity, the issuing of screening and scoping opinions associated with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- (j) Determine whether an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 is required in respect of any planning applications and to instruct the Chief Officer for Legal and Governance to negotiate and complete such agreements.
- (k) Determine variations to S106 agreements and unilateral undertakings in consultation with the Chief Officer for Legal and Governance for minor amendments and for more significant amendments with the chair of the Planning Committee, relevant ward councillor(s) and the Head of Legal Services and Governance.
- (l) Approve discharge of conditions or release of monies held by the council from planning related agreements.
- (m) Sign all documents related to the council’s development management function following decisions made under delegated powers or by the relevant committee or by Council.

The authority given in Sections (a)-(m) above includes any revisions, updates to, or re-enactment of, those regulations and acts.

5.2.3 Exceptions

The applications set out in the table below shall not be determined by the Chief Officer for Growth and Investment but shall be referred to Planning Committee for determination.

Description of application		Categories applicable in paragraph 5.2.1 and 5.2.2 above
(a) Requests from Councillors	Applications for planning permission and reserved matters where any borough Councillor has requested that the application be determined by Planning Committee. Such requests must be made in writing or by email to the case officer within 21-days from the date of the notification stating the material planning reasons for the call-in request. If Councillors receive notification of an amendment on an application for planning permission or reserved matters, then a further 7 days will be afforded in which the Councillor can request that the application be determined by Planning Committee. Such requests must be made in writing or by email to the case officer stating the material planning reasons for the call in request.	5.2.2 (a)*, and (g) *excluding applications for non-material amendments or discharge or variation of conditions and revocations.
(b) Chief Officer for Growth and Investment	Applications delegated to the Chief Officer for Growth and Investment but which they consider should be determined by Planning Committee.	5.2.2 (a)-(h)
(c) Referrals to the Secretary of State	Applications which are required to be referred to the Department for Levelling Up, Housing and Communities or any such relevant body under any direction issued by them if not within an allocated, established or permitted industrial, leisure, retail, commercial or medical use or relating to renewable energy.	5.2.2 (a)*,(c) and (g) *excluding applications for non-material amendments or discharge or variation of conditions and revocations. *only if Historic England objects
(d) Controversial Applications	Applications for planning permission and reserved matters to which the following level of objection has been received and whose views are contrary to the officer recommendation: (i) letters of objection representing 15 or more households residing in the locality of application site; or	5.2.2 (a)*and (g) *excluding applications for non-material amendments or discharge or variation of conditions and revocations

Description of application		Categories applicable in paragraph 5.2.1 and 5.2.2 above
	<p>(ii) a petition containing 50 or more signatures opposing the application.</p> <p>For the purposes of this provision an objection or a petition shall only be treated as an objection if in the opinion of the Chief Officer for Growth and Investment it expresses objection to the application on valid planning grounds.</p>	
(e) Major Applications	<p>Applications for Planning Permission (but not applications for the approval of reserved matters; variation of conditions; or removal of conditions; or non-material amendments)</p> <p>EXCEPT THAT: The Chief Officer for Growth and Investment shall have authority to determine applications for the following:</p> <p>(i) Residential development comprising no more than 50 dwellings or, where an application is in outline with no number of dwellings specified and the site extends to no more than 5 hectares; or</p> <p>(ii) Development with a floorspace of no greater than 10,000m² unless the development that is greater than 10,000,m² is to take place within the curtilage of a site that has an established, permitted or allocated industrial, retail, leisure, commercial or medical use; or</p> <p>(iii) Any development site that is no greater than 5 hectares, unless it falls within (i) or (ii) above; or</p> <p>(iv) Applications that are recommended for refusal.</p>	
(f) Applications by Councillors and Officers	<p>Applications for planning permission and reserved matters submitted by or on behalf of:</p> <p>(i) the council; or</p>	5.2.2 (a)* and (g) *excluding applications for non-material amendments or

Description of application		Categories applicable in paragraph 5.2.1 and 5.2.2 above
	(ii) current councillors or officers of the council.	discharge or variation of conditions and revocations
(f) Demolition of Listed Buildings	Applications for the total demolition of a listed building.	5.2.2 (c)
(g) Departures from advice of Highway Authority	Applications where it is recommended for approval and the Highway Authority raise an objection.	5.2.2 (a), (d) and (g)

5.2.4 Decisions of the Chief Officer for Growth and Investment

All decisions made by the Chief Officer for Growth and Investment in connection with the powers delegated to them in 5.2.1 and 5.2.2 shall be reported for information to the next practicable meeting of the committee.