

## **Responsibility for Non-Executive Functions and Delegation Arrangements**

### **Officer Delegations relating to Elections**

#### **Chief Executive**

1. Make an Order under Section 39(4) of the Representation of the People Act 1983 in relation to a Parish Council.
2. Pay expenses properly incurred by electoral registration officer.
3. Fill vacancies in the event of insufficient nominations in relation to a Parish Council.
4. Declare a vacancy in office where a member ceases to be qualified, is disqualified or ceases to be a member of the authority.
5. Give public notice of a casual vacancy.
6. Make temporary appointments to Parish Councils.
7. Deal with publicity requirements where the Council has decided on a change of scheme for elections.
8. Deal with notice to Electoral Commission where the Council has decided on a change of scheme for elections.
9. Designate an alternative polling place should one become unavailable at short notice.
10. Authority to designate an alternative polling place should one become unavailable at short notice before an election.

#### **Delegations to other local authorities**

In relation to Gedling Borough Council licensed vehicles and drivers operating in other licensing authority areas, authority to discharge the following taxi-licensing enforcement functions under the Local Government (Miscellaneous Provisions Act) 1976,

- S53(3) produce drivers badge/licence for inspection
- S68 to inspect and test vehicles at reasonable times and suspend the licence if not satisfied as to their fitness
- S73 obstruction of authorised officer

to the following licensing authorities, subject to those authorities accepting the delegation;

Ashfield District Council; Bassetlaw District Council; Broxtowe Borough Council; Gedling Borough Council; Mansfield District Council; Newark & Sherwood District Council; Nottingham City Council and Rushcliffe Borough Council.

#### **Non-Executive Committees**

##### **1. Environment and Licensing Committee**

Responsible for:

1. All non-executive functions of the Council with regard to:
  - Environmental health
  - Health and safety at work (other than the exercise of the functions of the Council in the capacity of employer)
  - Food hygiene and safety
  - Animal health and hygiene
2. The determination of applications for licences, approvals, consents, permission or registration or the direct regulation of any person or the enforcement of any such licence, approval, consent, permission or regulation with regard to the functions in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
3. All non-executive functions of the Council with regard to licensing and registration of:
  - Caravan sites
  - Hackney Carriages and Private Hire Vehicles, drivers and operators
  - Entertainments
  - Betting, gaming and lotteries
  - Theatres and cinemas
  - Street trading and markets
  - All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.
4. Any function relating to contaminated land.
5. The discharge of any function relating to the control of pollution or the management of air quality.
6. The service of an abatement notice in respect of a statutory nuisance.
7. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
8. The inspection of the authority's area to detect any statutory nuisance.
9. The investigation of any complaint as to the existence of a statutory nuisance.
10. The functions of the Council relating to complaints regarding high hedges contained within Part 8 of the Anti-Social Behaviour Act 2003.

### **Delegation**

1. Power to issue licences authorising the use of land as a caravan site.
2. Power to license the use of movable dwellings and camping sites.
3. To exercise the powers of the Council relating to Hackney Carriages and Private Hire Licensing.
4. Power to grant permits in respect of premises with amusement machines.

5. Power to register societies wishing to promote lotteries.
6. To consider applications for hazardous substances consent.
7. Power to grant permits in respect of premises where amusements with prizes are provided.
8. Power to consider and determine applications for public entertainment licences.
9. Power to licence sex shops and sex cinemas.
10. Power to licence performances of hypnotism.
11. Power to licence premises for acupuncture, tattooing, ear piercing and electrolysis.
12. Power to licence markets and street trading.
13. Power to licence night cafes and take away food shops.
14. Power to licence dealers in game and the killing and seeking of game.
15. Power to register and licence premises for the preparation of food.
16. Power to licence scraps yards.
17. Power to licence premises for the breeding of dogs.
18. Power to licence pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
19. Power to licence dangerous wild animals.
20. Power to licence knackers' yards.
21. Power to licence persons to collect for charitable and other causes.
22. Power to approve meat product premises and to approve premises for the production of minced meat or meat preparations.
23. Power to approve dairy establishments and egg product establishments.
24. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods.
25. To keep a register of food business premises.
26. Power to register food business premises.
27. Power to issue arena and theatre licences.
28. Power to licence zoos.
29. To consider and determine applications for public entertainment licences.
30. The functions of the Council under the following legislation:
  - i) House to House Collections Act 1939 as amended by the Local Government Act 1972;
  - ii) Betting, Gaming and Lotteries Act 1963 - 1971 as amended by the Gaming and Lotteries (Amendment) Act 1980.
  - ii) Gaming Act, 1968 as amended by the Lotteries and Amusement Act 1976.

31. Power to fix those fees and charges falling within the remit of the Committee.

**Officer Delegation**

**Director**

- 1 Power to approve and vary licence conditions, approve and issue licences, registrations, certificates and authorisations in the following matters:
  - a) Certificates of Registration of premises for:
    - i) scrap metal dealers (Scrap Metal Dealers Act 1964);
    - ii) acupuncture, tattooing, ear piercing and electrolysis (Local Government (Miscellaneous Provisions) Act 1982.
  - b) Licences and renewals of licences in respect of:
    - i) Keeping a riding establishment (Riding Establishment Act 1964 and 1970).
    - ii) Keeping an animal boarding establishment (Animal Boarding Establishment Act 1963);
    - iii) Keeping pet shop (Pet Animals Act 1951);
    - iv) Game dealer licences and licence to sell game;
    - v) Public Entertainments (Local Government) (Miscellaneous Provisions) Act 1982;
    - vi) dog breeding. (Breeding of Dogs Act 1973);
    - vii) dangerous wild animals. (Dangerous Wild Animals Act 1976);
    - viii) massage and special treatments;
    - ix) late night refreshment houses;
    - x) caravan sites (Caravan Sites and Control of Development Act 1960);
    - xi) cinemas and theatres;
    - xii) Private places of entertainment (Licensing) Act 1967;
    - xiii) food premises (Food Safety Act 1990); and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them.
    - xiv) authorisations of processes (Environmental Protection Act 1990);
    - xv) zoos (Zoo Licensing Act 1981).
- 2 Power to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Powers of Entry, under the following statutes and regulations and orders made thereunder:
  - Public Health Act 1936

