

Gedling Borough Council Constitution

Section 19b – Scheme of Delegation to Officers – Non - Executive Functions

Contents

1.1	Introduction.....	1
1.2	When a Post is Vacant or a Post-holder is Absent.....	1
1.3	All Decisions made by Officers	2
1.4	Recording Decisions.....	3
1.5	Sub-Delegations	3
1.6	Interpretation	3
	Delegations.....	4
	General Matters – Non-Executive Functions.....	4
	Election Matters.....	4
	Licensing Matters – Gambling Act 2005	5
	Licensing Matters - General.....	5
	Licensing Matters – Licensing Act 2003.....	10
	Planning Matters	10
	Staffing Matters	16
	Standards Matters	18

1.1 Introduction

These delegations are made under the powers contained in Section 101 of the Local Government Act 1972 (as amended) and with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers. The Scheme is maintained under section 100G of the Local Government Act 1972.

An officer or other person is authorised to exercise such powers as are set out in this Scheme of Delegation.

1.2 When a Post is Vacant or a Post-holder is Absent

For the purposes of this Scheme, if the post of an officer to whom a function is delegated is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:

- 1.2.1 In the case of the Chief Executive, the delegation shall be exercisable by a Director or an Interim Chief Executive
- 1.2.2 In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director.
- 1.2.3 In the case of the Chief Finance Officer, the delegation shall be exercisable by a Deputy Chief Finance Officer in relation to matters which are the responsibility of the Chief Finance Officer.

Gedling Borough Council Constitution

- 1.2.4 In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
- 1.2.5 In the case of Service Managers, the delegation shall be exercisable by the Chief Executive or relevant Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
- 1.2.6 Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

1.3 All Decisions made by Officers

Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:

- 1.3.1 All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions.
- 1.3.2 Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Rules.
- 1.3.3 Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
- 1.3.4 Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
- 1.3.5 Any officer exercising a delegation shall do so having regard to Equalities requirements.
- 1.3.6 Any officer exercising a delegation shall do so having regard to Data Protection requirements.
- 1.3.7 Any officer exercising a delegation shall do so having regard to relevant legislative requirements.
- 1.3.8 Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme. Such consultation shall be in writing, unless due to urgency that is not practicable, in which case there may be verbal consultation which must be recorded in writing, as soon as reasonably practicable and, in any event, within 5 working days.
- 1.3.9 Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, or relevant Committee.
- 1.3.10 Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 1.5.
- 1.3.11 Any decision which could subject the Council to legal liability or legal proceedings shall be taken in consultation with the Monitoring Officer.
- 1.3.12 Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Chief Finance Officer.
- 1.3.13 The decision as to whether or not legal action should be taken by or on behalf of the Council must be taken in consultation with the Monitoring Officer.
- 1.3.14 Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
- 1.3.15 Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
- 1.3.16 Officers shall not have the power to exercise any delegations in a situation where doing so would be unlawful or constitute maladministration.

Gedling Borough Council Constitution

- 1.3.17 Subject to any express instructions to the contrary from the delegated body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
- 1.3.18 Functions, matters, powers, authorisations, delegations, duties and responsibilities, shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate, or is conducive, or incidental, to the discharge of anything specified.

1.4 Recording Decisions

- 1.4.1 As soon as reasonably practicable after making a decision an Officer must produce a written record of the decision in accordance with regulation 7 of the Openness of Local Government Bodies Regulations 2014.

1.5 Sub-Delegations

- 1.5.1 Where an officer is authorised to act under this Scheme of Delegation he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
- 1.5.2 Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level and has the necessary expertise and knowledge bearing in mind the nature of the delegation.
- 1.5.3 Any such sub-delegation is subject to the existing consultation and limitation requirements.
- 1.5.4 All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
- 1.5.5 No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
- 1.5.6 In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this Scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Monitoring Officer to be retained with the central copy of the scheme of delegations.

1.6 Interpretation

- 1.6.1 Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
- 1.6.2 'Appropriate Director' shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
- 1.6.3 'Appropriate Service Manager' shall mean the Service Manager responsible for the function/service to which the particular exercise of the delegation applies.
- 1.6.4 'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer in accordance with paragraph 1.3.8.