- Public Health Act 1961
- Prevention of Damage by Pests Act 1949
- Clean Air Act 1993
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Refuse Disposal (Amenity) Act 1978
- Control of Pollution Act 1974
- Caravan Sites and Control of Development Act 1960
- Building Act 1984
- Pet Animals Act 1951
- Riding Establishments Act 1964 and 1970
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973
- Dangerous Wild Animals Act 1976
- Food and Environment Protection Act 1985
- Environmental Protection Act 1990
- Environment Act 1995
- Dangerous Dogs Act 1991
- Water Act 1989
- Water Industry Act 1991
- Food Safety Act 1990 and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them.
- Public Health (Control of Disease) Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- Slaughter of Poultry Act 1967
- National Assistance Act 1948 (as amended)
- Animal Health Act 1981
- the Agriculture (Miscellaneous Provisions) Act 1968
- Natural Mineral Waters Regulations 1985
- Health and Safety (Enforcing Authority) Regulations 1989
- Sunday Trading Act 1994
- Zoo Licensing Act 1981
- Performing Animals Act 1925
- The Control of Pesticides Regulations 1986
- Criminal Justice and Public Order Act 1994
- Noise and Statutory Nuisance Act 1993

- Noise Act 1996
  - Health and Safety at Work Act Etc 1974
- 3 Authority to appoint named Officers as Inspectors and to be entitled to exercise the powers of an Inspector in:
    - i) Section 20(2)(a) to (m) inclusive, Sections 21, 22 and 25 of the Health and Safety at Work Act 1974;
    - ii) any Health and Safety Regulations;
    - iii) any of the appropriate provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of the Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provisions so specified which may be in force from time to time.
  - 4 Power to authorise named Officers to administer the provisions of the Clean Air Act 1993 with respect to offences under Sections 1, 2 and 20 and notification under Section 51.
  - 5 Authority to appoint named and suitably qualified Officers to exercise the powers of an Inspector under the Food Safety Act 1990: and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them.
  - 6 Authority to appoint such persons as necessary to act as Inspectors within the provisions of Part I of the Environmental Protection Act 1990.
  - 7 Authority to appoint named Officers to act under the provisions of Part III of the Food and Environmental Protection Act 1985 and Control of Pesticides Regulations 1986 in respect of the advertisement, supply, sale, storage and use of pesticides except where the Health and Safety Executive is the enforcement authority by virtue of Regulation 3 of, and Schedule 1 to the Health and Safety (Enforcing Authority) Regulations 1989, and the use of pesticides in domestic premises by the occupier of those premises, provided such use does not form part of a work activity.
  - 8 Authority to appoint in writing:
    - i) under Section 19 of the Health and Safety at work Etc Act 1974 any Specialist or Consultant as may be required as an Inspector and to authorise such appointee to exercise such powers under Section 20 may be required;
    - ii) to authorise any Specialist or Consultant as may be required to accompany an Inspector pursuant to Section 20(2)(c)(i).
  - 9 The granting of licences for small lotteries under the Betting, Gaming and Lotteries Act, amusement with prizes, licences for street collections, licences for house to house collections, in accordance with the overall policy of the Council.
  - 10 The approval and refusal of applications for Private Hire and Hackney Carriage Vehicle Licences for vehicles carrying up to eight passengers.
  11. Authority to refuse a grant a Hackney Carriage or Private Hire Drivers'

Licence, or to revoke an existing licence, where the driver is disqualified from driving and no longer holds a licence under Part III of the Road Traffic Act 1998 authorising him to drive a motor vehicle.

12. Authority after a consultation with the Chairman or Vice Chairman to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has no previous convictions or cautions.
13. Authority after consultation with the Chairman or Vice Chairman to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions or cautions for Minor Traffic Offences where the number of points endorsed on his/her driving licence is 9 or fewer.
14. Authority after consultation with the Chairman or Vice Chairman and two members of the Committee to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions, cautions or offences which are more than 5 years but less than 10 years prior to the application, except where the applicant has a conviction for Violence or an Indecency Offence, in which case the application must be referred to Committee in the circumstances set out in the approved guidelines.
15. Authority after consultation with the Chairman or Vice Chairman to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions, cautions or offences which are more than 10 years prior to the application, except in the following circumstances where the application must be referred to the Committee:
  - i) Where the applicant has a conviction for an indictable only offence; and/or
  - ii) Where the applicant has a conviction for a serious sexual offence; or
  - iii) Where the convictions are all more than 10 years old and fall outside of the above but it is felt by the Chairman/Vice Chairman that the circumstances justify refusal.
16. Authority to appoint authorised officers to carry out enforcement functions under the Local Government Miscellaneous Provisions Act 1976, in relation to licensed vehicles and drivers operating in the borough which have been licensed by other licensing authorities, subject to those authorities delegating those functions to Gedling Borough Council.
17. Authority in consultation with the Director of Organisational Development and Democratic Services to authorise legal proceedings against any person contravening the provisions of the Council's Street Trading Prohibition Order.
18. Authority to deal with complaints about high hedges, any appeals, enforcement and authorisation of powers of entry under Part 8 of the Anti-Social Behaviour Act.
19. The authority to authorise persons whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including powers of entry under the Health Act 2006

and regulations made thereunder to deal with smoke free premises: and

20. The authority in consultation with the Director of Organisational Development and Democratic Services to authorise legal proceedings against any person contravening the provisions of the Health Act 2006 and regulations made thereunder.

## **2. Appointments and Conditions of Service Committee**

Responsible for:

- i) All non-executive functions of the Council with regard to staffing and personnel issues.

### **Delegation**

1. To conduct the process of appointment, dismissal or taking disciplinary action in respect of the Chief Executive and Head of Paid Service and make recommendations to full Council.
2. To conduct the process of appointment, dismissal or taking disciplinary action in respect of Chief Officers.
3. To determine the terms and conditions of Council employees and procedures for disciplinary action and dismissal.
4. To appoint Proper Officers.
5. To designate an Officer as Section 151 Officer.
6. To designate an Officer as Head of Paid Service and to ensure the provision of sufficient staff and other resources.
7. To designate an Officer as Monitoring Officer and to ensure the provision of sufficient staff and other resources.
8. To provide staff and other resources to a person nominated by Monitoring Officer.
9. To appoint an independent person to investigate matters of misconduct and capability involving the Chief Executive, the S.151 Officer and Monitoring Officer.
10. To approve any proposals for significant restructuring of the Council's management structure proposed by the Chief Executive.
11. To approve any proposals from the Chief Executive for any changes to salary levels (including ranges of salaries) for the Chief Executive and Chief Officers.

### **Head of Paid Service**

The Chief Executive, in his role as Head of Paid Service, derives the following powers from statute:

- (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
- (b) the number and grades of staff required by the authority for the discharge of their functions;
- (c) the organisation of the authority's staff; and



- (d) the appointment, dismissal and proper management of the authority's staff, other than in relation to Chief Officers.

### **Officer Delegation**

#### **Chief Executive**

1. Implementation of Circulars on national wage and salary awards and other alterations in conditions of service.
2. Authority to approve unpaid leave in excess of 13 weeks.
3. Designation of posts attracting car user allowance and eligibility for car loans.
4. Authority, to give approval to the payment of first class rail fare to Members and Officers in appropriate circumstances.
5. Authority to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.

#### **All Directors**

1. Authority to approve honoraria within the terms of the National and Local Schemes in accordance with the Council's Policy and in consultation with the Director responsible for Personnel.
2. Approval of leave of absence for volunteer members of non-regular forces.
3. Authority to appoint to established posts following consultation with the Director responsible for Personnel.
4. Authority to approve unpaid leave of up to 13 weeks duration.
5. Authority to create a temporary post provided that this can be accommodated within existing budgets, in consultation with the Director responsible for Personnel.
6. Authority to allow carry over leave beyond the permitted 5 days and additional paid or unpaid compassionate leave following consultation with the Director responsible for Personnel.
7. To authorise payment of occasional user car allowance.
8. Approval of post entry training grants and attendance at training courses in accordance with the Council's policies.
9. Authority to allow an appropriate amount of time away from work for family care which can be worked back over a reasonable length of time, the decision to allow time off to take into account both the business needs of the Authority and the individual's personal circumstances.
10. Authority in consultation with the Director responsible for Personnel to make minor adjustments to job descriptions, where they do not involve changes to grade or service conditions and do not give rise to any financial implications.
11. Authority to approve applications for a car purchase loan or a contract hire car within the approved scheme.

### **3. Appeals and Retirements Committee**

Responsible for:

- i) All non-executive functions of the Council with regard to pension issues.
- ii) All non-executive functions of the Council with regard to determining discretionary payments under local policies in respect of dismissals due to reason of redundancy or efficiency of service.
- iii) Appeals and disciplinary matters where approved policies and procedures provide for appeal to or consideration by a Committee.

#### **Delegation**

1. To determine appeals from Chief Officers against decisions taken under the Council's Disciplinary Procedures including the decision to dismiss.
2. To determine appeals from employees employed under the NJC for Local Authority Services against any decision to dismiss.
3. Consideration of issues arising from Pension Act reviews where these involve the exercise of discretion.
4. To authorise release of pension in all cases of early retirement, other than ill health retirement, subject to the Council's policy on early retirement and to consideration of a fully costed report in each case.
5. To determine and authorise release of any discretionary payments allowed by local policy in respect of dismissals due to reason of redundancy or efficiency of service, whether or not associated with early retirement, and subject to the Council's policy and to consideration of a fully costed report in each case.
6. To consider all issues concerning the Local Government Pension Scheme and sick pay within the terms of the approved policy.
7. To consider extensions to the Council's sick pay scheme in individual cases in accordance with the approved policy.

#### **Chief Executive**

1. To approve cases of retirement on the grounds of ill-health, including authority to release statutory ill-health pension benefits subject to necessary medical approval (as defined by regulation) having been obtained.
2. Implementation of requirements arising from Pension Act reviews where no discretion is afforded to the Authority.
3. Authority to approve all cases of dismissal, including by reason of early retirement and compulsory or voluntary redundancy in accordance with any statutory or discretionary arrangements, other than decisions relating to pension release and discretionary payments.