Gedling Borough Council Constitution

- 1.6.5 'Emergency' shall mean a situation where immediate action is necessary and where inaction may lead to loss of life, serious injury to a person or animal, or significant damage to or significant loss of property. A written record of any decision taken in an emergency must still be made in accordance with paragraph 1.4

Delegations

General Matters – Non-Executive Functions			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
C1	Authority to take all necessary decisions on all urgent matters falling within the remit of the appropriate Committee or Sub-Committee.	Director (within whom the responsibility for the function falls)	After consultation with the appropriate Chair or Vice-Chair
C2	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.	Monitoring Officer	
A3	Authority 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.	Director	In consultation with the Monitoring Officer

Election Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
C1	Make an Order under Section 39(4) of the Representation of the People Act 1983 in relation to a Parish Council	Chief Executive	
C2	Pay expenses properly incurred by electoral registration officer	Chief Executive	
C3	Fill vacancies in the event of insufficient nominations in relation to a Parish Council	Chief Executive	
C4	Declare a vacancy in office where a member ceases to be qualified, is disqualified or ceases to be a member of the authority	Chief Executive	
C5	Give public notice of a casual vacancy	Chief Executive	
C6	Make temporary appointments to Parish Councils	Chief Executive	
C7	Deal with publicity requirements where the Council has decided on a change of scheme for elections	Chief Executive	

Gedling Borough Council Constitution

Election Matters

Ref No.	Function	Authorised Officer	Consultation/ Limitation
C8	Deal with notice to Electoral Commission where the Council has decided on a change of scheme for elections	Chief Executive	
C9	Designate an alternative polling place should one become unavailable at short notice before an election	Chief Executive	
C10	Designate an alternative polling place should one become unavailable at short notice before an election.	Chief Executive	

Licensing Matters – Gambling Act 2005

Ref No.	Function	Authorised Officer	Consultation/ Limitation
L1	Authority to appoint authorised persons under Section 304 of the Gambling Act 2005	Director	

Environment and Licensing Matters - General

Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL1.	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 acupuncture, tattooing, ear piercing and electrolysis (Local Government (Miscellaneous Provisions) Act 1982. b) Licences and renewals of licences in respect of: i) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; 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) dangerous wild animals. (Dangerous Wild Animals Act 1976); vii) massage and special treatments;	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	viii) late night refreshment houses; ix) caravan sites (Caravan Sites and Control of Development Act 1960); x) cinemas and theatres; xi) Private places of entertainment (Licensing) Act 1967; xii) 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. xiii) Environmental Permitting England and Wales Regulations 2016 xiv) zoos (Zoo Licensing Act 1981).		
EL2.	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 - Animal Boarding Establishments Act 1963 - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - 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 - The Clean Neighbourhoods and Environment Act 2005	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	- 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		
EL3.	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.	Director	
EL4.	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.	Director	
EL5.	Authority to appoint named and suitably qualified Officers to exercise the powers of an Inspector under the Food	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	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.		
EL6.	Authority to appoint such persons as necessary to act as Inspectors within the provisions of Part I of the Environmental Protection Act 1990.	Director	
EL7.	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.	Director	
EL8.	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).	Director	
EL9.	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.	Director	
EL10	The approval and refusal of applications for Private Hire and Hackney Carriage Vehicle Licences for vehicles carrying up to eight passengers.	Director	
EL11	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.	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL12	Authority to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has no previous convictions or cautions.	Director	
EL13	Authority 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 7 or fewer.	Director	
EL14	Authority 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.	Director	After consultation with the Chair or Vice Chair and two members of the Committee
EL15	Authority 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 Chair/Vice Chair that the circumstances justify refusal.	Director	After consultation with the Chair or Vice Chair
EL16	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.	Director	
EL17	Authority to authorise legal proceedings against any person contravening the provisions of the Council's Street Trading Prohibition Order.	Director	In consultation with the Monitoring Officer

Gedling Borough Council Constitution

Environment and Licensing Matters - General

Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL18	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.	Director	
EL19	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	Director	
EL20	Authorise legal proceedings against any person contravening the provisions of the Health Act 2006 and regulations made thereunder.	Director	In consultation with the Monitoring Officer

Licensing Matters – Licensing Act 2003

Ref No.	Function	Authorised Officer	Consultation/ Limitation
L1	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.	Director	

Planning Matters

Ref No.	Function	Authorised Officer	Consultation/ Limitation
For the purposes of these delegations, the definitions contained within Section 10 of the Constitution shall apply.			
P1	Authority to determine the following applications and approvals under delegated powers: (a) certificates of appropriate alternative development, under section 17(1) of the Land Compensation Act 1961; (b) Certificates of Lawfulness of Proposed Works to Listed Buildings under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990;(c) Householder Applications; (d) Minor Commercial Applications;	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	(e) Minor Residential Applications, including: (i) development comprising at least one and not more than nine dwellings on a site of less than 0.5 hectares; (ii) development of a building containing flats, or development within the curtilage of a building for purposes incidental to the enjoyment of those flats, excluding development involving a change of use or change in the number of flats; and (iii) applications for any consent, agreement or approval required in connection with development falling within paragraphs (i) or (ii); (f) Applications for Permission in Principle; (g) Applications made under Section 73 of the Town and Country Planning Act 1990 where the original planning permission was granted pursuant to development falling within paragraphs (a) to (f) above; (h) Applications made under section 96A of the Town and Country Planning Act 1990; (i) Requests and applications to modify or discharge planning obligations connected to development falling within paragraphs (a) to (h); (j) Biodiversity Gain Plans; k) Reserved Matters Applications other than those relating to Large Outline Permissions; (l) Applications for approval of details reserved by condition; (m) Applications for express consent to display advertisements; (n) Applications for consent under a Tree Preservation Order.		
P2	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.	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
P3	Where planning permission has been refused, authority to decide that an appeal to the relevant Secretary of State should be resisted and to agree in what form the appeal shall be conducted.	Chief Executive	
P4	Authority to make observations on behalf of the Borough Council as District Planning Authority in respect of proposals by Nottinghamshire County Council for which deemed permission was being sought under the Town and Country Planning General Regulations.	Chief Executive	
P5	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.	Chief Executive	
P6	Authority to make observations on behalf of the Borough Council in respect of proposals by statutory undertakers for which deemed permission is being sought under the Town and Country Planning General Regulations 1992	Chief Executive	
P7	Authority to approve the renewal of a planning permission where there has been no change in circumstances.	Chief Executive	
P8	Authority to make a Tree Preservation Order where no objections have been received.	Chief Executive	
P9	Authority to confirm a Tree Preservation Order where no objections have been received.	Chief Executive	
P10	Authority to exercise the Council's functions in relation to applications for consent and requests or notifications concerning works to trees protected by a Tree Preservation Order pursuant to the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended), including the determination of whether any statutory exemption applies, following consultation where necessary.	Chief Executive	
P11	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 Monitoring Officer to make an application for an Injunction where the removal of an important hedgerow is apprehended.	Chief Executive	
P12	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	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	such a Notice about how any suspected breach of control might be remedied.		
P13	To take decisions with regard to publicity for reserved matters and amendments to planning applications.	Chief Executive	
P14	Authority to deal with requests to withdraw an Enforcement Notice where no objections are received and to serve Breach of Condition Notices	Chief Executive	
P15	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.	Chief Executive	
P16	Authority to authorise the Monitoring Officer 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.	Chief Executive	
P17	Authority to determine in respect of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: 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.	Chief Executive	
P18	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.	Chief Executive	
P19	Authority to determine the following applications under delegated powers unless the application has been referred to Planning Committee in accordance with Section 10 of this Constitution: (a) applications for Listed Building Consent; (b) applications made under Section 19 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the variation or discharge of conditions attached to Listed Building Consent; (c) planning applications connected to applications falling within paragraphs (a) and (b); (d) applications for planning permission involving: (i) 10 or more dwellings; (ii) 1,000 square metres or more of commercial floorspace; or	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	(iii) residential development on a site of 0.5 hectares or more where the number of dwellings is not known; (e) applications made under section 73 of the Town and Country Planning Act 1990 where the original planning permission falls within paragraph (d); (f) applications made under section 73A of the Town and Country Planning Act 1990 relating to development falling within paragraph (d); (g) Reserved Matters Applications relating to Large Outline Permissions; (h) requests and applications to modify or discharge planning obligations connected to development falling within paragraphs (a) to (g).		
P20	Authority to enter land without a warrant under Regulation 12 of the Hedgerows Regulations 1997.	Chief Executive	
P21	Authority to determine all applications of the extension of time limits.	Chief Executive	
P22	Authority to issue and serve a Temporary Stop Notice	Chief Executive	
P23	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.	Chief Executive	
P24	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.	Chief Executive	
P25	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.	Chief Executive	
P26	Power to authorise the commencement of legal proceedings within the area of his responsibility insofar as they may relate to non-executive responsibilities.	Chief Executive	In consultation with the Monitoring Officer
P27	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.	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
P28	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.	Chief Executive	
P29	Within the ambit of the Planning Committee to authorise the advertising of proposals in the press affecting large numbers of people in the Gedling Borough area.	Chief Executive	
P30	Authorised to instruct that proceedings be instituted in cases where unacceptable unauthorised banner advertisement signs are erected.	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P31	Authority to approve the making and confirmation of a Tree Preservation Order under Sections 197 - 201 of the Town and Country Planning Act 1990	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P32	Authority to serve Building Preservation Notices.	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P33	Authority to determine any requests for Revocation Orders and where considered appropriate, to refer such matters to Planning Committee for determination.	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P34	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 2015, (as amended) and to agree details and specifications where prior approval is required and give other consents and approvals in relation to that Order.	Chief Executive	
P35	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 Sections 191 and 192 of the Town and Country Planning Act 1990.	Chief Executive	
P36	Authority to negotiate and conclude Agreements made under Section 106 of the Town and Country Planning Act 1990. The sealing of any Agreement under the authority of this Section shall be an	Monitoring Officer	In consultation with the Chief Executive