#### **4. Joint Consultative and Safety Committee**

Responsible for:

- i) Providing a forum for discussion and consultation between the Council and Trade Union representatives on matters affecting the Council's employees. Such matters to include but not limited to:
  1. Employee terms and conditions
  2. Employee health and well-being.

#### **Delegation**

1. To receive proposals and make recommendations to the Appointments and Conditions of Service Committee in relation to the terms and conditions of Council employees and procedures for disciplinary action and dismissal.
2. To receive proposals and make recommendations to the Head of Paid Service in respect of his proposals for significant change to:
  - (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
  - (b) the number and grades of staff required by the authority for the discharge of their functions;
  - (c) the organisation of the authority's staff.
3. To be consulted on and make recommendations to the Executive in respect of any health and safety functions of the Council to the extent that those functions are discharged in the authority's capacity as an employer.

#### **5. Audit Committee**

##### **Terms of Reference**

- (i) To consider the Head of Internal Audit's annual report and opinion and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- ii) To consider summaries of internal audit reports.
- iii) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- iv) To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
- v) To consider specific reports as agreed with the External Auditor
- vi) To commission work from internal and external audit

##### **Risk Management**

- i) Receiving quarterly reports with respect to the effectiveness of risk management procedures.
- ii) Achievement of Business Continuity Plans
- iii) Notification of Internal Audit recommendations in respect of Risk Management procedures

##### **Regulatory Framework**

- i) To maintain an overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- ii) To monitor the effective development and operation of risk management and corporate governance in the Council.
- iii) To monitor council policies on "Whistleblowing" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- iv) To review the Assurance Statement of the Chief Internal Auditor (Manager of Resource Services) in support of the authority's Statement of Internal Control
- v) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

**Accounts**

- i) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

## **Officer Delegation**

### **All Directors**

Authority for each Director, in consultation with the Monitoring Officer, to authorise payment of compensation of up to £500.00 in order to settle a complaint made to the Council directly or through the Local Government Ombudsman.

## **6. Planning Committee**

Responsible for:

- (i) All non-executive functions of the Council with regard to Town and Country Planning, Development Control and Tree and Hedgerow Preservation Orders, other than the function of approving the development plan;
- (ii) All non-executive functions of the Council with regard to highways and public rights of way.

### **Delegation**

1. To examine and investigate any proposals for development within or outside the Borough which affect the growth prosperity and wellbeing of the Borough and to consult on any action considered necessary.
2. Power to fix fees and charges in relation to the remit of the Committee.
3. Power to appoint delegates to conferences and to approve Member training in relation to the remit of the Committee.
4. To respond to consultative documents received by the Council and falling within the remit of the Committee.
5. Power to institute enforcement and legal proceedings in connection with any offences under any powers delegated to this Committee.
6. Power to determine applications for planning permission.
7. Power to determine applications to develop land without compliance with conditions previously attached.
8. Power to grant planning permission for development already carried out.
9. Power to decline to determine applications for planning permission.
10. Duties relating to the making of determinations of planning applications.
11. Power to determine applications for planning permission made to the Council.
12. Power to make determinations, give approvals and agree matters relating to the exercise of development rights.
13. Power to enter into agreements regulating the use or development of land.
14. Power to issue a certificate of existing or proposed lawful use or development.
15. Power to serve a completion notice.
16. Power to grant consent for the display of advertisements.
17. Power to authorise entry onto land pursuant to Section 196A of the Town and Country Planning Act 1990.
18. Power to require the discontinuance of a use of land.

19. Power to serve a contravention notice, breach of condition notice or stop notice.
20. Power to issue an enforcement notice.
21. Power to apply for an injunction restraining a breach of planning control.
22. Power to require proper maintenance of land pursuant to Section 215(1) of the Town and Country Planning Act 1990.
23. Power to determine applications for listed buildings consent and related powers pursuant to Sub-Section 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
24. Power to determine applications for conservation area consent.
25. To carry out the duties relating to applications for listed building consent and conservation area consent contained within Sub-Section 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and the related Regulations and Guidance issued thereunder.
26. Power to serve a building preservation notice and related powers contained in Sub-Section 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area.
28. Power to acquire a listed building in need of repair and to serve a repairs notice.
29. Power to apply for an injunction in relation to a listed building.
30. Power to execute urgent works pursuant to Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
31. Power to create, extinguish, stop up or divert footpaths or bridle ways after consultation, where appropriate, with the relevant Parish Council.
32. Power to make a rail crossing diversion or extinguishment order.
33. To exercise the Council's powers relating to the preservation of trees contained within the Town and Country Planning Act 1990.
34. To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
35. Power to make, amend, revoke or re-enact byelaws within the remit of the Committee.
36. Power to grant a street works licence pursuant to the New Roads and Street Works Act 1991.
37. To exercise the Council's non-executive functions as agents of the Highway Authority.

## **Officer Delegation**

### **Director**

1. In those cases where the proposed development is in accordance with approved Development Plans and where no adverse representations of a valid

planning nature have been received, the grant of permission, approval or consent, in respect of application for:

- i) Planning permission;
  - ii) Listed Building Consent;
  - iii) Consent to display advertisements;
  - iv) Approval of reserved matters, or to make observations on behalf of the Borough Council in respect of:
  - v) proposals by Government Departments;
  - vi) statutory undertakers, or
  - vi) proposals received by other local authorities.
2. Authority to determine that no Tree Preservation Orders should be made where notice of intention to carry out work on a tree in a conservation area is received following consultations with the Council's Arboricultural Adviser.
  3. Where planning permission has been refused, authority to decide that an appeal to the Secretary of State for the Environment should be resisted and to agree in what form the appeal shall be conducted.
  4. Authority to approve requests for minor amendments to planning conditions in respect of applications previously determined by the Planning Committee.
  5. Authority to make observations on behalf of the Borough Council as District Planning Authority in respect of non-contentious proposals by Nottinghamshire County Council for which deemed permission was being sought under the Town and Country Planning General Regulations.
  6. Authority to exercise judgement and discretion as to when consultations with interested bodies should be carried out in connection with planning applications and likewise the question of re-consultation with residents, Parish Councils and other bodies where amendments are negotiated to planning applications as originally submitted.
  7. Authority to make observations on behalf of the Borough Council in respect of non-contentious proposals by statutory undertakers for which deemed permission is being sought under the Town and Country Planning General Regulations.
  8. Authority to approve the renewal of a planning permission where there has been no change in circumstances.
  9. Authority to confirm a Tree Preservation Order where no objections have been received.
  10. Authority to approve the felling of a tree subject to a Tree Preservation Order where the tree is dead, dying or dangerous.
  11. Authority to determine applications for consent under a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 for the topping or lopping of trees, after consultation, where necessary.
  12. Authority:
    - i) To issue a Hedgerow Retention Notice where he is satisfied that the

hedgerow is important and should be retained;

- ii) To authorise the Director of Organisational Development and Democratic Services to make an application for an Injunction where the removal of an important hedgerow is apprehended.
- 13. Authority to issue permits for scaffolding or hoardings on the highway.
- 14. Authority to exercise powers in relation to Section 169 of the Highways Act 1980.
- 15. Authority to determine applications received under Section 64 of the Town and Country Planning Act 1990 relating to development within the curtilage of dwelling houses.
- 16. Authority to serve Planning Contravention Notices under Section 171(c) of the Town and Country Planning Act 1990 and to enter into discussions with the recipient of such a Notice about how any suspected breach of control might be remedied.
- 17. To take decisions with regard to publicity for reserved matters and amendments to planning applications.
- 18. Authority to deal with requests to withdraw an Enforcement Notice where no objections are received and to serve Breach of Condition Notices subject to a report for information being presented to the next meeting of the Committee.
- 19. Authority to exercise the general powers of entry conferred on a local planning authority by Section 196A of the Town and Country Planning Act 1990.
- 20. Authority to authorise the Director of Organisational Development and Democratic Services to discharge Section 106 Agreements and to release Bonds in support of such Agreements upon being satisfied that the Agreement has been fully complied with and that it would be appropriate for such agreement to be discharged if it no longer serves a useful purpose and was not capable of having any effect in the future.
- 21. Authority to determine in respect of the Town and Country Planning Environmental Impact Assessment Regulations 1999:
  - 1. Whether or not an environmental statement was needed prior to a developer submitting an application;
  - 2. To determine where or not schemes comprising Schedule 2 development require an environmental statement.
- 22. Authority to determine all applications for advertisement consent.
- 23. Within the area of his responsibility, power to authorise the service of Notices and the enforcement thereof in the event of default including recovering costs.
- 24. Power to authorise in consultation with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.



25. In consultation with the Planning Delegation Panel to consider all planning applications which do not fall to be decided by him under his other delegations and to decide which of these applications he will determine and which he will refer to the Planning Committee for determination provided that this delegation shall not apply to:
  - a) Applications proposing 5,000 or more square metres of new commercial floor-space, the determination of which is reserved to the Planning Committee.
  - b) Applications proposing ten or more residential dwellings, the determination of which is reserved to the Planning Committee.
26. Regulation 12 of the Hedgerows Regulations 1997 and to apply for a warrant of entry:
 

i)	Local Plans Manager	PL12
ii)	Principal Planning Officer	PL13
iii)	Senior Planning Officer/Access Officer	PL14
iv)	Planning Officer	PL6E
v)	Planning Officer	PL6F
vi)	Planning Officer	PL6G
vii)	Planning Officer	PL6H
viii)	Planning Technician	PL7B
ix)	Planning Technician	PL5A
x)	Planning Technician	PL5B
27. Delegated authority to include the revocation, variation and replacement of Tree Preservation Orders in order to enable the existing Tree Preservation Order information base to be updated quickly and efficiently to reflect the re-survey information. All new Tree Preservation Orders to be considered by Committee.
28. Authority to determine all applications of the extension of time limits.
29. Authority to determine applications for non-material amendments under the Town and Country Planning Act 1990 S.96A
30. Authority to issue and serve a Temporary Stop Notice
31. Authority to exercise the powers to require proper maintenance of land pursuant to Section 215 (i) Town and Country Planning Act 1990, including the power to take action in default.
32. Authority to manage the Borough's non-executive responsibilities in respect of:
  - Highways Act 1980;
  - Land Drainage Act 1976;
  - Water Industries Act 1991;
  - Road Traffic Regulations Act 1984;
  - Nottinghamshire County Council Act 1985;

Public Health Act 1961;  
Local Government (Miscellaneous Provisions) Act 1976 and 1982;  
Refuse Disposal (Amenity) Act 1978;  
Building Act 1984;  
Water Act 1989;  
Health and Safety at Work Act 1984;  
Construction (Design and Management) Regulations 1994.