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	authorised delegation for the purposes of the Council's Constitution.		
P37	Authority to determine applications 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 Town and Country Planning (General Permitted Development) (England) Order 2015 and any successor legislation.	Monitoring Officer	In consultation with the Chief Executive
P38	Authority for the endorsement of Tree Preservation Orders as to their confirmation, modification, variation or revocation.	Monitoring Officer	
P39	Authority to determine when it is expedient to investigate alleged breaches of planning control	Chief Executive	

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
1	The 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 of grades of staff required by the authority for the discharge of their function; 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.	Head of Paid Service	
ACS2	Implementation of Circulars on national wage and salary awards and other alterations in conditions of service.	Chief Executive	
ACS3	Authority to approve unpaid leave in excess of 13 weeks.	Chief Executive	
ACS4	Designation of posts attracting car user allowance and eligibility for car loans.	Chief Executive	
5	Authority, to give approval to the payment of first class rail fare to Members and Officers in appropriate circumstances.	Chief Executive	

Gedling Borough Council Constitution

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
6	Authority to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Chief Executive	
7	Authority to approve honoraria within the terms of the National and Local Schemes	Director	In accordance with the Council's Policy In consultation with the Director responsible for Personnel.
8	Approval of leave of absence for volunteer members of non-regular forces.	Director	
9	Authority to appoint to established posts.	Director	Following consultation with the Director responsible for Personnel.
10	Authority to approve unpaid leave of up to 13 weeks duration.	Director	
11	Authority to create a temporary post	Director	Provided that this can be accommodated within existing budgets In consultation with the Director responsible for Personnel.
ACS12	Authority to allow carry over leave beyond the permitted 5 days and additional paid or unpaid compassionate leave	Director	Following consultation with the Director responsible for Personnel.
ACS13	To authorise payment of occasional user car allowance.	Director	
ACS14	Approval of post entry training grants and attendance at training courses in accordance with the Council's policies.	Director	

Gedling Borough Council Constitution

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
ACS15	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.	Director	
ACS16	Authority 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.	Director	In consultation with the Director responsible for Personnel
ACS17	Authority to approve applications for a car purchase loan or a contract hire car within the approved scheme.	Director	
AR18	To approve cases of retirement on the grounds of ill-health, including authority to release statutory ill-health pension benefits.	Chief Executive	Subject to necessary medical approval (as defined by regulation) having been obtained.
AR19	Implementation of requirements arising from Pension Act reviews where no discretion is afforded to the Authority.	Chief Executive	
AR20	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.	Chief Executive	

Standards Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
S1	Dealing with complaints of breach of the Code of Conduct by Borough Councillors and Parish Councillors	Monitoring Officer	In accordance with Arrangements for Dealing with Complaints and in consultation with Independent Person, where

Gedling Borough Council Constitution

Standards Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
			required in the Arrangements
S2	Granting dispensations to Borough Councillors who have a disclosable pecuniary interest on any of the following grounds: a) without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of that business; b) that, without a dispensation, no member of the Cabinet would be able to participate on the matter	Monitoring Officer	
S3	Conducting the recruitment process for the Independent Person, reserve Independent Person and Co-opted Members to the Standards Committee	Monitoring Officer	
S4	Authority to constitute the membership of the hearing panel at any time.	Monitoring Officer	