33. Within the area of his responsibility, power to authorise the service of Notices and the enforcement thereof including the recovery of costs insofar as they may relate to non-executive responsibilities.
34. Authority to delegate to appropriate Officers the service of Notices and taking of action in default insofar as they may relate to non-executive responsibilities.
35. Power to authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings within the area of his responsibility insofar as they may relate to non-executive responsibilities.
36. Power to approve and vary licence conditions, approve and issue licences and authorisations within the area of his responsibility and insofar as they may relate to non-executive responsibilities.
37. Power to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including powers of entry, under statutes and regulations and orders within the area of his responsibility and insofar as they may relate to non-executive responsibilities.
38. Authority to enter into Agreements within the area of his responsibility and to release Bonds in support of such Agreements upon being satisfied that the Agreement has been fully complied with and that it would be appropriate for such agreement to be discharged if it no longer serves a useful purpose and was not capable of having any affect in the future.

**Director after consultation with the Chairman or Vice-Chairman of Planning Committee**

- 1 Within the ambit of this Committee to authorise the advertising of proposals in the press affecting large numbers of people in the Gedling Borough area.
- 2 Authorised to instruct that proceedings be instituted in cases where unacceptable unauthorised banner advertisement signs are erected.
- 3 Authority to approve the making of a Tree Preservation Order under Sections 197 - 201 of the Town and Country Planning Act 1990.
- 4 Authority to serve Building Preservation Notices.
- 5 Authority to determine any future requests for Revocation Orders and to refer them to Committee only where they and the Director and Director of Organisational Development and Democratic Services consider that the

making of an Order would merit consideration by the Committee and to report any decisions taken to the next meeting.

- 6 Authority to make determinations in relation to whether prior approval is required for development permitted under the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and to agree details and specifications where prior approval is required and give other consents and approvals in relation to that Order.

### **Director of Organisational Development and Democratic Services**

- 1 Authority to determine an application for a Certificate of Lawfulness of existing use or development and a Certificate of Lawfulness of proposed use or development of land under Section 192 of the Town and Country Planning Act 1990.
- 2 Authority to negotiate and conclude Agreements made under Section 106 of the Town and Country Planning Act 1990 in the case of those planning applications which otherwise would fall to be determined under the delegation granted to the Director. The sealing of any Agreement under the authority of this Section shall be an authorised delegation for the purposes of the Council's Standing Orders.
- 3 Authority to determine applications with the Director under Section 64 of the Town and Country Planning Act 1990 as to whether the carrying out of operations on land or the making of any change in the use of land would constitute or involve development of the land, and if so, whether an application for planning permission in respect thereof would be required having regard to the provisions of the Town and Country Planning General Development Order 1972 or of any amendments thereof.
- 4 Authority for the endorsement of Tree Preservation Orders as to their confirmation, modification, variation or revocation.

## **7. Licensing Act Committee**

### **Delegation**

To deal with all the Council's functions under the Licensing Act 2003 save for those matters reserved to the Council by the Act.

To deal with all necessary statutory functions and regulations under the Gambling Act 2005.

### **Director**

1. Delegated authority to carry out the functions and to deal with all decisions which are required to be made under the Licensing Act 2003 and which are not either delegated to the Licensing Panels or reserved to the Licensing Committee.
2. Authority to appoint authorised persons under Section 304 of the Gambling Act 2005.

### **Licensing Panels**

#### **Delegation**

## **Licensing Act 2003**

Each Panel has delegated authority to make the decision on:

1. Applications for a personal licence where there is a police objection;
2. Applications for a personal licence where unspent convictions are revealed;
3. Applications for a premises licence or club premises certificate where a relevant representation is made and not withdrawn;
4. Applications for a provisional statement where a relevant representation is made and not withdrawn;
5. Applications to vary on premises licence or club premises certificate if a relevant representation is made and not withdrawn;
6. Applications to vary, the designated premises supervisor, where a police objection is made;
7. Applications for transfer of a premises licence where a police objection is made;
8. Applications for interim authorities where a police objection is made;
9. Applications to review a premises licence or club premises certificate;
10. Determinations of a police objection to a temporary event notice.

## **Gambling Act 2005**

Each Panel has delegated authority to make the decision on:

1. Applications for a premises licence and for variation of a licence where representations.
2. Applications for a transfer of a licence where representations have been received from the Commission.
3. Applications for a provisional statement where representations have been made and not withdrawn.
4. A review of a premises licence.
5. Applications for club gaming and club machine permits where objections have been made and not withdrawn and applications for the cancellation of such permits.
6. The giving of a counter notice to a temporary use notice.

## **Licensing Panel Composition**

1. A Hearing Panel will be drawn from the membership of the Licensing Act Committee on an ad hoc basis.
2. Members of the Panel will be selected in alphabetical sequence, the selection process starting from the finishing point of the previous Panel.
3. Members representing a Ward in which the application premises are situated will not be selected.
4. Each selected Member shall be asked to confirm their attendance. If confirmation cannot be given then the next Member alphabetically will be selected.

## **Officer Delegations**

### **General**

1. For the avoidance of doubt, it is confirmed that the Chief Executive has authority to deal with all matters delegated to Directors. Furthermore, in the absence of a Director, it is confirmed that all other Directors have authority to deal with all matters delegated to them.
2. In the absence of the Chief Executive, the Directors shall have authority to exercise all functions and delegations of the Chief Executive.
3. The Director within whose responsibility the matter falls shall have authority after consultation with the appropriate Chairman or Vice-Chairman to take all necessary decisions on all urgent matters falling within the remit of the appropriate Committee or Sub-Committee.
4. Authority is given to the Director of Organisational Development and Democratic Services in any case where to wait for instructions would, in her opinion, prejudice the Council's position, to institute, defend and conduct any legal proceedings affecting the rights or interests of the Council after consultation with the Chief Executive and Leader of the Council.
5. Any reference in the Constitution to Director shall be interpreted as referring to the Director with responsibility for the relevant power or function as follows:
  - Deputy Chief Executive and Director of Finance in relation to Finance, Parks and Street Care, Waste, Transport, Revenues and Benefits and Audit and Asset Management functions;
  - Director of Health and Community Wellbeing in relation to Leisure, Public Protection, Housing and Community Relations functions;
  - Director of Organisational Development and Democratic Services in relation to Legal, Elections and Member Services, Organisational Development, Customer Services, IT and Communications functions;
  - Head of Planning and Economic Growth in relation to Planning, Building Control and Economic Development functions.

## PROPER OFFICER PROVISIONS

The Council has approved the appointment of the following officers as proper officers. Any reference to Director below should be interpreted as referring to the Director with responsibility for the relevant power or function as follows:

- Deputy Chief Executive and Director of Finance in relation to Finance, Parks and Street Care, Waste, Transport, Revenues and Benefits and Audit and Asset Management functions;
- Director of Health and Community Wellbeing in relation to Leisure, Public Protection, Housing and Community Relations functions;
- Director of Organisational Development and Democratic Services in relation to Legal, Elections and Member Services, Organisational Development, Customer Services, IT and Communications functions;
- Head of Planning and Economic Growth in relation to Planning, Building Control and Economic Development functions

The Chief Executive has the power to act as proper officer in the absence of the named proper officer below.

The Chief Financial Officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

The Monitoring Officer shall act as the proper officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

The Chief Executive shall act as the proper officer in relation to any other enactment (including in relation to elections or referendums) where specific arrangements have not been made under the following provisions.

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
<b>Public Health Act 1936</b>		
S.79	Power to require removal of noxious matter	Director
S.84	Certificate relating to cleansing or destruction of filthy or verminous items	Director
S.85(2)	Cleansing of verminous persons or articles	Director
<b>National Assistance Act 1948</b>		
S.48	Medical Officer of health	Dr Mary Corcoran Dr John

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
		Tomlinson Dr Chris Packham Dr Clive Richards Dr Jeanelle de Guchy Dr Andrew Rixom Dr Peter Cansfield Dr Chris Kenny
<b>Local Government Act 1972</b>		
S.83 (1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
S.84	Receipt of notice of resignation of Elected Member	Chief Executive
S.88(2)	Arranging a Council meeting to appoint to Chair of the Council	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive
S.96	Receipt of notices and recording disclosures of pecuniary interests	Monitoring Officer
S.100B(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Chief Executive
S.100B(7)	The officer to supply to newspapers copies of documents supplied to Councillors	Chief Executive
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Chief Executive
S.100D(1) and (5)	The officer responsible for identifying and compiling lists of background papers	Director
S.100F(2)	The officer making decisions as	Chief Executive



<b>STATUTE OR REGULATIONS</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>
	to documents disclosing exempt information which are not required to be open to inspection by council members	
S.115(2)	Receipt of money due from officers	Chief Financial Officer
S.137 and 137A	Receipt of statement provided in relation to financial assistance	Chief Financial Officer
S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Financial Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Chief Financial Officer
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director
S.225	Deposit of documents	Chief Executive
S.228(3)	Accounts for inspection by any member of the Council	Chief Financial Officer
S.229(5)	Certification of photographic copies of documents	Monitoring Officer
S. 234(1)	Officer who may authenticate documents	Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Monitoring Officer
S.238	Certification of byelaws	Monitoring Officer
S.248	Officer who will keep the Roll of Freemen	Director
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting	Chief Executive
Para 4(3) of Schedule 12	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive
Para 25 of Schedule 14	Certification of resolution passed under this paragraph	Monitoring Officer
<b>Local Government Act 1974</b>		

STATUTE OR REGULATIONS	ACTION	PROPER OFFICER
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
<b>Representations of the People Act 1983</b>		
S.8	Electoral Registration Officer	Chief Executive
S.35	Returning Officer for local elections (Borough and Parish)	Chief Executive
S. 52(2)	Deputy Electoral Registration Officer	Director of Organisational Development and Democratic Services
S.67	Acting as the appropriate person for the purposes of Part II	Chief Executive
S.128	Publishing a petition questioning a local election	Chief Executive
S.131	Providing suitable accommodation for election court	Chief Executive
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition	Chief Executive
S.200	Posting notices required in relation to local elections	Chief Executive
Paragraphs 3, 6 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Public Health (Control of Disease) Act 1984</b>		

<b>STATUTE OR REGULATIONS</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>
S.48	Removal of body to mortuary	Director
S.60	Receipt of notices and other documents	Director
<b>Building Act 1984</b>		
S.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building Regulations	Director
S.61	Access to work to repair drain	Director
S.78	Taking immediate action in relation to dangerous building	Director (or any officer authorised by him)
S.93	Authentication of documents	Director
<b>Nottinghamshire County Council Act 1985</b>		
S.3	Authentication of document	Director
S.6	To receive objections to proposals to designate land	Director
<b>The Parish and Community Meetings (Polls) Rules 1987 No. 1</b>		
Rule 4(1)	Returning Officer for Parish Polls	Chief Executive
<b>Local Government Finance Act 1988</b>		
S. 116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting	Chief Financial Officer
<b>Local Government Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.19	Arrangements in respect of the Register of Members Interests	Monitoring Officer
<b>Local Government (Committees and Political Groups) Regulations 1990 No.1553</b>		
	For the purposes of the	Director

<b>STATUTE OR REGULATIONS</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>
	composition of committees and nominations to political groups	
<b>The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000 No. 3272</b>		
Regulation 3	Recording of Executive decisions made at meetings of the Cabinet	Chief Executive
Regulation 4	Recording of executive decisions made by individual members	Chief Executive
Regulation 5	Making documents available for inspection following executive decisions	Chief Executive
Regulation 6	Compiling list of background papers for inspection	Chief Executive
Regulation 9	Making report and background papers relating to key decision available for inspection	Chief Executive
Regulation 11	Access, to agenda and connected reports	Chief Executive
Regulation 12	Publicity in connection with key decisions	Chief Executive
Regulation 15	General exception relating to the Forward Plan	Chief Executive
Regulation 17	Members' rights of access to documents	Chief Executive
Regulation 21	Confidential/exempt information and exclusion of public from meetings	Chief Executive
<b>Local Authorities (Standing Orders) (England) Regulations 2001 No. 3384</b>		
Regulations 5 and 6	Officer who will give written notice of appointment or dismissal of chief officers	Monitoring Officer
<b>Local Authorities (Executive and Alternative Arrangements)(Modification of Enactments and Other Provisions)(England) Order 2001 No. 2237</b>		
Article 45	Recording disclosure of prejudicial interests	Monitoring Officer
<b>European Parliamentary Elections Regulations 2004 No. 293</b>		

<b>STATUTE OR REGULATIONS</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>
Regulation 19	Discharge of registration duties in absence of Registration Officer	Director of Organisational Development and Democratic Services
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006 No. 3305</b>		
Rule 5	Receipt of request to fill a casual vacancy in the office of a parish or community councillor.	Chief Executive
Paragraph 50 of Schedule 2	Receipt of declaration of result in parish or community election	Chief Executive
<b>The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No.1024</b>		
Regulation 54	Receive declaration of result	Chief Executive
<b>Local Government (Parishes and Parish Councils)(England) Regulations 2008 No 625</b>		
Regulation 7	Estimate population	Chief Executive
<b>Localism Act 2011</b>		
S. 33(1)	Receipt of written request to grant a dispensation	Monitoring Officer
<b>Local Authorities (Referendums) (Petitions and Directions)(England) Regulations 2011 No. 2914</b>		
Regulation 4	Publish the number that is equal to 5 per cent. of the number of local government electors for the authority's area	Chief Executive
Regulation 7	Post announcement and post directions – petitions	Chief Executive
Regulation 8	Amalgamation of petitions	Chief Executive
Regulation 11	Procedure on receipt of petition	Chief Executive
Regulation 13	Publicity for valid petitions	Chief Executive
Regulation 14	Publicity for invalid petitions	Chief Executive
Regulation 19	Action following direction	Chief Executive
<b>Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323</b>		

<b>STATUTE OR REGULATIONS</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>
Regulation 4	Publicity in connection with referendums	Chief Executive
Regulation 41 and paragraph 43 of Schedule 5	Receive declaration of result	Chief Executive
<b>Neighbourhood Planning (Referendums) Regulations 2012 No. 2031</b>		
Regulation 4	Making information available in relation to referendums	Chief Executive
Regulation 16	Acting as proper officer where the referendum is not arranged by the local planning authority	Chief Executive
Paragraph 42 of Schedule 3	Receipt of declaration of result of the referendum	Chief Executive
Paragraph 43 of Schedule 3	Receipt of declaration of result of the referendum (cross boundary referendum)	Chief Executive
Paragraph 69 of Schedule 7	Receipt of declaration of result of the business referendum	Chief Executive
Paragraph 70 of Schedule 7	Receipt of declaration of result of the business referendum (cross boundary referendum)	Chief Executive

## **Overview and Scrutiny Committee**

### **Remit:**

- Oversee the strategic direction of the scrutiny function and its methods of working
- Consider and agree all topics for scrutiny, to decide upon timescales, personnel and associated logistical issues
- Assist the Council and the Executive in the development of its budget and policy framework
- Establish task and finish working groups focusing on particular areas of policy development and review with a view to making recommendations to the Executive when necessary
- Conduct research, community and other consultation in the analysis of policy issues
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy
- Question members of the Executive, Committees and Chief Officers about their views on issues and proposals affecting the area
- Liaise with organisations operating in the area to ensure that the interests of local people are enhanced by collaborative working
- Consider the impact of policies to assess if they have made a difference
- Review and scrutinise the performance of the Executive in relation to its policy objectives, performance targets and/or particular service areas
- Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- Question members of the Executive, Committees and Chief Officers about their decisions and performance of any functions for which they are responsible
- Review and scrutinise the performance of other public bodies in the area and invite reports from them about their activities and performance
- Report to full Council, the Executive, or relevant committees with recommendations for improvements in service areas or other matters within its remit
- Exercise the right to call in for reconsideration key decisions made but not yet implemented by the Executive and Officers
- Consider “Councillor Calls for Action” raised in accordance with agreed procedures